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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 19/38883**

**APPEAL** by Grangefield Developments Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 22<sup>nd</sup> day of January, 2020 by Cork City Council to refuse permission.

**Proposed Development:** Construction of a dwellinghouse and all associated ancillary development works including landscaping, boundary treatments, drainage and parking, at Clifton, Leycesters Lane/Middle Glanmire Road, Montenotte, Cork.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. The site of the proposed development is located within Landscape Preservation Zone NE8 as designated in the Cork City Development Plan 2015-2021. It is the objective of the plan (Objective 10.5) to preserve and enhance the character and visual amenity of this Landscape Preservation Zone. Any development within the zone can only be considered where it safeguards the value and sensitivity of the landscape and achieves the respective site-specific objectives for this zone, which relate to the tree canopy within the zone and the land forming the setting to Clifton House, a building recognised as being of significance. There is a presumption against development within this zone and only in exceptional circumstances is there limited scope for development to enable existing occupiers to adapt existing buildings to their evolving requirements.

The Board considered that the construction of a house within the Landscape Preservation Zone does not constitute an exceptional circumstance, would physically distort and undermine the cultivated amenity of the land, inclusive of its tree canopy, and would erode and undermine the lands that form the existing setting to Clifton House. The proposed development would, therefore, fail to safeguard the value and sensitivity of this landscape, would be contrary to the site-specific objectives that relate to Landscape Preservation Zone NE8, and would, therefore, materially contravene Objective 10.5 of the development plan.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would contravene materially a condition attached to an existing permission for development, namely condition number 2 attached to the permission granted by An Bord Pleanála on the 14th day of May 2019 under appeal reference number ABP-303454-19 (planning register reference number 18/37931), which prohibited the development of a house at this location and required the area to remain as a landscaped area in order to ensure compliance with Objective 10.5 of the Cork City Development Plan 2015-2021, in the interest of visual amenity.

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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**