



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/00739

APPEAL by Gerard and Catherine O'Driscoll of The Hill, Baltimore, County Cork against the decision made on the 30th day of September, 2020 by Cork County Council to grant subject to conditions a permission to Jamesmont Limited and Pat O'Flynn as Trustees of Solvotrin Therapeutics Limited Executive Pension Scheme and Newcourt Pension Trustees Limited and David Cronin as Trustees of the Davern Capital Limited Executive Pension Plan.

Proposed Development: Construction of two single storey dwellings and connection to the main sewer and associated ground works at Cove Hill, Baltimore, County 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. On the basis of the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of the Sheep's Head to Toe Head Special Protection Area (Site Code: 004156), in view of the site's Conservation Objectives due to the nature and extent of the proposed development, inclusive of the construction-related activities and the occupation and use of the dwellings, the immediate proximity to the Special Protection Area, the nature of the habitat associated with this site, and the likely disturbance to the species for which this site is designated. In such circumstances, the Board is precluded from granting permission.
2. Having regard to the pattern of existing residential development in the immediate vicinity of the site and to the siting of the proposed houses on elevated land immediately to the rear of established residential properties, it is considered that the proposed development would constitute a piecemeal, disorderly, haphazard form of backland development that would be likely to seriously injure residential amenities, and would create an undesirable precedent for development of a similar nature in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would access a minor rural local road which is seriously substandard in width, alignment and structure. Having regard to the additional traffic turning movements that would be generated on this substandard road, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.