

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 21/6978

Appeal by Bertie and Kathy Soo-O'Brien of Ballinluska, Myrtleville, County Cork, against the decision made on the 26th day of October, 2022 by Cork County Council to grant permission to Donal and Maureen O'Leary care of Waterman Consulting Engineers of 4 Union Quay, Cork, for development comprising retention of single storey extension to rear of existing dwelling, retention of existing detached domestic garage, retention and completion of detached potting shed to rear of dwelling, retention and completion of first floor extension over existing bedrooms previously granted under planning registration reference number 08/9604 and permission to construct single storey bay window to the front elevation of existing dwelling at Herne Hill Lodge, Ballinluska, Myrtleville, County Cork in accordance with the plans and particulars lodged with the said Council.

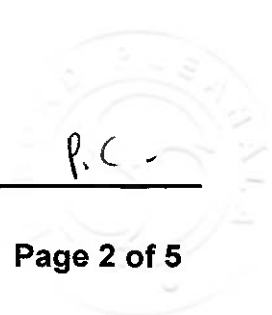
Decision

GRANT permission for retention of single storey extension to rear of existing dwelling, retention of existing detached domestic garage, retention and completion of detached potting shed to rear of dwelling, and permission to construct single storey bay window to the front elevation of existing dwelling in accordance with the plans and particulars lodged with the said Council based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention and completion of first floor extension over existing bedrooms previously granted under planning register reference number 08/9604 based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

Having regard to the policies and objectives of the Cork County Development Plan 2022-2028, the scale, design and location of the garage, potting shed and ground floor extensions to be retained and completed, and the character and pattern of development in the area, it is considered that the development, subject to compliance with the conditions set out below, would not have an adverse impact on the residential amenity of adjoining properties or the visual amenity of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development hereby permitted shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of September, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The detached garage and potting shed shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for any commercial purpose or for human habitation.

Reason: In the interest of residential amenity and clarity.

3. Drainage arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations (2)

Having regard to the information provided with the application and appeal, and the Inspectors on-site inspection and assessment, the Board noted the site constraints and elevated nature of the ground at the location that appears to be the receiving source of treated effluent from an existing on-site effluent treatment system (stated by the applicant to consist of an existing 'Biocycle' unit). The Board was not satisfied that sufficient site-specific information on the existing on-site effluent treatment system and the means of disposal of treated effluent to ground has been provided. In the absence of this information, the Board was not satisfied that it has been demonstrated that the current effluent and additional effluent that would be generated from the development proposed to be retained (from the additional bedroom in the first-floor accommodation) can be satisfactorily treated and disposed of on-site. The Board concluded that the development proposed to be retained would be prejudicial to the protection of both groundwater and surface water resources and to public health, and would lie contrary to the applicable provisions of Cork County Development Plan 2022-2028 in this regard. This element of the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 23 day of November 2023.