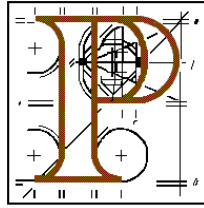


An Bord Pleanála



Inspector's Report

Development: House and detached double garage, septic tank & percolation area, new entrance, and all site works at Knockboy, Carrignavar, Co. Cork.

Planning Application

Planning Authority : Cork County Council
Planning Authority Register Ref. : 15/05684
Applicant : Declan O'Mahony & Emily Geaney
Type of Application : Permission
Planning Authority Decision : Grant permission

Planning Appeal

Appellant(s) : Andrew & Deborah King
Type of Appeal : 3rd Party v Grant
Observer(s) : None

Date of site inspection : 18th February 2016

Inspector: **Michael Dillon**

1.0 Site Location and Description

- 1.1 The site, with a stated area of 0.52ha, is located approximately 2km due east of the village of Carrignavar – north of Cork City. It lies between the 130m and 140m contours. Access to the site is from a narrow county road along which it is not possible to pass two vehicles – except at gateways. The 80kmph speed restriction applies in this area. There are no public footpaths and there is rudimentary public lighting. The surface and edges of the carriageway are breaking up. There are sharp bends in the road between the site and the village of Carrignavar. Sight distance is currently restricted due to a kink in the road alignment in the vicinity of the site. The area is characterised as agricultural, with a considerable amount of one-off housing flanking the rural road network. There are three houses on the opposite side of the road – the closest of which is of two storeys.
- 1.2 The site occupies the corner of a much larger, flat grassed field. The roadside boundary comprises an earth bank with some mature sycamore and ash trees. The western boundary comprises an earth bank with some mature sycamore and ash trees – flanked by an unsurfaced laneway leading to a house set some way off the road. The northern and eastern boundaries of the site are undefined. There was one shallow pit on the site which was filled to the brim with water. There are no watercourses on or adjacent to the site boundaries. There are telephone cables running along the roadside boundary, and electricity cables traversing the northern portion of the site. There are fine views from the site over farmland to the east. The site forms part of the landholding of the father of one of the applicants.

2.0 The Proposed Development

- 2.1 Permission sought on 28th July 2015, to construct a two-storey house of 264sq.m and a detached double garage of 72sq.m. The development provides for a new recessed entrance and effluent treatment facilities. Water supply is to be from a private well. Surface water is to be discharged to soakways.
- 2.1.1 The application was accompanied by a Site Suitability Assessment Report – which indicated that the site was suitable for septic tank and percolation area.
- 2.2 Unsolicited additional information was received on 15th September 2015, in the form of a revised Landscape Plan.
- 2.2.1 Following a request for additional information, the applicants submitted revised details on 12th October 2015 as follows-
- Revised landscape plan.

- Revised site cross-section drawing.
- Additional information in relation to applicants' connection with this area.
- Revised house design to increase pitch of the roof.
- Land Registry details for field to west of laneway to west of appeal site and for field within which the site is located.
- Letters of consent from the parents of one of the applicants, to the making of the planning application on lands which they jointly own.
- Details of roadside boundary setbacks.

3.0 Development Plan

The relevant document is the Cork County Development Plan 2014-2020. The site is located within a 'Rural Area under Strong Urban Influence and Town Greenbelts'. The site is not within the Metropolitan Cork Greenbelt. Section 4.4.3 deals with categories of persons eligible for housing, which includes Objective RCI 4-2-

- Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- Persons taking over ownership and running of a farm, and in need of accommodation.
- Persons working in agriculture, forestry, inland waterways or marine-related occupations.
- Landowners (including sons and daughters) wishing to build a first home for permanent occupation, associated with the principal family residence (for a preceding period of 7 years).
- Returning emigrants

4.0 Planning History

There is no mention made of any recent relevant planning applications in the documentation submitted with this appeal.

5.0 The Planning Authority's Decision

By Order dated 9th November 2015, Cork County Council issued a Notification of decision to grant planning permission subject to 20 no. conditions – the principal ones of which may be summarised as follows-

1. The development shall be carried out in accordance with plans and particulars received by the planning authority, and as amended on 12th October 2015.
2. Seven-year occupancy condition.

3 & 4. Relate to external finishes of the house and garage.

10. Bond of €1,500 for reinstatement of set-back roadside boundary.

20. Payment of a development contribution of €5,479.88.

6.0 Grounds of Appeal

The appeal from Andrew & Deborah King, The Farmhouse, Knockboy, Carrignavar, received by the Board on 4th December 2015, can be summarised in bullet point format as follows-

- Maps and details submitted with this application, are inaccurate.
- The house would detract from the charm of the area, not being in the vernacular style.
- Cornflowers grow on the earth bank which is to be removed.
- The house would set a precedent for other similar-type development on a quiet rural road.
- Removal of vegetation on boundaries would be detrimental to the ecology of the area.
- This is an area identified as being under strong urban influence due to proximity to Cork City – as identified in the Sustainable Rural Housing Guidelines.
- This is an urban-generated site – for persons who do not work locally or who do not need to live locally. The applicants do not meet the criteria of persons eligible to build a house in this area.

7.0 Observations

None received.

8.0 Response Submissions

8.1 1st Party Response to 3rd Party Appeal

8.1.1 The response of David Mulcahy Architects, agent on behalf of the applicants, Emily Geaney & Declan O'Mahony, received by the Board on 8th January 2016, can be summarised in bullet point format as follows-

- The appellant has no legal interest in the laneway to the west of the appeal site. The applicants' parents own up to the centreline of the hedgerow. The hedgerow will be retained.
- The only trees to be removed will be for the purposes of creating a safe access. The existing roadside ditch is to be set back. Lower branches of trees will be pruned to improve sight visibility. Condition 9 of the permission states that no trees can be removed without the permission of the Council.

- Cornflowers are not a protected species. The landholding has been farmed for almost 20 years. No changes are proposed to the boundaries of the site – other than at the new entrance.
- The design of the house is simple and appropriate. The appellants' house is of two storeys.
- There is only a slight rise in the level of the site moving away from the road. The change in level is 1.2m over a site depth of 104m. The house has been deliberately set back 70m from the road so that it would not overlook any other house. Additional tree-planting will integrate the house into its surroundings.
- The applicants have submitted a significant amount of documentation to confirm their connections with the local area. The applicants are to be married in Carrignavar in 2016. The applicants both reside locally.

8.1.2 The response is accompanied by a letter from Comyn Kelleher Tobin, Solicitors, which indicates that the parents of one of the applicants transferred (apparently c.2007) the ownership of the laneway to the west of the appeal site to Pdraig O'Callaghan [who had submitted a letter to Cork County Council during consideration of the application].

8.2 2nd Party Response to Grounds of Appeal.

The response of Cork County Council, received by the Board on 8th January 2016, can be summarised in bullet point format as follows-

- One of the applicant's has resided in the area for the past seven years. She comes from an adjacent townland – approximately 2.0km from the appeal site. She is considered to comply with the Council's policy in relation to housing need.
- The dwellinghouse complies with the Rural Design Guide.

9.0 Assessment

The principal issues of this appeal relate to Development Plan considerations for housing within the Metropolitan Green Belt, housing need, design, effluent disposal and traffic.

9.1 National & County Guidance

9.1.1 The site is located within an area under strong urban influence in the Sustainable Rural Housing Guidelines (2005) – arising from proximity to Cork City. This is reflected in the Rural Housing Policy Area types in the current Development Plan for the area. The site is not within the Metropolitan Cork Greenbelt – although polices covering the two rural area types are similar. Cork County Council was satisfied that the applicants were persons who have spent a substantial period of their lives living in

the local rural area. The Development Plan does not give a definition of the geographical extent of the term 'local rural area'.

9.1.2 The family landholding, from which the site is to be carved, is outlined in blue – extending to some forty acres. There does not appear to be any house on this landholding, although it is clear that one house site at least has been carved from it at some stage in the past – on the opposite side of the road. One applicant is stated to reside with her parents (the owners of the site and surrounding farmland) – in the adjoining townland of Ballinaborta, some 2.0km distant. The 1st party response to the grounds of appeal does not indicate the location of the family house in Ballinaborta townland – stating that there is only one acre of land for the family house and agricultural contractor business – the farmland being located at Knockboy townland. The separation distance may in fact be greater than 2.0km – particularly as measured by road. It would be desirable to have information in relation to the exact location of the applicant's parents' house. It is not clear if there is any farmyard or any farm buildings at Knockboy, and whether the applicant's family are currently engaged in farming. It is stated that the applicant, and her husband to be (the second applicant), will take over the running of the farm in the future.

9.2 Layout & Design

9.2.1 Layout

The site is relatively flat. Representations made in relation to the gradient on the site are of no significance. The site is 104m in depth. The house has been set back into the site – 70m from the roadside boundary. The proposed house will not have any impact whatever on the amenities of nearby houses. The western boundary comprises an earth bank with some mature sycamore and ash trees. There is no proposal to interfere with this bank. The development will not have any impact on the residential laneway access on the other side of this bank. Some of the roadside boundary embankment and mature trees will have to be removed to provide the necessary sightlines at the recessed entrance. The detached garage is to be located to the rear of the house. Its location will not impact in any significant way on the earth bank to the west. The application is accompanied by a sketchy landscape plan which comprises 9 no. trees and a short length of beech hedging to the rear of the house. It would be possible to require full hedges of native species on both the northern and eastern boundaries of the site (currently undefined) by way of condition attached to any grant of planning permission.

9.2.2 Design

The design of the proposed two-storey house is unremarkable. The planning authority required the pitch of the roof to be altered – and this was done by way of additional information submission of 12th October

2015. There are a number of one-off houses in the vicinity, of varying design. The site is not an elevated one, and the house, being set back 70m from the road, will not be prominent on the landscape. The planning authority was satisfied that the design was in accordance with the Rural Design Guide for the county. I would be satisfied that the design would not detract from the rural amenities of the area.

9.3 Traffic

- 9.3.1 The access road serving this site is narrow and twisting. There are a number of sharp bends on the road – particularly between the site and the nearby village of Carrignavar – at which forward sight visibility is restricted. The 80kmph speed restriction applies on this road, although in practice, traffic would be travelling at much lower speeds. It is not possible to pass two vehicles along much of the length of the road. The surface of the road is breaking up in places and edges are disintegrating, where vehicles pull onto the margin to effect passing manoeuvres. There are no public footpaths and there is only rudimentary public lighting. There are a number of one-off houses (in addition to farmhouses) strung along this road – although not in such a manner as to create the impression of ribbon development. A road of this construction was never intended to serve development of this nature – it is essentially an unimproved rural access road. Permission should be refused on the grounds of inadequate vehicular access on a substandard rural road network.
- 9.3.2 The roadside boundary will have to be partially removed in order to improve sight visibility at the proposed entrance. It would be possible to condition the replacement of the earth embankment on the set-back line, by way of condition attached to any grant of planning permission.
- 9.3.3 The site is 2.0km from the nearest village, Carrignavar, separated from it by the deep valley of the Glashaboy River. Therefore, most trips from this house site – to access the most basic of services, would be by car.

9.4 Water

9.4.1 Water Supply

It is proposed to sink a well on the site. The bedrock aquifer beneath the site is Locally Important – but productive in local zones only. The Area Engineer for Cork County Council had no difficulty with this arrangement.

9.4.2 Effluent Disposal

The application was accompanied by a Site Assessment Report, which recommended a septic tank and percolation area – to be constructed in the large front garden area of the house. There was one shallow hole on the site on the date of site inspection by this Inspector, which was filled to

the brim with water. I note that the position of the septic tank and percolation area are different on the maps which accompany the Site Suitability Assessment Report and the planning application drawings. The Site Suitability Assessment Report indicates that trial hole and percolation test holes were excavated towards the western boundary – whereas site drawings submitted indicate the percolation area located against the eastern boundary. The site assessment was carried out in June, whereas the site inspection by this Inspector was carried out in February – revealing poor percolation characteristics on the site. I would be concerned that the site might not be suitable for disposal of effluent by way of a septic tank and percolation area. The site would seem to be uniform in terms of ground cover and slope. There are no watercourses in the vicinity of the site. The Area Engineer for Cork County Council was satisfied with the arrangements put forward.

9.4.3 Surface Water Disposal

It is proposed to discharge surface water to soakways – not indicated on site drawings – other than a roadside one to prevent discharge of surface water onto the public road. One shallow hole on site was full to the brim with water on the date of site inspection. I would be concerned that there may not be sufficient soakage on this site and that ponding of water could interfere with the operation of any effluent treatment plant – particularly during the wetter months of the year. The position and extent of all soakways should be indicated on drawings submitted with any application for permission. There are no watercourses on or in the vicinity of the site. The Area Engineer for Cork County Council had no difficulty with the arrangements put forward.

9.5 **Other Issues**

9.5.1 Archaeology

There are no recorded monuments wither within or immediately adjoining the site.

9.5.2 Financial Contributions

Condition 20 of the Notification of decision to grant planning permission required the developer to pay €5,479.88 as a development contribution. If the Board is minded to grant planning permission then a condition requiring payment of a development contribution in accordance with the Development Contribution Scheme should be attached.

9.5.3 Appropriate Assessment

Screening for AA was carried out by Cork County Council. Having regard to the limited extent of development proposed, the distance of the site from the nearest European site, and the absence of any surface water connections with any European site, it is reasonable to conclude, on the

basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a Stage 2 Appropriate Assessment is not, therefore, required.

9.5.4 Precedent

The appellants argue that the development would create a precedent for other similar-type development along this road. I note that there are already a number of one-off houses constructed along the road. Each application for planning permission must be looked at on its merits, in the light of national and local guidance – in the form of planning policy and development plans.

9.5.5 Flora

The presence of a particular type of flower on the site is not a significant planning consideration. No evidence has been submitted for the existence of any plant of nature conservation value. Earth banks on the boundary are to be largely retained.

10.0 Recommendation

I recommend that permission be refused for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

1. The Board is not satisfied, based on the information submitted with the application and the appeal, that the proposed development can be serviced by a septic tank and percolation area, regard being had to the difference in location between where the percolation area is to be located and where site suitability tests were carried out. The percolation characteristics of the soil could result in ponding of effluent which would be prejudicial to public health.
2. The applicant has not indicated the position of all soakways on site and whether the percolation characteristics of the soil on site are sufficient to permit of disposal in such a manner, without negatively impacting on the operation of any septic tank and percolation area. The proposed development would, therefore, be prejudicial to public health.
3. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

4. The site is located within an area under strong urban influence – as indicated in the current Development Plan for the area. The applicants have not clearly indicated a housing need in this particular area, have not indicated the exact locations of their current places of residence relative to the application site, the nature of the farming activity on the land surrounding the site, and any other houses which were constructed on this landholding in the past.

**Michael Dillon,
Inspectorate.**

23rd February 2016.