

An Bord Pleanála



Inspector's Report

PL04.245956

DEVELOPMENT: Outline permission for a dormer style bungalow.
Farmers Cross, Lehenagh More, County Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council
Planning Authority Reg. No: 15/06336
Applicant: Susan Duggan
Planning Authority Decision: To refuse outline permission

APPEAL

Appellant: Susan Duggan
Type of Appeal: 1st Party v. Refusal
Observers: None
Date of site inspection: 25 February, 2016
Inspector: **Brendan Wyse**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** The site is located in a rural area to the south of Cork City, a short distance (c.1 kilometre) from Cork Airport and to the west of the N27. The area is characterised by extensive one-off housing development and is relatively elevated.
- 1.2** The site has an area of approximately 0.33 hectares and comprises a field to the rear and within an existing development cluster. There is housing on two sides (north and west) and a dog boarding kennels (greyhounds) to the south. There is currently no direct access to the local road.
- 1.3** Maps and photographs in file pouch.

2.0 PROPOSED DEVELOPMENT

- 2.1** Outline planning permission is sought in this instance. The main elements of the development include:
- A dormer style bungalow.
 - A septic tank and percolation area.
 - New shared entrance from public road and associated setbacks to adjacent boundary and entrance.
- 2.2** Application documentation includes the following information:
- Letter of consent from adjacent landowners (applicant's grandfather and uncle) to proposed works to road frontages.
 - Public mains water supply is available.
 - Surface water to soakpits.
 - Supplementary Planning Application Form – SFI, due to the location of the site in the Metropolitan Cork Greenbelt, and which provides details of the applicant's rural related housing need.
 - Details of the proposed septic tank system, including site suitability assessments.

3.0 PLANNING AUTHORITY DECISION

3.1 Planning Authority Decision

3.1.1 The decision to refuse outline permission cites three reasons which refer to:

1. Lack of exceptional housing need to qualify for a house within the Metropolitan Cork Greenbelt.
2. Traffic hazard due to restricted sight distance at the entrance.
3. Excessive density/haphazard development in unserviced rural area and injury to visual amenities (Scenic Route to West – N27).

3.2 Planning Authority Reports

3.2.1 Planner's Report (EP 2/12/15 and SEP8/12/15)

Include:

- Recommendation as per Planning Authority decision.
- Extensive planning history indicating, in particular, permissions for new houses, likely to be for family members, on sites immediately adjacent to the north and south.
- No pre-planning consultations.
- Appropriate Assessment (AA) screened out.
- Site transferred to applicant in 2015. Previously, since 1960, in ownership of applicant's grandparents (who reside in the adjacent house to the west).
- Applicant's family residence is 4 Alderbrook, Togher, Cork where she has lived with her parents for the last 14 years.
- Proposal is not for a house on the landholding associated with the applicant's principal family home.
- Concern that dormer dwelling might not be appropriate given existing single storey pattern and potential for overlooking.

3.2.2 Area Engineer

Includes:

- Recommendation for deferral (further information).
- Restricted sightline (south) at proposed entrance – detailed proposals required.
- Reconfiguration of proposed access layout required.
- Absence of detail re. sewage disposal systems on adjacent sites. Particular concern re. site adjacent to west.

3.2.3 Liaison Officer

Noted.

3.2.4 Irish Water

No objections.

3.2.5 Dublin Airport Authority (DAA)

No observations.

4.0 PLANNING HISTORY

See Planning Authority Planner's Report.

Note in particular:

P.A. Refs. 97/3600, 01/2873 and 06/5242

Permissions (c.1977 to 2006) for three new houses on sites adjacent to the appeal site for what appear likely to be extended family members.

5.0 POLICY CONTEXT

5.1 Cork County Development Plan 2014

Site location within the Metropolitan Greenbelt (see map in file pouch).

Objective RCI 4-1 Metropolitan Cork Greenbelt

Includes:

- The area is under the strongest urban pressure for rural housing. Therefore, exceptional rural generated housing need based on social and/or economic links to a particular area must be demonstrated by reference to one of a number of categories of housing need.
- Category (d) is the most relevant in this instance and provides:
“Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.”

N27 (to east of site) is designated Scenic Route S56.

Objectives GI 7-2 and 7-3 require protection to views/prospects obtainable from scenic routes and no adverse obstruction/degradation of views towards/from vulnerable landscape features.

5.2 Sustainable Rural Housing Guidelines for Planning Authorities, DoEHLG 2005

Expressly referenced in Cork County Development Plan and settlement policy approach adopted in the plan follows the suggested guidance both in methodological and policy terms.

6.0 THE APPEAL

6.1 Grounds of Appeal

Main grounds include:

- Maps indicating location of applicant’s current residence relative to the appeal site – straight line distance of approximately 2.2 kilometres.

- Details of applicant's housing need – currently residing with young daughter with parents in a small house.
- Confirmation that appeal site is family land transferred from grandfather who keeps greyhounds.
- The applicant has been working voluntarily on the land since an early age and continues to do so. She also helps to look after her grandparents.
- The entrance will be reconfigured to achieve adequate sightlines and appropriate letters of consent are enclosed.
- Development would not be haphazard or represent overdevelopment.
- Landscaping would protect the rural character and scenic views.
- Precedents have been established in the surrounding area with permissions granted for the applicant's uncles.
- A single storey house would be acceptable if required.
- The site is the last available on the applicant's grandparent's original lands. At 0.31 hectares it is not constrained.

6.2 Planning Authority Response

No further comments.

6.3 Observations

None received.

7.0 ASSESSMENT

7.1 The main issues in this appeal are those raised in the Planning Authority's reasons for refusal and the appeal grounds. The issue of appropriate assessment also needs to be dealt with. I am satisfied that no other substantive issues arise. The issues can be addressed under the following headings:

- Settlement Policy
- Traffic Hazard
- Density/Visual Impact

- Appropriate Assessment (AA)

7.2 Settlement Policy

7.2.1 On the basis of the relevant evidence available in this case it is clear, in my view, that the applicant does not satisfy the housing need requirement as set out in the Cork County Development Plan in order to qualify for a house in the Cork Metropolitan Cork Greenbelt.

7.2.2 As indicated at Section 5.1 above the most relevant objective in this instance is RCI 4-1(d). Firstly, the applicant is a granddaughter of the landowner and not a daughter as required. Secondly, the appeal site is not associated with the applicant's principal family residence for the last 7 years. The applicant in fact currently, and for the last 14 years, lives at No. 4 Alderbrook, Togher, Cork. Even though, and as illustrated on the maps submitted with the grounds of appeal, this is only a short distance from the appeal site, it is clearly located within the suburbs of Cork City, the settlement area of Cork South Environs as designated in the Carrigaline Local Area Plan 2011 (see map in file pouch). Hence, the applicant is an urban resident and the proposal, therefore, is urban generated, notwithstanding the obvious family links that also exist.

7.2.3 I consider, therefore, that the appeal should not succeed in relation to this issue and that the Planning Authority's first reason for refusal should be substantially upheld.

7.3 Traffic Hazard

7.3.1 This is referred to in the Planning Authority's second reason for refusal and was included in the decision on the basis of the Area Engineer's recommendation for further information in order to clarify that adequate sightlines at the proposed entrance could be achieved, particularly to the south. The requirement is for 90 metres to the nearside road edge from a point 3 metres back from the road edge at the centre of the proposed entrance.

7.3.2 While it seems likely that adequate sight distances could be achieved in a northern direction it is not clear, on the basis of the information provided (and noting that the application is for outline permission only) that it could be achieved in a southerly direction notwithstanding the proposals to setback/reconfigure the road frontage to the adjacent property to the south (the applicant's grandparents). In this regard the kennel buildings on the next site to the south may also cause a significant obstruction – see 1:2500 OS Map.

7.3.3 I consider, therefore, that the appeal should not succeed in relation to this issue and that the Planning Authority's second reason for refusal should be substantially upheld.

7.4 Density/Visual Impact

7.4.1 I concur with the Planning Authority that the proposed development would give rise to an excessive density of housing in a rural area lacking public services, community facilities etc. The creeping urbanisation of this locality is obvious from the existing pattern of development in the area and the proposed development would further exacerbate the problem and undermine the function of the greenbelt.

7.4.2 In relation to visual impact I do not consider this to be a significant issue. While the site is elevated the proposed house would read as part of an existing cluster of development in views from the N27 to the east and, therefore, would not be a significant element in the local landscape. In this connection, and as referred to in the Planning Authority's Planner's Report, I do not consider that the difference between a bungalow and a dormer bungalow would be significant either nor do I consider that potential overlooking would be a significant issue.

7.4.3 I consider, therefore, that the appeal should not succeed in relation to the density issue but should succeed in relation to visual impact. The Planning Authority's third reason for refusal, therefore, should be partly upheld. It might also be expanded slightly to reference the concern raised by the Planning Authority's Area Engineer in terms of the lack of detail provided on the sewage disposal systems servicing adjacent sites, and which I share.

7.5 Appropriate Assessment (AA)

Having regard to the nature and small scale of the proposed development and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European Site.

8.0 RECOMMENDATION

- 8.1** I recommend that outline permission be refused in accordance with the following draft order:

REASONS AND CONSIDERATIONS

1. The proposed development is located within the Metropolitan Cork Greenbelt where it is the policy of the planning authority, as set out in Objective RCI 4-1 of the Cork County Development Plan 2014, to require applicants to demonstrate that their proposal constitutes an exceptional rural generated housing need by reference to specified criteria. This objective is considered to be reasonable. It is considered that the applicant does not come within the scope of the housing need criteria as set out for a house at this location and that the proposed development is urban generated. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with existing development in the vicinity the proposed development would give rise to an excessive density of development in a rural area lacking certain public services (including mains drainage and where the existing on-site sewage disposal systems have not been adequately identified) and community facilities and served by a poor road network. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a rural road at a point where sightlines are restricted in a southerly direction.

**Brendan Wyse,
Assistant Director of Planning.**

27 April, 2016.

sg