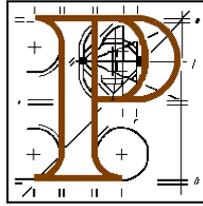


An Bord Pleanála



Inspector's Report

PL 04.245995

DEVELOPMENT

Extension to house.
Idlewynde, Sand Road, Fountainstown,
County Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Reg. No: 15/5636

Applicant: Dervil Dunne

Planning Authority Decision: To grant permission subject to conditions

APPEAL

Appellants: Des & Carol Morrissey

Types of Appeal: Third party v grant

Observers: None

Date of Site Inspection: 25 February 2016

INSPECTOR: **Brendan Wyse**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** Fountainstown is a coastal residential/holiday area located approximately 3kms south of Crosshaven and overlooking Ringabella Bay. It generally comprises a mix of houses, mobile home parks and some leisure/recreation facilities.
- 1.2** The appeal property, Idlewynde, is a detached four bed bungalow fronting the coast road. The properties to either side are also detached bungalows. There is a mobile home park to the rear.
- 1.3** Relevant maps and photographs are included in the file pouch. The appellants' property, The Moorings, the adjacent house to the west, is as indicated.

2.0 PROPOSED DEVELOPMENT

- 2.1** As originally lodged to the Planning Authority the application was for permission to extend the house partly at ground floor level and partly by adding dormer accommodation at first floor level, the latter to provide for a new master bedroom with ensuite bathroom.
- 2.2** Following a request for further information the design was altered slightly, providing for a hipped roof to the western gable in place of the straight gable profile. It also included details/specifications, including site assessment, for an upgraded on-site waste water treatment system (WWTS) and proposed measures to address storm water drainage on the site. Submission lodged 13 October 2015.
- 2.3** New public notices were posted indicating the receipt of significant further information.
- 2.4** The application before the Board, therefore, is effectively the composite development as outlined above.
- 2.5** I note that unsolicited further information was also submitted to the Planning Authority on 24 August 2015, 26 August 2015 and 10 November 2015, the latter correcting errors identified in the design of the percolation area and amending one of the proposed stormwater soakaways.

3.0 PLANNING HISTORY

P.A. Ref. 92/83

Permission for pitched roof to house, formerly flat (see PA Planners Report dated 15/9/15).

4.0 Planning Authority Decision

4.1 Planning and Technical Reports

4.1.1 Planning Reports (EP, 4/12/15 and 15/9/15)

Includes:

- Recommendation to grant permission as per planning authority decision.
- Reference to unsolicited further information received on 10 November 2015 in relation to the design of the percolation area and the stormwater soak-aways.
- Reference to objections lodged from neighbours on both sides and a resident to the rear. Issues include; proximity; overlooking; devaluation; loss of light; down draught to chimney; suitability of sewerage system; height; parking.
- Habitat screening – note seems to refer to a different development.

4.1.2 Area Engineer (15/9/15, 6/11/15 and 4/12/2015)

Includes:

- Reference to unsolicited further information received on 10 November 2015.
- Recommendation as per planning authority decision.

4.1.3 Irish Water

- No objection.

4.2 Planning Authority Decision

To grant permission subject to conditions.

Conditions include:

1. Development to be as per revised plans etc. lodged on 13 October 2015.
- 2/3/4. Certification, maintenance etc. of WWTS.

5.0 GROUNDS OF APPEAL

5.1 The appeal is lodged on behalf of Des and Carol Morrissey, the Moorings, Sand Road, Fountainstown, County Cork, the neighbouring property to the west of the appeal site.

Main grounds include:

WWTS

- Distances to common site boundary still less than minimum required by EPA Code of Practice.
- Design of percolation is flawed and concerns re. storm water drainage not adequately addressed. Reference Area Engineer reports.
- Conditions 2/3/4 of P.A. decision difficult to implement.

Parking/Traffic

- The road is subject to significant levels of traffic throughout the year.
- The entrance could be widened to allow for on site parking for several vehicles.

Residential Amenity

- Despite the hipped roof to the western gable the proposal will adversely affect sunlight and cause down-draught to the appellant's chimney.

Structural Issues

- Scale of intervention/condition of walls may result in house needing to be replaced with knock-effects for the appellants property in terms of foundational supports.

Design

- Concern that design is considered acceptable due to inadequate planning controls in the past.

Other

- Issues raised in objections lodged to planning authority not addressed.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

None received.

6.2 First Party Response

Includes:

- The proposed WWTS is to improve the existing situation.
- The EPA "recommends" space separation. Site assessments are site specific and assessors adopt recommendations as far as is practicable.
- There are options for curtailed systems but with high bedrock, close proximity to an SAC and buildings, spreading out a system imposes a lesser impact and improves treatment, a major improvement to cess pits and block septic tanks that the sites on the road are serviced by.

- Conditions 2/3/4 impose legal requirements that need to be upheld.
- The existing access drive has a steep gradient and sight lines at the entrance are very limited. Proposal will not generate any additional traffic.
- Amenity issues have been addressed – the appellants overlooking windows relate to bathrooms and not habitable rooms. The chimney is more than the minimum distance of 2.3 metres as required in Technical Guidance Document J. The foundations issue is not a planning matter.

7.0 POLICY CONTEXT

7.1 Cork County Development Plan 2014-2020

- No specific policies/objectives re. domestic extensions.
- Site located within a designated High Value Landscape.

7.2 Carrigaline Electoral Area Local Area Plan 2011

- Site located within settlement boundary of Crosshaven and Bays.

7.3 Natural Heritage

- Ringabella Bay is a part of the Cork Harbour SPA (Site Code 004030).

8.0 ASSESSMENT

8.1 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Site Drainage
- Appropriate Assessment (AA)

8.2 Residential Amenity

- 8.2.1** In general terms the proposed development represents an upgrading of the existing house and, in my view, it would have an overall positive impact on the residential amenity of the area.
- 8.2.2** The incorporation of the hipped roof profile to the western gable, as provided for in the further information submitted to the Planning Authority on 13th October 2015, and which results in a roof profile at this end of the house only marginally different to the existing, satisfactorily address the residential amenity concerns raised by the appellants, in my view. I am also satisfied that the new raised roof profile to the other end of the house would have no significant impacts on the residential amenity of the adjacent house to the east. There would also be no significant impacts for the mobile home park to the rear (north).
- 8.2.3** The structural issues referred to are not matters for the planning code and the developer will be required to exercise a duty of care during construction.
- 8.2.4** In relation to parking while it would, in my view, be possible to provide for on-site parking, the proposed house extension/upgrade is not of sufficient scale to require same. I do not consider that it would generate any significant additional car usage at the property.

8.3 Site Drainage

- 8.3.1** As indicated, following a request for further information, the scope of the application was expanded to include a replacement on-site wastewater treatment system (WWTS) and measures to address storm water drainage.
- 8.3.2** The evidence is that foul drainage from the house currently discharges to a septic tank and a cesspit. It appears that storm water from the roof also drains to the foul system. The proposal is to install a proprietary packaged WWTS discharging to a constructed soil percolation area/polishing filter, all in compliance with the “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses”, EPA 2009. Details of site assessments, design/specifications are included in the further information submitted to the Planning Authority on 13th October, 2015. Corrections to the design of the percolation area are included in the unsolicited further information submission lodged on 10th November, 2015. It should also be noted that water supply to the property is via the public mains.

8.3.3 The proposal also provides for separate storm water roof drainage to a new constructed soakaway and a further soakaway at the base of the driveway to prevent drainage onto the public road.

8.3.4 I concur with the applicants that the proposed drainage systems would represent a substantial improvement on the existing situation. I note the proposed percolation area is now sized at 37.5 square metres (and not the 6 square metres as referred to in the grounds of appeal) and while separation distances may be somewhat less than ideal, and as indicated in the Code of Practice, it is appropriate to afford some latitude where the proposal is to upgrade an existing system. I consider the Planning Authority Conditions 2/3/4 to be appropriate and that the Board should attach similar conditions.

8.4 Appropriate Assessment

8.4.1 Having regard to the nature and scale of the proposed development, being a domestic extension in a built up area and involving the replacement/upgrading of an existing substandard wastewater treatment system, 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.

9.0 RECOMMENDATION

9.1 I recommend that permission be granted subject to conditions in accordance with the following draft order:

REASONS AND CONSIDERATIONS

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13 day of October 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions required 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 13 day of October 2015 and the 10 day of November 2015 and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the date of installation of the new system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the installation of the proprietary effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that it has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

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

30th March, 2016.

ym/sg