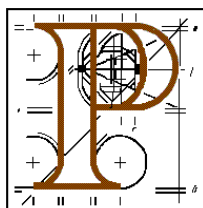


An Bord Pleanála



Inspector's Report

Appeal Reference No: PI.88.246741

Development: Demolish outbuilding, construct a new ancillary dwelling, greenhouse and site works, all at Ardnagrena, Ringarogy, Baltimore, Co. Cork

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 16/188

Applicant: Pierce & Anne Higgins

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Pierce & Anne Higgins

Type of Appeal: First Party v Refusal

Observers: None

Date of Site Inspection: 23/08/2016

Inspector: A. Considine

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located on the southern side of Ringarogy Island, to the north of Baltimore in the townland of Ardnagrena in west Co. Cork. The island is connected to the mainland via a causeway to Baltimore Harbour from the Baltimore - Skibereen Regional Road, the R595. The site is located approximately 5km to the north of Baltimore and 12 km to the southwest of Skibbereen in a rural coastal location.
- 1.2 The subject site lies to the south of the public local road, L-8231, but is not visible from the road due to the topography of the site. The site itself does not have any road frontage and is accessed via a private road which has its junction with the public road. The general area is quite remote and the site is located in a prominent location offering extensive views over Baltimore Harbour/ Church / Strand Bay and the village of Baltimore.
- 1.3 The subject site is regular in shape and is currently occupied by an old traditional cottage type structure which has been extended in the past. The existing house on the site has a stated area of 166.5 m² and there is a stone outbuilding located to the north of the house which has a stated floor area of 45m². The outbuilding has a gabled roof with a smaller lean-to structure to the west. The site is landscaped, with a gravelled drive, and has a stated area of 0.533ha. The context of the subject site is presented in the appendix to this report which includes, maps and a number of photographs taken on the day of my site inspection.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of an outbuilding, and the construction of a new ancillary dwelling, greenhouse and site works, all at Ardnagrena, Ringarogy, Baltimore, Co. Cork.

- 2.2 It is proposed that the existing stone outbuilding as described above, is to be demolished and the proposed new dwelling on the site will have a stated area of 180.7m² which includes an attached greenhouse of 14.7m². The proposed house will comprise a storey and a half dwelling with accommodation provided over the two floors. The house comprises a large open plan kitchen / dining / sitting room, ensuite bedroom, utility and WC with attached greenhouse at ground floor level, and the first floor level will provide for further bedroom, shower room and study area.
- 2.3 The house will rise to a stated height of approximately 6.35m and will be finished with a combination of painted render and stone and zinc with a slate roof while windows will be a powder coated slate grey finish. In addition, it is proposed that the house will be serviced from the public water mains and conventional septic tank system. There is very little clarity in relation to the servicing of the proposed development and it would appear that the applicant intends that the development will connect to the existing services on site, and not new connections to new services.

3.0 PLANNING HISTORY

The following is the relevant planning history associated with the subject site:

ABP ref PL.88.223636 (PA ref 06/2265) – permission sought for a flat roofed extension to the existing cottage on the site. This development was refused by Cork County Council, but granted by the Board on appeal.

The reporting inspector had recommended refusal.

This permission has been implemented and constructed.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

4.1.1 The Planning Officers report considered the proposed development in terms of the policy requirements of the 2014 Cork County Development Plan as well as the planning history of the site and the proposed development together with other issues. The Planning Officer considers that the proposed development does not comply with the County Development Plan in terms of its settlement location policies. The report does not accept that the proposed development can be considered as an ancillary dwelling to the main house given its size, scale and detached nature of same. It is further considered that there is no genuine local housing need and that the development is geared towards a holiday or second home in a coastal landscape with limited development capacity.

4.1.2 The report recommends that permission be refused for the following stated reason:

The proposed development is located within a High Value Landscape and an area of Rural and Tourism Diversification as set out in the Cork County Development Plan, 2014. These policies and the 'Sustainable Rural Housing Guidelines 2005' seek to prevent inappropriate development, to protect the landscape and to encourage development within established towns and villages (or village nuclei) although the policy objective RCI 4-3 is relaxed in principle for the year-round occupation for people who have demonstrated ties to a 'local area' and have a genuine rural local housing need. Having regard to the scale, form and layout of the proposed dwellinghouse this is not considered to be an "ancillary" dwellinghouse but tantamount to the erection of a new freestanding independent dwellinghouse with shared facilities that is neither subservient, nor reliant, nor ancillary to the main dwellinghouse located on the site. Given that the applicants do not have a genuine 'local' housing need for development that is geared to holiday or second home accommodation as such the proposed development does not meet the criteria for an 'exception' to

this objective and would set an unacceptable precedent and encourage other non essential dwellinghouse in this coastal landscape that has limited carrying capacity. The proposed dwelling would, therefore, materially contravene objective of the Cork County Development Plan, 2014 and the 'Sustainable Rural Housing Guidelines 2005' and be contrary to the proper planning and sustainable development of the area.

4.1.3 The following are the relevant internal reports from other departments of Cork County Council in relation to the proposed development:

Area Engineer: Report requires that further information be submitted prior to a decision issuing in relation to the proposed development. Primarily the issues relate to the lack of clarity in terms of the servicing of the proposed development and a site suitability report is required. In addition, concerns were raised in relation to the access and restricted visibility.

Environment Section: Raises no objection subject to conditions.

Liaison Officer: Considers that as the proposal is not intended to meet a local rural-generated housing need and is not intended to serve the housing need of a family member on a full time basis, the application should be refused.

4.1.4 There are no third party objections noted on the file.

4.1.5 Irish Water have advised no objection to the proposed development.

4.1.6 The SEP presented a final report on the file. This report acknowledges the case planners report and agrees that permission should be refused for the reason stated.

4.2 Planning Authority Decision

The Planning Authority decided to refuse planning permission for the proposed development, for the following stated reason:

The proposed development is located within a High Value Landscape and an area of Rural and Tourism Diversification as set out in the Cork County Development Plan, 2014. These policies and the 'Sustainable Rural Housing Guidelines 2005' seek to prevent inappropriate development, to protect the landscape and to encourage development within established towns and villages (or village nuclei) although the policy objective RCI 4-3 is relaxed in principle for the year-round occupation for people who have demonstrated ties to a 'local area' and have a genuine rural local housing need. Having regard to the scale, form and layout of the proposed dwellinghouse this is not considered to be an "ancillary" dwellinghouse but tantamount to the erection of a new freestanding independent dwellinghouse with shared facilities that is neither subservient, nor reliant, nor ancillary to the main dwellinghouse located on the site. Given that the applicants do not have a genuine 'local' housing need for development that is geared to holiday or second home accommodation as such the proposed development does not meet the criteria for an 'exception' to this objective and would set an unacceptable precedent and encourage other non essential dwellinghouse in this coastal landscape that has limited carrying capacity. The proposed dwelling would, therefore, materially contravene objective of the Cork County Development Plan, 2014 and the 'Sustainable Rural Housing Guidelines 2005' and be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

This is a first party appeal against the decision of Cork County Council to refuse planning permission for the proposed development. The grounds of appeal are summarised as follows:

- The applicants have had their holiday home in the area for 26 years and they hope to retire to the property.
- The proposed development will provide ancillary accommodation for family members visiting.
- It can only be defined as supplementary to the main use of the dwelling, with two bedrooms proposed.
- While the floor area is similar to the existing house, it is submitted that the main dwelling is small to begin with.
- It has never been the intention to rent the proposed dwelling.
- The family have lived, owned property and holidayed in the Baltimore for over 40 years and are committed members of the community. They are active members of the Baltimore Sailing Club, Mr. Higgins is a Director of the Local Community Swimming Pool in Baltimore and a founder investor in a local business.
- The Planner has mistakenly assumed that the dwelling is an occasional holiday home when in fact it is proposed that it will become the applicants full time home.
- The applicants are happy to compromise on size or to create a link / connection to the main dwelling to help demonstrate the ancillary nature of the proposed dwelling, which can be established by condition.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority has responded to this first party appeal as follows:

- The application has been carefully considered and the content of the report are relied upon.

- The proposed house is larger than the existing house on the site and can be lived in independently. It is reasonable to conclude that it is not an ancillary dwelling house, contrary to the assertions of the applicants engineer.
- Issues raised in relation to the capacity of the antiquated septic tank to accommodate the proposed development. The applicants engineer has not commented on this issue.
- The impacts of the development on the Roaring Water Bay SAC is not known and the PA was unable to complete any screening report.
- The applicants engineer, who completed the application form clearly indicated that the house is used as a holiday home. The Planner was not mistaken in this assumption.
- There is no evidence to suggest that the house is occupied for any period of time as suggested and the SF1 Housing Form was not completed by the applicants.
- The 'intentions' and 'hopes' referred to in the appeal do not justify a grant of permission for a second dwelling house on the site.

It is concluded that the PA has no wish to alter or amend its previously held and stated views on the recommendation to refuse permission.

6.2 Observations on grounds of appeal

There are no observations noted on this appeal.

7.0 POLICY CONTEXT County Development Plan, 2014

- 7.1 The subject site is located within a coastal area of Co. Cork which is classified as a 'High Value Landscape in the County Development Plan. The site is also located within an area designated as a 'Tourism and Rural Diversification Area' and in view of a designated scenic route, Ref S88 Road between Baltimore via Old Court and

Skibbereen. In this regard, the following policy objectives are considered relevant:

- **RCI 4-3: Tourism and Rural Diversification Area**

This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of 6 categories of housing need.

- The Plan identifies the area, in terms of Landscape Character Type, as being a Rugged Ridge Peninsulas, Type 4. This landscape is identified as having a very high landscape value and sensitivity with a National level importance. County Development Plan Objective GI 6-1: Landscape, is considered relevant in this instance and it is the stated policy of the Council:

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

- RCI 8-1 is also considered relevant in that it deals with refurbishment of a derelict dwelling. This policy objective

encourages proposals for the sensitive renovation and conservation of existing disused or derelict dwellings subject to normal proper planning and sustainable development considerations, and provided that it satisfies a number of criteria.

- Section 4.6 of the Plan deals with the general planning considerations for rural housing.

8.0 ASSESSMENT

8.1 Having considered all of the information submitted with the planning application, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development & planning history
2. Site suitability
3. Visual & Residential Amenity Issues
4. Appropriate Assessment

Principle of development

8.2 The subject site is located within the townland of Ardnagrena, Ringarogy, Baltimore, Co. Cork and in an area identified as a tourism and rural diversification area on a coastal area in the County Development Plan, 2014. The Plan, together with the Sustainable Rural Housing Guidelines, acknowledge the limited capacity of such landscapes to accommodate further developments and notes that such areas have historically experienced high house building rates and above average house vacancy rates due to the high levels of second / holiday homes. In this regard, it is the objective of Cork County Council to restrict the development of one off houses except where the proposal constitutes a genuine rural generated housing need. The applicant is required to accord with one of seven categories of rural housing need in accordance with Policy Objective RCI 4-3.

8.3 The applicants have advised that they are seeking to construct the house in order to accommodate visiting family members. The proposed development is described as 'ancillary accommodation' and constitutes a storey and half dwelling, which will rise to 6.35m in height, and will provide two double bedrooms, a study, utility room, greenhouse and a large open plan kitchen / dining and sitting room. The total floor area of the proposed house is indicated at 180.7m² including the greenhouse. The development proposes to demolish an existing shed with a stated floor area of 45m² in order to accommodate the detached dwelling. It is proposed that the development will connect to the public mains and a conventional septic tank. From the information submitted, it appears that it is intended to connect the house to the existing septic tank system on the site. The applicants have used the existing property as a holiday home for 26 years, and argue that the proposed development will be ancillary to the main house and will not be rented. The Planning Authority refused permission for the proposed development on the basis that the house is not considered ancillary, but is 'a new freestanding independent dwelling house with shared facilities that is neither subservient, nor reliant, nor ancillary to the main dwelling house located on the site.' It is further considered that 'the applicants do not have a genuine 'local' housing need for development that is geared to holiday or second home accommodation'.

8.4 In terms of the proposed development, I am inclined to agree with the Planning Authority in that the proposed development is clearly an independent residential unit that is not in principle, dependent on the existing house on the site. The proposed site layout provides for the front of the proposed house to face the north (roadside) having the rear of the house facing the existing house on the site. While I accept that there is a proposed access through the proposed utility room, the house, and indeed the living / sitting room area of the house orientates away from the existing house, towards the north west. In this regard, the connectivity between the existing and proposed house is skewed and could not be considered as being supportive of the 'cluster / courtyard effect' as suggested by the appellants. In addition, I would also acknowledge the criteria as set out under objective RCI 4-3, where exceptions for development can

be considered. While the applicants have owned the existing house on the site for a number of years, it has not been occupied as a permanent place of residence for the requisite seven years, rather as a holiday home. In this regard, and acknowledging the submission of the appellant, the house, if permitted, would only be occupied as ancillary accommodation to the main house, in other words, as a holiday / second home, contrary to the spirit of the policy objective, in my opinion.

8.5 Further to the above, I refer to Objective RCI 8-1 which deals with replacement / refurbishment of a derelict dwelling. The proposal seeks to demolish an existing structure and replace it with the house. I refer to this objective only to deal with the issue of 'replacement' and the Board will note that the Cork County Development Plan is specific in its reference to this matter. The structure to be 'replaced' is not a dwelling and therefore, this objective could not be depended upon to facilitate a grant of permission in this instance.

8.6 Having regard to the above, I conclude that the proposed development does not accord with the requirements of the County Development Plan policy objectives as it relates to rural housing developments, and would, if permitted contravene objective RCI 4-3 as the proposed development does not meet the criteria for an exception to the objective as there is no genuine local rural housing need established.

Site Suitability

Water Services:

8.7 In terms of site suitability, the Board will note that it appears to be the intention to connect to the existing septic tank system currently serving the existing house on the site. There are no details provided in relation to the capacity of the system to accommodate the proposed development and it appears that no site assessment has been undertaken by the applicants. Should the Board be minded to grant planning permission for the development as proposed, further

information to deal with this issue would be required prior to any positive decision issuing.

- 8.8 Again, there is a lack of detail in terms of the proposed connection to the public water supply. It is not clear if it is intended to use the existing water supply serving the existing house, or whether a new connection is to be made. Again, this issue should be clarified if the Board is minded to grant permission for the proposed development.
- 8.9 In terms of surface water, soakpits are proposed. Details of same, including locations, should be submitted.

Roads & Access:

- 8.10 Access to the proposed development site is via the existing public road network and existing entrance to the house. The Board will note the concerns of the Area Engineer in terms of available sight distances at the entrance and seeking confirmation that the hedgerow / grass will be maintained to maximise sight distances in both directions. I am satisfied that a grant of permission in this instance, would not result in a traffic hazard.

Visual & Residential Amenity Issues

- 8.11 In terms of the proposed design of the house, I have no real objection in principle. However, given the high value landscape in which the site lies, together with the proximity to the existing house, I am concerned that the proposed development will be highly visible in this coastal landscape. The proposed house will have the same finished floor level as the existing house, but will be slightly higher than it (6.25m and 6.35m). I have discussed the proposed layout of the proposed house and site layout in terms of connectivity with and its relationship to the existing house on the site, and in addition, I am concerned how if permitted, the development as proposed would affect the wider rural character of the area. The house would be visible from the public road from the adjoining road network and I remain concerned that the general amenities of this rural coastal landscape would be impacted upon if permitted as proposed and the house, would represent a significant visual intrusion in the

landscape, particularly when viewed from the north and north east. Finally, I am of the opinion that a grant of planning permission in this instance would represent a significant undesirable precedent for similar type developments in such coastal locations both in the vicinity of the site and in the wider coastal area of Co. Cork.

Appropriate Assessment:

- 8.12 The subject site is located at a distance of approximately 450m from the nearest European site, being Roaringwater Bay & Islands SAC, Site Code 000101, located to the south east of the subject site. The Conservation Objectives for the Roaringwater Bay & Islands SAC is to maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status, including large shallow inlets and bays, reefs, vegetated sea cliffs of the Atlantic and Baltic coasts, European dry heaths, Submerged or partly submerged sea caves. In addition, it is an objective to maintain or restore the favourable conservation status of species for which this cSAC has been selected including, Harbour porpoise, Otter and Grey Seal.
- 8.13 The subject development site itself can be considered a brownfield site within a rural coastal area. Having considered the nature of the proposed development, together with the planning history and given the scale of same together with the level of information provided in support of the application, I would have a concern in relation to issue of waste water treatment and disposal from the proposed development. I note from the planning history of the site, that permission was granted for an extension to the existing house on the site. Cork County Councils Area Engineer has made reference to a requirement to upgrade the existing septic tank on the site at that time, but no details have been provided to confirm that this upgrade has occurred. In addition, it is unclear if the existing septic tank system has the capacity to accommodate the additional loading from the proposed development.
- 8.14 While I accept that it is unlikely, on the basis of the information provided with the application and appeal, and in light of the assessment carried out above, I am not satisfied that the proposed

development individually, or in combination with other plans or projects would not adversely affect the integrity of European Site No. 000101, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

9.0 CONCLUSIONS AND RECOMMENDATION

Conclusion:

- 9.1 Having had regard to the nature of the proposed development, together with the information presented in support of the proposal, as well as the planning authority and other reports submitted in relation to the proposed development, and notwithstanding the bone fides of the case, I am not satisfied that the development fully accords with the requirements of the settlement location policies of the Cork County Development Plan, particularly as they relate to residential developments in Tourism & Rural Diversification Areas, policy Objective RCI 4-3 refers.

I consider that the development would be out of character with the rural coastal environment, being larger than the existing house on the site and would seriously injure the existing amenities of the area by reason of scale and mass, and could not be considered subservient to the main house.

In addition, I consider that the applicant has not addressed the issue of waste water treatment and disposal adequately.

Finally, I refer the Board to my consideration of AA which may be considered as a new issue.

Recommendation:

- 9.2 It is considered that the proposed development should be **refused** for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

1. The proposed development is located within a High Value Landscape and an area of Rural and Tourism Diversification as set out in the Cork County Development Plan, 2014. It is the stated policy of Cork County Council, together with the 'Sustainable Rural Housing Guidelines 2005', to seek to prevent inappropriate development, to protect the landscape and to encourage development within established towns and villages (or village nuclei). Policy objective RCI 4-3 is relaxed in principle for the year-round occupation for people who have demonstrated ties to a 'local area' and have a genuine rural local housing need. However, given that the existing house is a second home for the applicants, the Board is not satisfied that the development as proposed has adequately demonstrated a genuine local rural housing need in compliance with this criteria.

In addition, the Board is not satisfied, having regard to the scale, form, layout and level of amenities proposed in the proposed dwelling house, this the development can be appropriately considered as "ancillary" to the existing house on the site. The development would, therefore, materially contravene objective of the Cork County Development Plan, 2014 and the 'Sustainable Rural Housing Guidelines 2005' and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would be out of character with the existing pattern of development in the area and would militate against the preservation of the rural coastal amenities of the area. It is further considered that a grant of planning permission would set an undesirable precedent for similar type developments in such coastal areas. The proposed development, would therefore, seriously injure the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, and in particular reference to the lack of information provided in relation to the capacity of the existing septic tank system to accommodate the proposed development, together with on site conditions and the proximity of the site to a Natura 2000 site, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European Site No. 000101, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

A. Considine
Planning Inspector
20/09/2016