



An
Bord
Pleanála

Inspector's Report PL04.246843.

Development	Provide first floor living accommodation to an existing single storey cottage and construct a one and a half storey dormer extension to the rear, install an effluent treatment system and new vehicular entrance at Coole East, Whites Cross, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/4915.
Applicant(s)	Aidan Linehan.
Type of Application	Planning Permission.
Planning Authority Decision	Grant permission.
Appellant(s)	1. Abina Morley.
Type of Appeal	Third party versus decision.
Observer(s)	None.
Date of Site Inspection	27 September 2016.
Inspector	Stephen Rhys Thomas.

1.0 **Site Location and Description**

- 1.1. The appeal site is located in a rural area, about 3 kilometres north of Whites Cross and approximately 12 kilometres to Cork city centre. The site is located on the western side of the R614, about 150 metres south of a right hand bend over a bridge and south of a manufacturing facility.
- 1.2. The appeal site comprises an existing single storey cottage with a gable roof profile, clad with natural slate, the walls are plaster finished and unpainted. The existing dwelling is set in the middle of a garden which is bound by mature hedging and low drystone walls. The boundary to the north has been cleared and replanted with a broadleaf evergreen hedge which sits on a low berm and existing mature trees are retained to the north eastern corner of the site. A narrow laneway runs along the northern boundary and provides access to the agricultural fields to the north and west of the site. The appeal site is set higher than the next adjoining property and dwelling house to the north. The dwelling to the north (appellant) is a single storey bungalow with a conservatory and patio situated on its southern elevation, this structure is approximately 10 metres from the appeal site boundary. A second dwelling house is located approximately 35 metres to the west and is set at a higher level.
- 1.3. The Glashaboy River is located 88 metres to the east of the site
- 1.4. Appendix 1 contains relevant maps and photographs of the appeal site.

2.0 **Proposed Development**

- 2.1. Permission is sought for:
 - The provision of a first floor living accommodation area to an existing single storey cottage. To construct a one and a half storey dormer extension as a rear return. The two storey element to the northern elevation includes

bedroom, landing and bathroom windows at first floor. Overall height 6.5 metres above ground level.

- Install an effluent treatment system.
- Create a new vehicular entrance.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission, the relevant conditions are as follows:

- Condition 1. Dark coloured roof tiles or slate, smooth plaster wall finish and white pvc is not permitted.
- Condition 2. The windows serving the first floor bedrooms shall have a vertical emphasis, details to be agreed with the planning authority prior to the commencement of development.
- Condition 4. Existing boundary treatment shall be retained.
- Condition 14. Proposed septic tank shall comply with the provisions of the Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses (p.e < 10) EPA 2009.
- Condition 16. Vehicles shall be parked within the confines of the site and not on the roadside.

3.2. **Planning Authority Reports**

Planning Report

Basis for the planning authority decision Report includes:

Identification of the relevant policies of the County Development Plan with regard to replacement of rural dwellings and refurbishment of derelict dwellings, and concludes that the rural housing policy for the greenbelt area is not applicable.

The Area Planner has noted the concerns raised by submissions and is satisfied that the wastewater treatment system is acceptable on this site. The Area Planner is satisfied that no issues of overlooking will result and is satisfied that the scale of the dwellings is acceptable.

3.3. Other Technical Reports

Area Engineer's Report. No objections subject to standard technical conditions to do with vehicular access, surface water drainage and wastewater treatment system.

Irish Water. No objections subject to standard technical conditions.

3.4. Third Party Observations

There were two submissions on the planning application. Issues of concern included: the applicant is not a local, car parking will occur on the road, overlooking, proximity of the wastewater treatment system.

4.0 Planning History

4.1. None relevant to this application.

5.0 Policy Context

5.1. Development Plan

5.1.1 Cork County Development Plan 2014-2020

Section 4.8 Replacement Rural Dwellings and Refurbishment of Derelict Dwellings in the Countryside

4.8.1 In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house on a case by case basis having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation. The policy in relation to the refurbishment of disused or derelict dwellings in rural parts of the County is outlined in objective RCI 81 below.

RCI 8-1: Refurbishment of a Derelict Dwelling

Encourage proposals for the sensitive renovation and conservation of existing disused or derelict dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this plan and provided that it satisfies the following criteria:

- The original walls must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The dwelling must be physically capable of undergoing renovation / conversion without demolition.
- Where the building is derelict, a structural survey by a qualified engineer must be submitted as part of any planning application to include measures to protect the building from collapse prior to, and during, the construction works.

- The design, scale and materials used in any renovation / and or extension should be sympathetic to the character and setting of the existing dwelling.
- Mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by strictly protected wildlife.

In the interests of clarity, the provisions of Objective RCI (i.e. the 'Rural Generated Housing Need' requirement) and Objective RCI 64 (i.e. Occupancy Clause) will not apply except where the total or substantial demolition of the existing structure and a new dwelling is proposed.

The site is located in the County Metropolitan Cork Strategic Planning Area.

Appendix 1 contains relevant zoning map.

6.0 Natural Heritage Designations

There are no Natural Heritage Designated sites in the vicinity of the site, the closest Special Protection Area is Cork Harbour approximately 6.4 kilometres to the south.

7.0 The Appeal

7.1. Grounds of Appeal

A single appeal was received from Abina Morley, a resident of the adjacent property to the north, the grounds of appeal can be summarised as follows:

- Three windows on the northern elevation will overlook my garden and outdoor seating area.
- The location of the Biocycle system will be installed at a higher level than my dwelling. If the system fails, this will result in a hazard and a danger to both humans and the environment.

- The location of the car parking on the site will lead to on-road parking which will result in a serious obstruction to sight lines and lead to a traffic hazard.

7.2. **Planning Authority Response**

None.

7.3. **First Party Responses**

The first party to the appeal, has responded to the appeal submission, the relevant points are as follows:

- The windows at first floor level will not directly overlook the neighbouring property, but will overlook the front garden, which is not a private space. Fast growing laurel has been planted in the boundary and will assist privacy
- The wastewater treatment system has been designed for the site with built in safeguards in case of power failure and the provision of a maintenance contract.
- Car parking has been provided on the site and no on road car parking will take place.

7.4. **Observations**

None.

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 other than items raised by the decision of the planning authority which can be addressed by condition if required. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Car Parking
- Wastewater Treatment System
- Appropriate Assessment

8.2. Residential Amenity

8.2.1 The appellant has raised concerns that the provision of windows on the northern elevation of the proposed extension will result in overlooking and loss of privacy. Specifically, they are concerned about their conservatory extension and the seated area which is located in the front garden. Having visited the site and experienced the nature of this amenity space, I note that though it is located in the front garden, it is relatively secluded and takes advantage of a southerly orientation. In addition, I note that the appellant's garden is lower than the appeal site and there is a bank of mature vegetation between sites. I agree with the appellant that there may be some degree of overlooking of this space from the first floor windows proposed, specifically the bedroom and landing window. I do not consider that the bathroom window will present undue overlooking. I note that the first floor landing is also lit by a large window on the eastern elevation and so therefore the omission of the northern gable landing window will not inconvenience the applicant. In order to address the issue of a potential loss of privacy, I recommend that the first floor bedroom window on the northern elevation be moved and located on to the western elevation and the landing window on the northern elevation be omitted altogether. This will not impact upon the single storey property located up-slope and approximately 34 metres to the west.

8.2.2 Given the distance of the proposed two storey extension from the appellant's property, approximately 21 metres, the existence of a farmer's laneway between properties and the degree of existing and planned hedging and vegetation, I do not consider that there will be any overbearing appearance or an increased level of

overshadowing. Subject to the amendment recommend, the proposed development is acceptable from a residential amenity perspective.

8.3. Car Parking

8.3.1 The appellant raised concerns with regard to the likelihood of cars parking on the public road and the resultant impact to sightlines. I note that the appeal site is located on rural road with a continuous white line, in addition the properties to the north and south have set back boundaries with sightlines. The appeal site has been redesigned to provide two car parking spaces together with the possible removal of the front boundary. It is not clear from the drawings submitted if a replacement boundary treatment is proposed. It is noted that conditions attached to the planning authority's decision to grant permission, restrict the height of any roadside boundary to no greater than 1 metre and the maintenance of the existing boundary unless its removal is necessitated to provide adequate sightlines. The drawings submitted do appear to indicate a completely open forecourt to the front of the dwelling and this has heightened the concerns of the appellant with regard to the likelihood for on road car parking and impacts to sightlines. In addition, it is noted that the existing roadside boundary is set back from the road and comprises a drystone wall planted with mature hedging, its retention would be beneficial to the visual amenity of the area subject to sightline requirements. In order to address these concerns and to clarify the parking and access arrangements for this development, a condition should be attached which requires the submission of revised layout drawing which shows boundary and access treatment in accordance with Council technical standards, prior to the commencement of development.

8.4. Wastewater Treatment System

8.4.1 The appellant is concerned that should the proposed wastewater treatment system fail, given its proximity to their property, pollutants may flow onto their site and create a hazard. It is noted that the planning application was accompanied by a Site

Characterisation Form, submitted by Ireland Waste Water. The recommendation of the site characterisation assessment was that due to the size of the site and the central location of the dwelling within the site, it is not possible to fully comply with the minimum separation distances as set out in Table 6.1 EPA Code of Practice 2009. The site assessor concluded that because the site is located within a low risk groundwater protection response area and there are no domestic wells in the vicinity, there is a minimised risk of microbial pollution. The resultant recommendation is that a packaged wastewater treatment plant and tertiary treatment provided by a sand polishing filter is acceptable subject to a package treatment capacity of population equivalent 6.00 and correct installation and maintenance. Though compliance with distance to boundaries may be difficult to achieve on this site, given that dwellings in the area are served by mains water, I consider that the correct selection and installation of a wastewater treatment system is acceptable in order to facilitate the renovation and extension of this existing dwelling.

8.4.2 In addition, it is noted that the Council's Engineer with responsibility for assessing wastewater proposals, accepted the applicant's wastewater treatment proposal. I consider that compliance with the requirements of the local authority with regard to wastewater treatment systems and more importantly with the Code of Practice - "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009, will result in an acceptable form of wastewater treatment. An appropriate condition should be attached to ensure correct installation and maintenance of any wastewater treatment system.

8.5. **Appropriate Assessment**

8.5.1 The Glashaboy River is located 88 metres to the east of the site and ultimately flows into the Cork Harbour SPA, approximately 6.4 kilometres to the south. The site is currently an existing cottage on a garden site and a wastewater treatment system is proposed in accordance with the relevant EPA Code of Practice. In this context and

having regard to the nature and scale of the development it is proposed to construct, 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

I recommend that permission be granted, subject to conditions for the reasons and considerations as set out below.

10.0 Reasons and Considerations/ Reasons

10.1. Having regard to the provisions of the Cork County Development Plan 2014-2020, and to the nature and scale of the renovation and extension of an existing cottage and the provision of a wastewater treatment system, and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The first floor bedroom window on the northern elevation shall be omitted.
- (b) The first floor landing window on the northern elevation shall be omitted.
- (c) The first floor bedroom on the northern elevation shall be served by a window on the western elevation.
- (d) All first floor windows shall have a vertical emphasis.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6. (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 22 day of April, 2016], and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" – 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 first occupancy of the dwellinghouse 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 first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system 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.

7. (a) The entrance gates to the proposed house shall be in accordance with the Council's technical standards in terms of set back from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

(b) The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site and comply with the required sightlines.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and visual amenity.

8. 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.

Stephen Rhys Thomas
Planning Inspector

4 October 2016