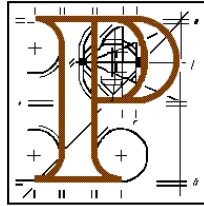

An Bord Pleanála



Inspector's Report

Ref.: PL04.247107

Development: Construction of a new detached dwelling, detached garage, new entrance from public road, wastewater treatment plant and polishing filter and all associated site works.

Rowgarrane, Caherlag, Glanmire, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 16/4694

Applicant: David Darrer

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant(s): Michelle Callan
Brian and Jan Callan

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 5th December, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Rowgarrane, Co. Cork, to the immediate north of the village of Caherlag, approximately 1.3km east of the M8 Cork-Dublin Motorway and 1.2km north of the N25 National Road, where it occupies a backland location to the rear of existing roadside housing (i.e. Caherlag House & Prospect House). Whilst the wider area is generally rural in character and includes a cemetery located further west, there is a notable concentration of one-off residential development within the immediate site surrounds, although it should be noted that a significant proportion of same (including the dwelling house presently under construction opposite the proposed site entrance) is actually located within the identified settlement boundary of Caherlag. The site itself has a stated site area of 0.18 hectares, is irregularly shaped, and presently comprises part of a larger agricultural field set as grassland / pasture that effectively forms an infill site situated between the recently constructed dormer-style dwelling house to the northeast and the rear garden area of the substantial period property known as Prospect House to the southwest. Access to the site proper is obtained via an existing driveway / entrance arrangement that extends north-eastwards from the public road to the serve the adjacent dwelling house to the northeast whilst the site boundaries are demarcated by timber post and rail fencing, save for the northern site boundary which is not physically defined at present.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a single storey dwelling house based on an 'H'-shaped plan with a stated floor area of 197m² and a ridge height of 6.206m. The overall design is somewhat conventional although it has sought to evoke a more contemporary interpretation of the traditional vernacular through its use of features such as steeper roof pitches, vertically emphasised fenestration, roof verges, and integrated chimney breasts that extend directly through the roof ridge line. External finishes will include blue / black roof slates and a painted sand-cement render combined with the feature use of selected stonework. In terms of the site layout, the proposed construction will be set back approximately 52m from the proposed site entrance onto the public roadway to the south (in a backland location to the rear of existing roadside properties) whilst a new detached garage structure (floor area: 32.5m²) will be located to the rear of same.

2.2 It is also proposed to install a conventional septic tank system with the treated effluent to be discharged to ground via a percolation area. A water supply is available via connection to the public mains. Access to the site will be obtained via an existing entrance arrangement onto the public road with sections of the existing roadside boundary walls within adjacent property to be removed and / or lowered in order to improve the available sightlines from same.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

None.

3.2 On Adjacent Sites:

PA Ref. No. 069474. Was granted on 23rd January, 2007 permitting Sarah Darrer permission for a dwelling house at Rowgarrane, Glanmire, Co. Cork.

PA Ref. No. 0711180. Was granted on 20th December, 2007 permitting Sarah Darrer permission for an extension to dwelling house and construction of domestic garage at Rowgarrane, Glanmire, Co. Cork.

PA Ref. No. 156876. Was refused on 18th February, 2016 refusing David Darrer permission for the construction of a detached dwelling, detached garage, new entrance to site, new entrance from public road, access road, waste water treatment plant and polishing filter and all associated site works at Rowgarrane, Caherlag, Glanmire, Co. Cork, for the following reason:

- The site is located within an area designated as Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection, as per the 2014 County Development Plan, where it is an objective to preserve such areas from development as per Objective GI 8-1. The site is situated on an open rural landscape and the proposed development would result in further backland development, three deep, from the local road, which contravenes the principles of proper planning and sustainable development. Accordingly, the proposed development would result in piecemeal backland development of this open rural landscape and would result in a visually obtrusive feature on this protected landscape which would be contrary to the proper planning and sustainable development of the area.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

Following the receipt of a response to a request for further information, on 25th July, 2016 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 21 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, landscaping, servicing, infrastructural works and development contributions.

4.2 Objections / Observations:

A total of 3 No. submissions were received from interested parties and the principle grounds of objection contained therein are generally reiterated in the grounds of appeal.

4.3 Internal Reports:

Area Engineer: No objection subject to conditions.

4.4 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

5.1 Michelle Callan:

- Having regard to the nature of the proposed development and the site location on lands specifically zoned as 'A1: Agriculture', the subject proposal should be refused permission. In this regard it is submitted that the objective of the agricultural green belt is '*to protect and provide for an agricultural green belt to demarcate the urban and rural area and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area*'.
- The proposed development will have a seriously detrimental impact on the amenities of the area and surrounding properties.
- The development proposed will have a negative impact on traffic safety and convenience.
- The subject proposal will give rise to backland development which is contrary to the proper planning and sustainability of the area.

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- Inadequate consideration has been given to third party objections in the assessment of the subject application.
 - Contrary to the Planning Authority's assessment of the subject application, there is a requirement for sightlines of 120m to be achieved in both directions from the proposed site entrance onto the public road as set out in Table 9.4 of the Traffic Management Guidelines. In this regard it is submitted that the available sightlines must meet the required minimum standards in order to ensure the safety of all road users in the vicinity of the site.
 - Due to the height of the party wall with Caherlag House and the associated vegetation / trees located behind same, it is not possible to achieve the necessary sightlines required for the safe movement of traffic to and from the site entrance. Furthermore, no consent will be given by the owner of Caherlag House to adjust the aforementioned party wall.
 - The existing entrance arrangement which is intended to serve the proposed development has not been constructed in accordance with the requirements of Condition Nos. 4 & 5 of the grant of permission issued in respect of PA Ref. No. 06/9474. Accordingly, the additional vehicular traffic movements consequent on the proposed development will exacerbate the traffic hazard posed by the existing entrance.
 - The proposed dwelling house, when taken in conjunction with 2 No. further developments recently approved on the opposite side of the roadway from Caherlag House, will give rise to an unacceptable increase in traffic volumes etc. in the immediate area.
 - There are concerns that the subject proposal will give rise to an excessive density of development in an area zoned as 'A1: Greenbelt' in the County Development Plan. In this regard it is of particular relevance to note that the grant of permission issued for PA Ref. No. 06/9474 acknowledged that the approval of same would result in the creation of an 'infill' site and thus a condition was imposed whereby *'No further housing development shall be carried out in lands outlined on map lodged with Planning Authority on 17/11/2006 for a period of 5 years from the date of grant of permission'* in order to *'maintain the density of development at a level consistent with the amenities of the area'*.
 - The proposed development site is located within the Metropolitan Greenbelt as set out in the County Development Plan, 2014 where there is a requirement for prospective applicants for rural housing to demonstrate an exceptional rural-generated housing need based on their social and / or economic links to the particular area. In this respect it is considered that the housing need of the applicant (who presently resides with his parents

in the adjoining property of Prospect House) should be challenged given that it was a key consideration in the approval of his sister's dwelling house on the adjacent site under PA Ref. No. 069474 that she would be on site in order to help in the care of her brother i.e. the applicant (Mr. David Darrer).

- When taken in conjunction with the family home at Prospect House, the cottage at the entrance to the aforementioned property (which is presently rented), and the dwelling house permitted under PA Ref. No. 069474, the proposed development will result in a total of 4 No. dwelling houses within the same landholding.
- It is contrary to accepted guidance that planning permission should be granted to an individual when they already have a dwelling house in the local area and there is no need for further development.
- The proposed development site is located in a 'Prominent and Strategic Greenbelt' wherein it is a stated objective of the Development Plan to preserve such areas from development.
- The subject proposal is a clear example of backland development to the rear of Caherlag House.
- Contrary to the Planner's Report, it is submitted that the proposed development will be visible from a 'Scenic Route' identified for preservation in the Development Plan. In this regard the Board's attention is drawn to Section 13.7.3 of the Development Plan which states that '*development, where permitted should not hinder or obstruct these views and prospects and should be designed and located to minimise their impact. This principle will encourage appropriate landscaping and screen planting of developments along scenic routes*'. In addition, Objective GI 7-3 of the Plan states that the '*design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area*'.
- The proposed development will adversely impact on the residential amenity of the appellant's dwelling house (i.e. Caherlag House) by reason of the following:
 - The loss of the existing views available from the rear of Caherlag House which will have a negative impact on the enjoyment of the property.
 - A loss of privacy to the rear of Caherlag House.
 - The proposed development will be visually obtrusive and will not be capable of effective assimilation into the surrounding rural

landscape. Accordingly, the proposal will further detract from the views available the appellant's dwelling house and her enjoyment of same.

- Caherlag House has undergoing extensive conservation work in order to preserve its heritage value. Therefore, given the care and expense which has been devoted to the preservation of this property, there are concerns that the proposed development should respect the architectural style of surrounding properties and that any proposal should be assessed having regard to same.

5.2 Brian and Jan Callan:

- By way of background, the Board is advised that despite an initial recommendation by the case planner to refuse permission for the development of a dwelling house on an adjacent site under PA Ref. No. 069474, the Planning Authority opted to grant permission for that development proposal. In this respect the Board is requested to take cognisance of the contents of the relevant Planner's Report which stated that:

'Any further proposals would be detrimental to the Green Belt and I would refer to SPL 2-7 Sustainability of Exceptions to Green Belt Policies and other settlement policies of the County Development Plan'.

In addition, it should be noted that the Planner's Report concluded as follows:

'I would however consider it prudent to request that the landowner sterilise the remainder of the landholding, as the proposed development creates an infill site between the existing dwelling and the proposed dwelling'.

More notably, Condition No. 3 of the grant of permission issued in respect of PA Ref. No. 069474 specifically stated that:

'No further housing development shall be carried out in the lands outlined on map lodged with the Planning Authority on 17/11/06, for a period of 5 years from the date of the grant of this permission'.

- The applicant was previously refused planning permission for the construction of a dwelling house on an adjacent site under PA Ref. No. 15/6876 on the basis that:

'The site is located within an area designated as Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection as per the 2014 County Development Plan, where it is an objective to preserve such areas from development as per Objective GI 8-1. The site is situated on an open rural landscape and the proposed development would result in further backland development, three deep, from the local road, which contravenes the principles of proper planning and sustainable development. Accordingly, the proposed development would result in piecemeal backland development of this open rural landscape and would result in a visually obtrusive feature on this protected landscape which would be contrary to the proper planning and sustainable development of the area'.

However, the Planning Authority subsequently indicated that consideration would be given to an application for a dwelling house on the infill site located between the family home and the dwelling house previously permitted under PA Ref. No. 069474 provided the applicant could demonstrate compliance with the relevant settlement policy objectives for the area.

It is submitted that the aforementioned statement by the Planning Authority ignores the previous reason for the refusal of PA Ref. No. 15/6876, particularly as any such new proposal (as has been submitted in the subject application) would continue to constitute backland development. Furthermore, any development at the location suggested by the Planning Authority would likely have a detrimental impact on the appellants' amenity due to the positioning of that site directly behind their property.

- With regard to the revised entrance layout as detailed in the information received by the Planning Authority on 28th June, 2016, it is submitted that the sightlines shown are not achievable and that the required sight distance should be measured from the site entrance to the near edge of the carriageway. Furthermore, the appellants do not consent to any reduction in the height of the party wall at the site entrance.
- The proposed development site is located in an area which has been designated as a *'Prominent and Strategic Metropolitan Greenbelt'* in the County Development Plan.

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- The proposed development will be visually obtrusive within this protected and open rural landscape.
 - The proposed development will serve to exacerbate a pattern of piecemeal backland development.
 - The proposed development would be contrary to the proper planning and sustainable development of the area.
 - Whilst the submitted site layout plan details the removal of the party wall and a pillar in order to achieve the required sightlines, the appellants have not consented to these works.
 - In their assessment of a previous planning application lodged under PA Ref. No. 069474, the relevant case planner recommended that no further development should be permitted on the subject landholding.
 - The proposed development, when taken in conjunction with existing, permitted and proposed developments in the area, would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would:
 - Lead to demands for the uneconomic extension of public services and community facilities in an area where they are not proposed.
 - Militate against the preservation of the rural character of the area.
 - Result in an unacceptable concentration of septic tanks / proprietary treatment systems in a restricted area.
 - The proposed development would contravene an objective of the County Development Plan which seeks to induce new development into locating in existing settlements where full public services and community facilities are available at reasonable cost.
 - It would appear that the principles of the Development Plan, which provide the basis for the determination of all planning applications, have been ignored in this instance.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

- The subject application was assessed having regard to the provisions of the Cork County Development Plan, 2014 and all other guidance documents and was considered to accord with the spirit and intention of same.
- All of the issues raised in the grounds of appeal are considered to have been satisfactorily addressed within the report attached to the file.

6.2 Response of the Applicant:

- It is not considered necessary to rehearse the arguments and analysis set out in the very comprehensive reports of the Planning Authority.
- The applicant fully accepts the decision of the Planning Authority and will abide by all conditions in the event that the Board upholds the decision to grant permission.
- The subject proposal represents a genuine case of need and satisfies the criteria set out in the County Development Plan as regards development in the Metropolitan Greenbelt.
- The applicant has gone to great lengths to satisfy the Planning Authority in terms of the location, siting and design of the proposed development.

7.0 NATIONAL AND REGIONAL POLICY

7.1 *The ‘Sustainable Rural Housing, Guidelines for Planning Authorities’, 2005* promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘Area under Strong Urban Influence’ as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and ‘*Figure 4.1: Rural Housing Policy Area Types*’ of the Plan confirms that the site is located within the ‘Metropolitan Cork Greenbelt’.

8.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014:-

Chapter 2: Core Strategy:

Section 2.3: *The Network of Settlements*

Chapter 4: Rural, Coastal and Islands:

RCI 1-1: Rural Communities:

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

RCI 2-1: Urban Generated Housing:

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

RCI 2-2: Rural Generated Housing:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Section 4.3: Identifying Rural Area Types:

Section 4.3.5: Metropolitan Cork Greenbelt:

This rural area under strong urban influence forms part of the Cork Gateway and is within close commuting distance of Cork City and Environs. There is evidence of considerable pressure from the development of (urban generated) housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

Section 4.4: Categories of Rural Generated Housing Need:

Section 4.4.2: This plan recognises the positive benefits for rural areas to sustain and strengthen the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links as defined in the following objectives RCI 4-1 to RCI 4-5. The meaning of 'local rural area' is generally defined by reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link.

RCI 4-1: Metropolitan Cork Greenbelt:

Objective RCI 4-1 should be read in conjunction with Chapter 13, Section 13.8 relating to '*Prominent and Strategic Metropolitan Cork Greenbelt Areas*' including Objective GI 8-1 and Figure 13.3.

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

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- a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
 - b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
 - c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
 - d) 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.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two.

RCI 4-8: *Exceptional Health Circumstances:*

Facilitate the housing needs of persons who are considered to have exceptional health circumstances that require them to live in a particular environment or close to family support in the rural area. The application for a rural dwelling must be supported by relevant documentation from a registered medical practitioner and a qualified representative of an organisation which represents or supports persons with a medical condition or a disability.

This objective applies to all rural housing policy area types.

Section 4.5: *Greenbelts:*

RCI 5-1: Metropolitan Cork Greenbelt:

Maintain the Metropolitan Cork Greenbelt (as shown on Figure 4.1 in this Plan) which encompasses the City and its suburbs together with the satellite towns, villages and countryside of Metropolitan Cork.

RCI 5-2: Purpose of Greenbelt:

- a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.
- b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RCI 5-3: Land Uses within Metropolitan Greenbelt:

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

RCI 5-4: Sustainability of Exceptions to Greenbelt Policies:

Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

RCI 5-8: Greenbelts around Settlements:

- a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.

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- b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation.
 - c) Prevent linear roadside frontage development on the roads leading out of towns and villages.
 - d) The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.

Section 4.6: *General Planning Considerations:*

RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

- a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.
- c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

RCI 6-2: Servicing Individual Houses in Rural Areas:

Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.

RCI 6-3: Ribbon Development:

Presumption against development which would contribute to or exacerbate ribbon development.

RCI 6-4: Occupancy Conditions:

In order to take a positive approach to facilitating the housing needs of the rural community, where permission has been granted for a

rural housing proposal, an occupancy condition shall normally be imposed under Section 47 of the Planning & Development Act 2000.

Chapter 13: Green Infrastructure and Environment:

Section 13.5: *Landscape*

Section 13.6: *Landscape Character Assessment of County Cork*

GI 6-1: *Landscape:*

- 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 land use 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.

GI 6-2: *Draft Landscape Strategy:*

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Section 13.7: *Landscape Views and Prospects:*

GI 7-1: *General Views and Prospects:*

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and

views of natural beauty as recognized in the Draft Landscape Strategy.

GI 7-2: Scenic Routes:
Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.

N.B. The proposed development site is located in close proximity to (and accessed from) Scenic Route No. S42: Road at Cashnagarriffe, N.W. Carrigtwohill and Westwards to Caherlag.

GI 7-3: Development on Scenic Routes:

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping. See Chapter 12 Heritage Objective HE 46.

GI 7-4: Development on the approaches to Towns and Villages:
Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

Section 13.8: *Prominent and Strategic Metropolitan Cork Greenbelt Areas:*

GI 8-1: Prominent and Strategic Metropolitan:
Greenbelt Areas requiring Special Protection Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas

which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development.

9.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Rural housing policy / the principle of the proposed development
- Overall design and layout / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Appropriate assessment
- Other issues

These are assessed as follows:

9.1 Rural Housing Policy / The Principle of the Proposed Development:

9.1.1 The proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'. These Guidelines state that such areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Cork City) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same. Notably, within these areas the National Spatial Strategy states that the provision of new housing should generally be confined to persons with roots in or links to these areas whilst the Guidelines also acknowledge that the housing requirements of persons with roots to or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

9.1.2 In addition to the foregoing, it is of further relevance to note that the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and that 'Figure 4.1: Rural Housing Policy Area Types' of the Plan serves to confirm that the subject site is located within the 'Metropolitan Cork Green Belt' which is defined as the hinterland of Cork City and that area of the county under the greatest urban

pressure for rural housing. In this respect I would refer the Board to Section 4.5.6 of the Plan which states that given the exceptional housing demands and urban pressures exerted within this area, the retention of the Metropolitan Greenbelt into the future represents a serious planning challenge and that any incremental erosion of these lands over time will need to be carefully monitored. Accordingly, within this area the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect Objective RCI 4-1 of the County Development Plan states that applicants must satisfy the Planning Authority that they have an exceptional rural-generated housing need based on their social and / or economic links to a particular local rural area and, in this regard, demonstrate compliance with one of the following categories of housing need:

- a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) 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.

9.1.3 The subject site is also located within a '*Prominent and Strategic Metropolitan Cork Greenbelt Area*' as identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements.

9.1.4 Having reviewed the rationale for the establishment of the Cork Metropolitan Greenbelt as set out in Section 4.5 of the Development Plan, and in light of the purpose of same as detailed in Objective RCI 5-2, I would accept that

any further housing permitted within same should be restricted to named persons with an 'exceptional' rural-generated housing need and thus it is necessary to critically analyse the subject application in the context of compliance with Objective RCI 4-1 of the County Development Plan in addition to the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*, 2005.

9.1.5 From a review of the available information, with particular reference to the supporting correspondence which has accompanied the application and the grounds of appeal, it is clear that the applicant satisfies the eligibility criteria set out in Part (d) of Objective RCI 4-1 of the Development Plan on the basis that he has resided with his parents in the family home on an adjacent site (i.e. 'Prospect House') since 1988 and as he has acquired the application site from his father whilst the proposed dwelling house is intended for her own use as his principle and permanent place for residence. Further support is lent to the application by the submission that although the wider landholding is farmed by the applicant's father (Mr. Brian Darrer), the applicant is engaged part-time in the equine / horse breeding activities, albeit for therapeutic purposes.

9.1.6 At this point I would also refer the Board to the supporting correspondence which has accompanied the planning application, including the 'Supplementary Planning Application Form – SF1', which indicates that the applicant is special needs (unspecified) and that his care needs are presently provided by his mother. Further clarity is provided in this regard by the supporting documentation compiled by Dr. D. Kenefick, Old Court Family Practice, which states that the nature of the applicant's condition will require on-going treatment / care and that he will require purpose-built accommodation suitable to cater for his special housing needs and that of his carers. It has been further submitted that the siting and design of the proposed dwelling house has been discussed with Dr. Kenefick and that the submitted proposal will provide a secure garden space for Mr. Darrer's therapeutic exercise as well as a single storey construction compliant with disability regulations etc.

9.1.7 With regard to the foregoing, I would advise the Board that Objective No. RCI 4-8: *'Exceptional Health Circumstances'* of the Cork County Development Plan, 2014 acknowledges the need to facilitate the housing requirements of persons who are considered to have exceptional health circumstances that require them to live in a particular environment or close to family support in the rural area and that this provision applies to all rural housing policy area types in the county. Similarly, Section 4.3 of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* states the following:

'In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning authority should consider granting permission, subject (where appropriate) to conditions regarding occupancy'.

9.1.8 On balance, whilst I would accept that the subject site is located within the Metropolitan Cork Greenbelt, which is considered to be under the strongest urban pressure for rural housing, in my opinion, the applicant satisfies the wider eligibility requirements of Objective RCI 4-1 of the Development Plan and has adequately demonstrated an 'exceptional' need to reside at the subject location for the purposes of family care and support in light of his continuing and future health circumstances.

9.1.9 In relation to the concerns raised in the grounds of appeal that the proposed development, when taken in conjunction with other existing, permitted and proposed developments in the area, will give rise to an excessive density of development within an identified greenbelt in a rural area lacking certain public services and community facilities and is thus contrary to the settlement strategy set out in the Development Plan which seeks to locate new housing within existing settlements where public services and community facilities are available, whilst I would acknowledge the merits of these objections, it must be noted that the applicant satisfies the relevant eligibility requirements to reside at this location and that a significant proportion of the one-off residential development within the immediate site surrounds is actually located within the identified settlement boundary of the village of Caherlag.

9.2 Overall Design and Layout / Visual Impact:

9.2.1 In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the wider landscape type within which the subject site is located has been classified as '*City Harbour and Estuary*' as per the landscape character mapping set out in the County Development Plan, 2014. The proposed development site is also situated within the '*Prominent and Strategic Metropolitan Cork Greenbelt Area*' identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and

those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. Furthermore, it should be noted that the site is located within a *'High Value'* landscape as identified in the County Development Plan and that it will be accessed from Scenic Route No. S42: *'Local road at Forest-town, NW to Carrigtwohill and Westwards to Caherlag: Views of the Harbour, open countryside and tree-lined hillsides'* with the views available from same having been listed for protection in the Development Plan pursuant to Objective No. GI 7-2 whilst Table 5.1: *'Scenic Routes – Views and Prospects & Scenic Route Profiles'* of Volume 2 of the Plan confirms that this route is in an area of *'Very High'* overall landscape value.

9.2.2 In a local context, the proposed development site is located in a rural area and occupies a backland location to the rear of existing roadside housing which in turn represents the gradual transition from the open countryside to the northeast through to the built-up area of the village of Caherlag to the south / southwest. It effectively forms an infill site situated between a recently constructed dormer-style dwelling house to the immediate northeast and the rear garden area of the substantial period property known as Prospect House to the southwest.

9.2.3 In relation to the specifics of the design and siting of the proposed development, it is my opinion that whilst the overall design of the submitted dwelling house is somewhat conventional, it has sought to evoke a more contemporary interpretation of the traditional vernacular through its use of features such as steeper roof pitches, vertically emphasised fenestration, roof verges, and integrated chimney breasts. With regard to the positioning of the proposed dwelling house to the rear of the adjacent property at 'Caherlag House', whilst I would concede that the subject proposal will continue a pattern of undesirable 'backland' development at this location, consideration should be given to the fact that it involves the development of an infill site which was created as a direct consequence of the approval of PA Ref. No. 069474 and that it will also utilise an existing access arrangement. Similarly, I am inclined to suggest that the single storey construction and orientation of the proposed dwelling would seem to have taken cognisance of the need to avoid direct overlooking of the rear of Caherlag House to the immediate south. Furthermore, the 'backland' siting of the proposed development in this instance serves to significantly reduce the overall visual impact of the proposal on the wider area given that it is effectively screened from public view by existing development. Most notably, the two-storey construction of both Prospect House and Caherlag House serves to provide a clear visual barrier between the proposed

development and those views of significance available from Scenic Route No. 42.

9.2.4 Therefore, on the basis of the foregoing, it is my opinion that the overall design and siting of the proposed development is acceptable and will not unduly detract from the visual amenity or rural character of the surrounding area.

9.3 Traffic Implications:

9.3.1 The proposed dwelling house will be accessed via an existing driveway / entrance arrangement onto the public road which was previously approved as part of the adjacent development permitted under PA Ref. No. 069474. In this respect I would advise the Board that the existing access arrangement opens onto a section of local roadway which is outside of the settlement boundary of the village of Caherlag and is subject to a speed limit of 80kph.

9.3.2 From a review of the plans and particulars which accompanied the initial planning application, with particular reference to Drg. No. 1007 Rev. 0 (*Site Entrance Plan at Public Road*), it would appear that the new design of the combined access point intended to serve both the proposed dwelling house and the existing residence permitted under PA Ref. No. 069474 included for the removal / lowering of the existing roadside boundary walls within the adjacent properties to the immediate east and west in order to provide for improved sightlines onto the public road. However, the owner of the neighbouring property at Caherlag House to the east of the site entrance objected to any proposal to remove his roadside boundary wall or the shared party wall. Accordingly, in response to a request for further information, the applicant submitted revised proposals as detailed on Drg. No. 1004 Rev. A (*Site Entrance Plan*) received by the Planning Authority on 28th June, 2016 whereby the new entrance design would not interfere with the party wall shared with Caherlag House, although certain works, including the lowering of the front boundary wall, would be carried out along the roadside boundary of Prospect House to the west of the site entrance in accordance with the accompanying written consent provided by the relevant property owner (i.e. the applicant's mother). Notably, both the Engineering and Planning Departments of the Local Authority would appear to be satisfied that the improved site access arrangements will provide for 70m sightlines in both directions onto the public road.

9.3.3 On balance, the proposal to utilise a shared entrance arrangement to serve both the proposed dwelling house and the neighbouring residence is acceptable in principle in that it involves the use / upgrading of an existing / established

access point onto the public road thereby avoiding the creation of a new separate entrance arrangement which would otherwise contribute to an undesirable multiplicity of individual access points along this section of roadway.

9.3.4 With regard to the adequacy of the sightlines available from the 'new' entrance arrangement, it should be noted that the Planning Authority has previously approved a residential entrance at this location pursuant to PA Ref. No. 069474 and thus was presumably satisfied with the sightlines available from same onto the public road. In any event, the works proposed to the adjacent roadside boundary at Prospect House will serve to improve the available sight distance. Furthermore, I am inclined to suggest that the limited increase in traffic movements at the existing site entrance consequent on the proposed development will not be of such significance as to give rise to a traffic hazard.

9.4 Wastewater Treatment and Disposal:

9.4.1 It is proposed to install a conventional septic tank system on site and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the proposed disposal of treated effluent to ground. In this respect I would refer the Board in the first instance to the submitted Site Characterisation Form which states that the trial hole encountered approximately 300mm of sand / silt topsoil followed by 600mm of silt which in turn overlay 700mm of gravels with cobbles to the depth of the excavation at 1.6m below ground level whereupon rock was encountered. No water ingress was recorded nor was the water table reached. With regard to the percolation characteristics of the soil a 'T'-value of 14.50 minutes / 25mm was recorded which would constitute a pass in accordance with EPA guidance.

9.4.2 Having reviewed the available information, in my opinion, the proposed development site is not suitable for the installation of a conventional septic tank system with the direct discharge of treated effluent to ground by way of a percolation area on the basis that it is not possible to provide for the required minimum depth of 1.2m of undisturbed subsoil below the base of the percolation trench and the level of the rock encountered in the trial hole as per the requirements of the EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses*'. Accordingly, in light of the foregoing, and having regard to the increasing proliferation of individual wastewater treatment systems in the immediate area, I would recommend that a condition be attached to any grant of permission requiring the installation of a suitably designed proprietary wastewater treatment system. In this regard I would further advise the Board that the differing locations of the proposed garage as detailed in

both the initial planning application documentation and in the revised site plan submitted in response to the request for further information could each potentially impact on the siting of the new wastewater treatment system and thus I would recommend the omission of that structure at this stage (*N.B.* It would also appear that the location of the proposed garage structure as detailed in the submitted site plans has not taken cognisance of the intended location of the percolation area serving the proposed septic tank system as shown on the layout plan appended to the Site Characterisation Form).

9.5 Appropriate Assessment:

9.5.1 From a review of the available mapping, and the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest examples of any such designation being the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058) approximately 1.5km to the southeast. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

9.5.2 Having reviewed the available information, including the screening exercise undertaken by the Planning Authority as appended to the initial Planner's Report prepared in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the absence of any direct discharge to a watercourse, and the separation distances involved between the site and the Cork Harbour Special Protection Area & the Great Island Channel Special Area of Conservation, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats

or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

9.5.3 Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Codes: 004030 & 001058, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

9.6 Other Issues:

9.6.1 Impact on the Residential Amenity of Neighbouring Properties:

9.6.1.1 Concerns have been raised in the grounds of appeal that the proposed dwelling house will have a detrimental impact on the residential amenity of the appellant's property by reason of overlooking with a consequential loss of privacy and that it will also infringe on those views available from the rear of the appellant's dwelling house over the surrounding open countryside.

9.6.1.2 From a review of the available information, in my opinion, it is clear that the overall design and construction of the proposed dwelling house has taken adequate cognisance of the need to preserve the amenities of adjacent property. In this regard it should be noted that the proposed dwelling house is of a single storey construction and that its positioning on site is such that its principle elevation is orientated away from the appellant's property. In addition, I would also suggest that consideration should be given to the presence of the existing access driveway which separates the proposed dwelling house from the appellant's residence and the separation distance between the respective properties. Further mitigation to preserve the privacy of both the subject site and the appellant's dwelling house may be achieved through the implementation of an appropriate programme of landscaping.

9.6.1.3 In relation to the impact of the proposed development on those views available from the rear of the appellant's property, it is of the utmost relevance to note that the said views over the subject site and surrounding lands are not of public interest in that they are essentially views enjoyed by private individuals from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable it is not definitive nor is it a

legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of the appellant's property (or that of any other properties in the vicinity) simply by interfering with their views of the surrounding area.

9.6.2 Previous Instances of Non-Compliance / Unauthorised Development:

9.6.2.1 In relation to the appellants' concerns as regards alleged non-compliance with certain conditions attached to the grant of permission issued in respect of PA Ref. No. 069474 (with specific reference to the existing entrance construction / arrangement), it should be noted that the Board has no function in respect of issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority.

10.0 RECOMMENDATION

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations set out below:

Reasons and Considerations:

Having regard to the "Sustainable Rural Housing, Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005, and to the location of the site in the 'Metropolitan Cork Greenbelt' as defined in the current development plan for the area, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The proposed development would, therefore, 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 28th day of June, 2016, 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.

- a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed garage structure shall be omitted.

Reason: In the interest of orderly development.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- 5.
- a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
 - c) 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 raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. Prior to commencement of development, details of the proposed site entrance construction and the roadside boundary, shall be submitted to and agreed in writing with the planning authority.

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

7. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. 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.

9. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Signed: _____

Robert Speer
Inspectorate

Date: _____