



An
Bord
Pleanála

Inspector's Report PL88.247317.

Development	Construction of a house, detached garage, waste water treatment system and ancillary works.
Location	Derrymihan, Castletownbere, Co. Cork.
Planning Authority	Cork County Council, West Cork Section.
Planning Authority Reg. Ref.	16/300.
Applicant(s)	Andrew O'Sullivan & Caoimhe Healy.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Oliver & Norma Harrington.
Observer(s)	None.
Date of Site Inspection	07/12/2016.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located approximately 3km to the east of Castletownbere, Co. Cork, in the townland of Derrymihin East. Access to the site is via the regional road, R572, which runs between Castletownbere and Glengarrif over the local road network to the north of the regional road. The site covers a stated area of 0.39ha and is taken from a family landholding of 98ha which includes commonage.
- 1.2. The site is currently used for agricultural purposes and rises from south to north. There are a small number of existing houses in the vicinity of the site, most of which are single storey. It is evident that the site offers views over Mill Cove and the area is noted for its beautiful landscape and high number of visitors each year¹.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a house, detached garage, waste water treatment system and ancillary works all at Derrymihan, Castletownbere, Co. Cork.
- 2.2. The proposed house will comprise a two storey structure with a stated floor area of 268m² (2883.68ft²). Accommodation will be provided over the two floors with a guest bedroom, ensuite, sitting room, WC, lounge, kitchen / diner, utility and playroom provided at ground floor level, with a cloakroom off the lobby, and two further double bedrooms, bathroom, study/office and master suite at first floor level. The building, as originally proposed, rises to approximately 8m in height. A separate garage building is also proposed with a stated floor area of 35m² and a ridge height of approximately 5.5m. The finished floor level proposed for the house is indicated at +13.35m.
- 2.3. Following a request for further information, some amendments were made to the house including the omission of the proposed playroom, reducing the overall floor area of the house to 242.84m² (2614ft²) and a reduction in the overall height of the house from 8m to 7.75m. In addition, the finished floor level of the house is proposed to be reduced to +12.7m.

¹ Due to fog and poor visibility on the date of my site inspection, the views were not obvious.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council decided to grant planning permission for the proposed development, subject to 29 conditions. Conditions include an occupancy condition and conditions relating to landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report considered the proposed development in terms of the planning context of the subject site, the details of the proposed development, siting and design, engineering issues, internal reports and third party objections. The report concluded that FI was required with regard to the proposed dwelling which is considered to be completely unacceptable. A revised design with a reduced floor area and reduced scale and mass only will be acceptable.

The applicant responded to the FI request providing details of the amendments to the overall design of the house as well as the reduction in the floor area. In addition, the response details the proposed reductions in the floor levels. In addition, the response seeks to demonstrate how the proposed design will sit unobtrusively on the proposed site. In addition, the applicant advises that there is an existing two storey dwelling on a more elevated site.

The second and final planning report acknowledges the response to the FI and concludes that the details submitted and concludes that it is considered that the most effective reduction in visual impact was in its relocation on the site and a reduction in the ridge level. The proposal is considered acceptable. The report concludes recommending that permission be granted for the proposed development.

3.2.2. Other Technical Reports

The Area Engineer submitted a report in relation to the proposed development noting the intention to set back the existing roadside boundary by 1.5m. The report advises no objection to the granting the development subject to conditions.

Irish Water advised no objection to the proposed development.

3.3. Prescribed Bodies

None.

3.4. Other Reports

The Board will note that a pre-planning meeting was held with regard to the proposed development. The Planning Officers report notes that it was advised that compliance with GB policies would have to be addressed. It was also noted that no drawings were submitted by the applicant as part of the pre-planning discussions, either before or after the meeting was held.

3.5. Third Party Observations

There are two third party observations noted as follows:

Oliver & Norma Harrington:

- Proposed height will lead to loss of privacy, will have an overbearing and intrusive element
- Design, landscaping and levels will infringe on the wellbeing and privacy of neighbouring property.
- Development will be out of character with neighbouring properties.
- Access road is small and has a high volume of traffic on a daily basis. Entrance is too narrow to accommodate construction traffic and vehicles without compromising safety of existing traffic or pedestrians.
- Location of entrance is awkward and will affect safety and amenity of the area.

Mr. Michael Harrington:

- House is out of character to other houses in the area and is too high.
- Issues raised regarding entrance
- Road comprises part of the Beara Way and many walkers use it.
- More appropriate sites available on the landholding.

4.0 Planning History

There is no relevant planning history associated with this site.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines:

The National Spatial Strategy identified categories of rural area types requiring differing settlement policies for rural housing. The Sustainable Rural Housing guidelines issued by the Department of the Environment Heritage and Local Government, April 2005 are based on the presumption that people who are part of the rural community should be facilitated by the planning system in all rural areas. All new house in rural areas should be sited and integrated well with their physical surroundings and should be generally compatible with inter alia, the protection of water quality in the arrangements made for on-site wastewater disposal facilities. In rural areas under strong urban influences, the NSS stresses that development driven by cities and larger towns should generally take place within their built up areas or in areas identified for new development through the planning process.

5.2. County Development Plan, 2014:

5.2.1. The subject site is located within the West Cork Strategic Planning Area, in an area of Co. Cork which has been identified as having a High Value Landscape, in the greenbelt around the town of Castletownbere. The regional Road to the south of the site is also identified as a Scenic Route, reference S113, road between Glengarriff, Trafresk, Ardrigole and Castletownbere. In terms of the designations afforded to the subject site, the following policy objectives are considered relevant:

5.2.2. RCI 4-2: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1):

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine 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:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

5.2.3. Section 4.5 of the Plan deals with Greenbelts and the following policies are considered relevant:

- RCI 5-2: Purpose of Greenbelt
- RCI 5-4: Sustainability of Exceptions to Greenbelt Policies, which states as follows:

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.

5.2.4. Section 4.6 of the Plan deals with General Planning Considerations, where the following policy objectives are considered relevant:

- RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas
- RCI 6-4: Occupancy Conditions

5.2.5. Chapter 12 of the Plan deals with Heritage and the following policy objective is considered relevant in that it deals with design and landscaping of new buildings:

- HE 4-6: Design and Landscaping of New Buildings
 - a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
 - d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.

5.2.6. The Plan, in Chapter 13, Green Infrastructure & Environment, identifies the area as a High Value Landscape 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.

5.2.7. In terms of the Landscape Character type, the area is identified as Rugged Ridge Peninsulas, Type 4 Landscape, to which the Landscape Character Assessment for Cork, 2007, affords a very high sensitivity and value to the landscape, which is of national importance.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal from Oliver & Norma Harrington, against the decision of Cork County Council to grant planning permission for the development as described. The grounds of appeal reflect those concerns and issues raised during the Planning Authority's assessment of the development and are summarised as follows:

- Proposed height will lead to loss of privacy, will have an overbearing and intrusive element. The amended permitted proposal would not be substantial enough to minimise impacts.

- The mass, bulk and proximity of the rear extension have not been adequately addressed. The amendments to the height and the relocation of the building 'will have little impact on the overall site lines from the rear of the property'.
- Access road issues remain.
- The site is located in a designated landscape and the proposed design would not respect the character, pattern and tradition of the existing surrounding properties.

There are a number of enclosures with this appeal.

6.2. **Applicant Response**

The applicant has not responded to this third party appeal.

6.3. **Planning Authority Response**

The PA has not responded to this appeal.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. 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
2. Visual & Residential Amenity Issues
3. Site suitability
4. Appropriate Assessment

7.2. **Principle of development**

- 7.2.1 The subject site is located within the townland of Derrymihin East, Castletownbere, Co. Cork and in an area identified as a rural area under strong urban influence, and within the town greenbelt, for housing in the County Development Plan, 2014. The Plan, together with the Sustainable Rural Housing Guidelines, provide clear guidance that there is a presumption against the development of one off houses except where the proposal constitutes a genuine rural generated housing need based on social and / or economic links to the particular rural area. The applicant is required to accord with one of five categories of rural housing need in accordance with Policy Objective RCI 4-2.
- 7.2.2 The applicants have advised that they have lived in the area for more than the requisite seven years and are therefore can be considered as local rural persons. The applicants have advised that they both currently reside in their respective parents' family homes and that the proposed dwelling will be their family home as they are engaged to be married. The site is being gifted to the applicants from Mr. O'Sullivan's father and comprises a site from the 98ha family landholding in the area. Mr. O'Sullivan has advised that he is a carpenter by trade, working in the local area and is also a firefighter with the Castletownbere Fire Brigade Service since July 2014. It is a requirement of his contract of employment with Cork County Council that he lives within 2 miles of the fire station. The subject site is located 1.9 miles from the fire station. It is further submitted that as the only son, he will inherit the family farm, where he works part-time, in years to come. The second applicant is a primary school teacher in Castletownbere.
- 7.2.1. In terms of compliance with Cork County Councils settlement location policy in principle, having regard to the information presented as part of the planning application, and given that it would appear that neither applicant have owned their own home in the rural area, it might reasonably be considered that their housing need has not been met and that they would comply with the requirements of the relevant policy.
- 7.2.2. Notwithstanding the above, the Board will note the location of the subject site within an area designated as being under strong urban influence and town Greenbelt, and that the receiving landscape has been afforded a very high landscape value and sensitivity with a national level importance. In addition, the CDP provides clear guidance in terms of the provision of new developments in terms of design and

landscaping in order to protect the landscape. The Board will also note the extensive family landholding and the indication that an alternative site was discussed as part of the pre planning consultation. The alternative site is located immediately to the east of the subject site, likely using a similar access, and in this regard, I would wonder if adequate consideration has been afforded to the potential for an alternative site on the overall landholding, which would be less visually prominent and which might reasonably accommodate the design of the house as proposed. Ownership of a site should not be considered an appropriate reason to consider compliance with rural housing policies and facilitating a house design which cannot be accommodated in the landscape, particularly given the location of the site within such a high value landscape of national importance.

7.2.5 In particular, and having regard to the location of the site together with the development plan and Rural Housing Guideline requirements, there is an onus to have regard to the protection of the existing landscape and rural amenities of the area. Issues relating to compliance with landscape protection policies will be discussed further below.

7.3. Visual & Residential Amenity Issues

7.3.1 In terms of the proposed design of the house, I have no real objection in principle. The Board will note that on the date of my inspection, the fog was quite thick which restricted a true visual assessment. However, given the very high value landscape in which the site lies, together with the elevation of the site and its proximity to the existing houses, I am concerned that the proposed design does not reflect the environment into which it is proposed to sit. I acknowledge that efforts have been made to design the house to sit into the contours of the landscape but I do not consider that the proposal is appropriate having regard to its relationship to the existing development, or how if permitted, it would affect the rural character of the area. I do acknowledge the level differences identified on the site layout plan, as well as the amendments made to the overall design, but I am concerned that the general amenities of this rural landscape would be significantly impacted upon if permitted as proposed and the house, would represent a significant visual intrusion in the landscape, when viewed from the wider area.

7.3.2 The subject site is located in a landscape which overlooks the Mill Cove and which has been defined as being of national importance and in this regard, consideration as to the potential visual impact of the development must be considered. The size and scale of the proposed house does not reflect any real traditional features and would, if permitted, represent a significant visual feature in this sensitive landscape. While I accept that the design would facilitate spectacular views over Mill Cover to the south of the designated scenic route, I consider that the visual impact in the wider landscape would be inappropriate and contrary to the County Development Plan policies which seek to protect this asset. I note the submission of the first party with regard to the proposed two storey house design and the presence of an existing two storey house in the vicinity during the PAs assessment of the proposed development, but would suggest that the two are not comparable. The existing two storey house in this area comprises a very traditional three bay two storey farm house which is set into the landscape and appears to be of a scale significantly smaller than the two storey house proposed. A second house, which is a storey and a half house, is located to the north of the site but this too, is not of the scale currently proposed. It also has a thatched roof, so is not comparable., in my opinion.

7.3.1. In terms of the third party appeal and the concerns raised in relation to the impact on privacy, I would consider that the proposed development site is at an adequate remove to have any significant impacts on privacy.

7.4. **Site Suitability**

Water Services:

7.4.1. In terms of site suitability, the Board will note that it is intended to install a septic tank waste water treatment system to service the house. It is also noted that the house is to be serviced by a private well for its water supply. Having considered the information provided on the planning authority file with regard to the proposed development, it is clear that consideration of the sites suitability with regard to the treatment and disposal of waste water has been considered. In this regard, the applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site.

- 7.4.2. The site characterisation assessment, submitted as part of the planning application, notes that no bedrock was identified in the trial pit, which was dug to 2.2m bgl. The assessment identifies that the site is located in an area where there is a Groundwater Protection Scheme and categorises the site as being a locally important aquifer (LI) with extreme vulnerability. A Groundwater Protection Repe of R2¹ is indicated. The soil type is described as 'AminDW-Acid Brown Earths/Brown Podzolics' and the bedrock type is 'Up. Devonian – Lr Carb Old Red Sandstone, sandstone, conglomerate & mudstone'. *T tests were not carried out on the site, and the report notes that only P tests were carried out as the percolation area is to be risen and stepped to cater for sloping site. *P tests were carried out at the site at a level of 0.4m bgl, yielded a value of 30.28. The report concludes recommending a septic tank and percolation area with a capacity of 3.20m³ and a percolation area comprising of 8 trenches of 18m in length. The system will discharge to groundwater with no hydraulic loading rate advised.
- 7.4.3. Overall, and while I acknowledge the submission on file with regard to the treatment and disposal of waste water arising from the site, the Board will note that the report advises that the *P tests were carried out at a level 400mm below ground level, which the attached photographs advise the depth was 600mm bgl. While I consider this a minor issue given the apparent percolating ability of the soils, it seems unfortunate that the error occurred. However, I am satisfied that overall, if permitted, the development is acceptable in terms of site suitability for the treatment and disposal of waste water arising from the development.

Roads & Access:

- 7.4.4. Access to the proposed development site is over public roads. The road network is narrow but adequate to accommodate the proposed development and I am satisfied that a grant of permission in this instance, would not result in a traffic hazard. The Board will note the requirements of the Area Engineer with regard to the achievement of sight distances at the entrance to the site. While I consider that the development, if permitted would be acceptable in terms of roads and traffic, any potential requirement for the removing of roadside boundaries to achieve sight distances would contribute to the visual impacts associated with the proposed development in this sensitive landscape.

7.5. **Appropriate Assessment:**

The subject site is located at a distance of 3km from the nearest European site, being the Beara Peninsula SPA, Site Code 004155, located to the north west of the subject site. Pulleen Harbour Bog NHA, Site Code 002416 is located approximately 8km to the south west of the site while Hungry Hill Bog NHA, Site Code 001059, is located approximately 5km to the east of the site. The subject development site itself can be considered a greenfield site within a rural area. Having considered the nature of the proposed development, together with the separation distance to the nearest Natura 2000 site and given the scale of the proposed development, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 **Recommendation**

8.1. I recommend that planning permission should be refused for the proposed development, for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

1. The site of the proposed development is located within 'A Rural Area under Strong Urban Influence and Town Greenbelt' as set out in the current Development Plan for the area, and within a very high value landscape with very high sensitivity of national importance, where emphasis is placed on the protection of such landscapes and the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Cork Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the open, elevated and prominent positioning of the proposed development, together with its overall design, bulk and scale, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the

area, would fail to be adequately absorbed and integrated into the high value landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity, and within this nationally important very high value landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

12th December, 2016