



An  
Bord  
Pleanála

## Inspector's Report PL04.248697

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<b>Development</b>	Construction of dwelling with garage, new entrance, wastewater treatment plant and associated site works
<b>Location</b>	Shanagarry South, Midleton, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/7168
<b>Applicant(s)</b>	Celine and Michael Walsh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary and Jeremy Martin
<b>Observer(s)</b>	n/a
<b>Date of Site Inspection</b>	28 <sup>th</sup> August & 25 <sup>th</sup> September 2017
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.234 sqm is located circa 500m east of the village of Shanagarry directly adjacent to the R632 that links the villages of Shanagarry and Garryvoe. The site is within the development boundary of Shanagarry village and forms part of a larger agricultural field that was previously the subject of an unsuccessful application for a housing scheme (serviced sites). There are several mature trees on the site which applicant is seeking to retain. Glebe House, a protected structure is located circa 60m to the west with an existing pottery factory, and its associated showroom/office further west. The area is characterised by predominantly one off dwellings of mixed design and agricultural lands.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspections is attached. I would also refer the Board to the photos available to view throughout the appeal file.

## 2.0 Proposed Development

- 2.1. The application submitted to Cork County Council on 16<sup>th</sup> December 2016 was for the construction of a storey and half dwelling house (300sqm), detached domestic garage (32sqm), new entrance, wastewater treatment plant and associated site works. It is proposed to connect to the public water mains.
- 2.2. The application was accompanied by the following:
  - a) Cover letter setting out the design proposal, planning history, visual and residential amenity and services.
  - b) "Euros Bio Treatment System" site specific report
  - c) Letter from applicants stating that they are retiring from operating the Willoughby House B&B, Shanagarry, where they lived since 1980. It is stated that the business is now being sold. It is also stated that the applicants are from the area (across the road from the site and Ballycotton).
- 2.3. On the 24<sup>th</sup> April 2017, in response to a request for further information the applicant submitted a revised design and alternative finished together with a Tree Survey, landscape boundary treatment and details of proposed entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Cork County Council issued notification of decision to grant permission subject to 14 generally standard conditions. It is noted that Condition No 3 and 4 required the following alterations in the interest of visual amenity. These condition were specifically requested by the Conservation Officer (see summary of report below).

**No 3** Prior to commencement of development, revised drawing showing the following alterations shall be submitted to the planning authority for agreement in writing-

- 1) The proposed door shall be located centrally on the front elevation.
- 2) A symmetrical and proportionate fenestration pattern shall be applied. A even number of windows shall be located at either side of the front door. Windows shall all be of the same size and shall be evenly located within the front elevation.
- 3) Roof lights to the front elevation shall mimic the symmetry requested

**No 4** The projecting single storey element to the west elevation shall be omitted (plant room area). Prior to commencement of development, a revised drawing indicating same shall be submitted to the planning authority for agreement in writing

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their first report was satisfied with the principle of the development within the designated settlement of Shanagarry – Garryvoe. With regard to the historic curtilage of Glebe House the Case Planner agrees with the report of the previous planning inspector on the adjoining site (Reg Ref 08/8510 refers) in that provided that development in “open fields” to the east of Glebe House is *adequately landscaped and of appropriate scale, it should be capable of being accommodated without undue derogation of Glebe House and its curtilage.* However, while there would appear to be adequate separation distance to the

boundary with Kilmahon House to accommodate the development in principle, the case planner noted that there are *visual impacts associated with the development*. In line with the report and recommendation of the Conservation Officer it was recommended that the following information be sought:

1) *It is considered that the design of the proposed building could be amended and improved to reduce any potential visual impact on the adjoining Kilmahon House. You are therefore advised to revise the proposed taking into consideration the proposed design;*

- *Omit the vertical rear returns and consider a more horizontal orientation/footprint to the existing building.*
- *A simple contemporary design approach to the rear of the building in particular should be adopted.*
- *Large wide gables should be avoided - alternative design approaches and finishes should be considered.*

*You are advised to consult with the Architectural Conservation Officer, Mona Hallinan, in relation to the above.*

2) *Please submit a tree survey of the existing trees on site identifying those which are to be retained and those which shall be removed.*

3) *Please submit details of proposed landscaping to the boundaries.*

4) *Please submit details of the proposed entrance. It is preferable that any proposed new entrance will employ soft landscaping as opposed to erecting rendered walls.*

3.2.3. The **Case Planner** in their second report set out the following and having considered the further information submitted recommended that permission be granted subject to conditions including those recommended by the Conservation Officer (see report summary below). The notification of decision to grant permission issued by Cork County Council reflects this recommendation

3.2.4. Other Technical Reports

3.2.5. The **Area Engineer** has no stated objections subject to conditions relating to the proposed entrance, surface water, road drainage, septic tank and water supply. The

Area Engineer in their second report and having considered the further information had no stated objection to the scheme.

3.2.6. The **Conservation Officer** in their first report recommended that the following further information be sought:

- Amended and improved design to reduce any potential visual impact on adjoining Kilmahon House (RPS 01478)
- Tree survey of the existing trees on site identifying those to be retained/removed
- Proposed boundary landscaping
- Entrance details

3.2.7. The **Conservation Officer** in their second report and having considered the further information response expressed concern that some basic features had been missed such as windows not centrally located, front door was off centre and over-designed and that the plant room should have been incorporated with the overall floor plan. The Conservation Officer recommended that permission be granted subject to conditions requiring some design revisions as set out.

3.2.8. The report of the **Heritage Officer** is incorporated into the Case Planners report. The Heritage Officer states that the proposed development will not have significant impacts on Ballycotton Bay Special Protection Area and that if planning permission is recommended conditions pertaining to construction activities, no major ground works to commence before 1<sup>st</sup> March and shall not continue beyond 31<sup>st</sup> October and no construction related waste shall be used to infill lands within Ballycotton Bay SPA to attached to any grant of permission.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water** has no stated objection the scheme.

### 3.4. **Third Party Observations**

3.4.1. There is one letter of observation recorded on the planning file from Cunnane Stratton Reynolds on behalf of the Mary & Jeremy Martin, Glebe House. The issues

raised are similar to those raised in the third party appeal and relate to impact on residential amenity, visual impact, impact on Glebe House, access and sightlines.

## 4.0 Planning History

4.1. **Cork County Council Ref. 08/8510 (ABP Ref. PL04.233002)** - The site has previously been subject to a refusal of permission for 21 no. serviced sites for detached dwellings with garages, new entrance, wastewater treatment plant and associated site works. Cork County Council permitted the development subject to 42 conditions, one of which required the removal of sites 1-3 north of Glebe House. An Bord Pleanála overturned the decision of the Council and refused permission for the following reason:

1) *The proposed development would be in close proximity to a historical building (Glebe House, listed as being of regional importance in the National Inventory of Architectural Heritage survey of County Cork) and would introduce development between this structure and the sensitive coastal area to the south and south-east of the house. It is considered that the proposed housing development, which would include houses backing onto Glebe House, an unimaginative suburban layout of plots, inadequate landscaping/boundary treatment, an inappropriate gated entrance and lacking in detail as regards the architectural style of future housing, would seriously injure the amenities of the area and of property in the vicinity and would represent an inappropriate form of development in this sensitive location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.*

4.2. **Cork County Council Ref. 14/4222 (ABP Ref. PL04.243315)** – Planning permission issued for construction of a dwelling house, new entrance, wastewater treatment plant and associated site works on the site immediately adjoining the appeal site to the west. Cork County Council issued notification of decision to grant permission subject to conditions. This decision was appealed to An Bord Pleanála by a third party (same appellant in this current appeal case). The Planning Inspector recommended that permission be refused for the following two reasons:

1. *The Middleton Electoral Area Local Area Plan (in relation to the village of Shanagarry/Garryvoe) includes strategic aims to protect the special environment and coastal setting of the village, and stresses the need to protect the natural heritage and amenities of the area. The said Local Area Plan has zoned a significant area of land for development, generally on the northern side of the regional route (R632). Notwithstanding the zoning afforded to the site, it is considered that given the location of the site within a designated scenic landscape, the proposed removal of the roadside boundary to facilitate the access to the site, would not accord, in particular, with the requirements of objectives ENV 2-6 and ENV 2-7 of the Cork County Development Plan 2009-2013 as it relates to visual and scenic amenity and to scenic landscapes, which seek to protect the visual and scenic amenities of County Cork and in particular, to preserve the visual and scenic amenities of identified scenic landscapes. In this regard, it is considered that the development, if permitted would negatively impact upon the existing visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.*
  2. *Notwithstanding the scale of the development proposed, given the sensitive location of the site (adjacent to coastal environment designated as both a Special Protection Area and a proposed Natural Heritage Area and overlying a regionally important aquifer), it is considered that the proposed development, which would include a private wastewater treatment system discharging to ground in an area with an established high water table, would be premature pending the provision of public wastewater collection and treatment facilities for the area.*
- 4.3. In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the limited intervention required to the front or northern boundary of the site and the planned retention of existing mature trees in this area would serve to mitigate the visual impact of the proposed development. Accordingly, the Board granted permission subject to 6 no conditions. It was noted on day of site inspection that this dwelling has now been built; site photos refer.



## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2014**. County Development Plan **Objective HE 4-1: Record of Protected Structures** states that it is an objective to *inter alia protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures*. **Chapter 10: Transport and Mobility** of the Development Plan states that *to encourage more sustainable travel patterns and safer streets, designers must place pedestrians, and cyclists, as the most efficient form of movement, at the top of the user hierarchy*. Specifically, **Objective TM 2-1(c): Walking** seeks to ensure that *all development should be accessible and permeable on foot and that the walking experience should be as safe and pleasant as possible and set within an overall coherent network*. The *Design Manual for Urban Roads & Streets (DMURS)* is a useful guidance tool. In terms of **Traffic/Mobility Management and Road Safety** Section 10.3.11 states that *it is of critical importance to road safety that any new vehicular access is designed with adequate provision for visibility, so that drivers emerging from the access will have adequate visibility of oncoming vehicles, cyclists and pedestrians*. **Objective TM 3-3(d): Road Safety and Traffic Management** seeks to ensure that *all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users*. In addition, **Objective TM 3-3(g): Road Safety and Traffic Management** seeks to *coordinate proposed zoning designations and/or access strategies in settlement plans with speed limits on national roads*.
- 5.1.2. The site is within the defined Village Settlement of Shanagarry/Garryvoe as identified in the **East Cork Municipal District Local Area Plan 2017**. The site is zoned *Existing Built Up Area*. Local Area Plan Objective GO---01 General Objectives for Villages sets out *inter alia* the following:
- a) *Within the development boundary of the villages it is an objective to encourage housing development on the scale set out in Table 5.1.*
  - c) *Notwithstanding the scale of growth outlined in Table 5.1, in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered,*

*subject to normal proper planning and sustainable development considerations. Any new dwellings with individual wastewater treatment must make provision for connection to the public system in the future and have a sustainable properly maintained private water system, unless a public supply is available. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality.*

- d) Where possible, all development should be connected to the public water supply, the public waste water treatment system and make adequate provisions for storm water storage and disposal.*
- f) Residential development in other areas (outside the core) shall provide for small groups of houses, detached housing, serviced sites and or self-build options*
- i) The development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme.*
- j) Extend footpaths and public lighting to serve the whole of the village and where practicable, to provide for the under-grounding of utilities.*
- n) Encourage new development to be designed to ensure that water resources and the natural environment are protected. Protection and enhancement of biodiversity resources within the receiving environment of the villages is also encouraged. Development will only be permitted where it is shown that it is compatible with the protection of sites designated or proposed to be designated for the protection of natural heritage.*

5.1.3. **Section 5.2.39** states that *the vision for Shanagarry/Garryvoe is to promote the tourist potential of the area in tandem with a balanced provision of services and permanent residential development, and to protect the special environmental and coastal setting of the area.* Development Boundary **Objectives DB-01** states that *within the development boundary of Shanagarry/Garryvoe it is an objective to encourage the development of up to 70 houses during the plan period.*

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. However, the site is located c. 80m north of the Ballycotton Bay Special Protection Area (Site code 004022).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by Cunnane Stratton Reynolds on behalf of Mary & Jeremy Martin, Glebe House, Kilmahon, Shanagarry. The issues raised may be summarised as follows:
- 6.1.2. **Impact of the Proposed Development on a Protected Structure** - Submitted that the proposed development will have an adverse impact on the setting of Glebe House, a protected structure. The land on which the house is proposed is associated with Glebe House and is clearly shown in the B&W versions of the First Edition Ordnance Survey Map 1840-42 which marks out the extent of the Glebe area. Submitted that the proposal therefore impacts on a historic landscape and a historic property. Submitted that under Cork County Council Ref. 14/4222 (ABP Ref. 243315), the applicant was required by condition to provide a hedgerow along the side, rear and front boundaries of the site in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity. Stated that it is evident (photos provided) that this condition has done little to reduce the visual impact of the dwelling on Glebe House. It is considered that a landscaping solution is not sufficient. While a landscaping solution may provide screening to the new builds during the summer months, they are completely visible for 8 months of the year when the trees are not in leaf.
- 6.1.3. **Ballycotton Bay** - Prior to the development of the existing house, views to the east of the site were open field with the bay also visible from the upper levels. Ballycotton Bay is visible in views from the upper level windows of Glebe House looking eastwards. The development of another house in this view will further deteriorate the visual relationship between Glebe House and the Bay.

- 6.1.4. **Piecemeal Development** - Further the proposed dwelling will contribute to piecemeal development in this area. Submitted that previously, under Cork County Council Reg Ref 08/8510, 21 no. serviced sites were refused at this location and that now planning permission is being sought for individual houses on parts of this same site.
- 6.1.5. **Loss of Residential Amenity** – The appellant has concerns regarding the impact that the proposed development will have on their residential amenity. The concerns mainly relate to loss of outlook and sense of encroachment as the proposed development would be located in close proximity to the boundary with their property. Submitted that the house which was permitted and developed under Ref. 14/4222 is already highly visible from within Glebe House and from the gardens. The dwelling proposed would be closer again to the boundary with Glebe House and would be visually obtrusive.
- 6.1.6. **Visual Impact** - The proposed development will result in a negative impact on the visual amenity of the area and will result in the removal of more hedgerow along a section of roadway which has already lost a significant amount of hedgerow due to development.
- 6.1.7. **Access and Sightlines** – This matter was not considered in the Planner’s Report. The applicant’s agent has shown sightlines but they are encroaching on the roadside boundary. The sightlines would be restricted by the mature roadside boundaries which are outside of the applicant’s control and would obscure views. An 80 metre sightline cannot be adequately achieved by reason of roadside trees. This is a busy road with considerable residential development whereby the creation of a new access in such close proximity to the entrance of the neighbouring property and opposite the entrance to an agricultural field could result in increased risk of traffic hazard at this location.
- 6.1.8. **Conclusion** - Development at this location has been piecemeal and the proposed development will further encroach on a Protected Structure of regional importance.

## 6.2. Applicant Response

- 6.2.1. The **First Party** response to the appeal has been prepared and submitted by JK Design & Architectural Services on behalf of the applicants Celine & Michael Walsh. The response may be summarised as follows:
- 6.2.2. **Impact on Glebe House** - The assertion that the proposed development will have an adverse impact on the setting of Glebe House considered to be patently incorrect as a simple perusal of the Site Location Maps and the Site Layout Map submitted with the planning application show that the lands do not retain the original field boundary pattern as evidenced by the location of the pottery building and a private dwelling constructed in the south-west section of the then original curtilage of Glebe House.
- 6.2.3. **ABP PL04.233002 (Reg Ref 08/8510)** – The inspector’s report associated with this planning application relating to the curtilage of *Glebe House* suggested that the eastern boundary of the yard and garden is the current limit of the curtilage and with regard to development adjacent to the eastern boundary the primary concern was a layout that facilitated parallel planting to reinforce what was described as the tree screen on the eastern boundary that is old and weak. The inspector went on to state, *“To the east are open fields rather than gardens or other dependencies. Any development there will have some effect on Glebe House, but subject to appropriate reinforcement of the tree screen and an appropriate layout and design I consider the eastern boundary of the garden and yard could provide a reasonable definition of the eastern boundary”*. Accordingly, the area planner formed the view that provided development in the open fields to the east is adequately landscaped and of appropriate scale, it should be capable of being accommodated without undue derogation of Glebe House and its curtilage.
- 6.2.4. **ABP PL04.243315 (Reg Ref 14/4222)** – Permission for a dwelling, new entrance, wastewater treatment plant and associated site works located to the east of the subject site, was granted with conditions by the Board on considering an appeal by the same appellants. In deciding not to accept the inspector’s recommendation to refuse permission, the Board considered that the limited intervention required to the front or northern boundary of the site and the planned retention of existing mature

trees in this area would serve to mitigate the visual impact of the proposed development.

- 6.2.5. **Current Application** - The current application is for a modest family home for a local family with ties to the immediate area going back over 200 years. The revised layout and orientation of the proposed dwelling will substantially reduce any visual impact on Glebe House. The proposed development is not therefore contrary to Policy HE4-1 Record of Protected Structures of the Cork County Development Plan which seeks to protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- 6.2.6. **Residential Amenity** - The concerns expressed by the appellants regarding the perceived impact that the proposed development will have on their residential amenity is noted. However, the applicants consider these concerns as unfounded as the development will not encroach on the present views and prospects of Glebe House nor will the proposed development result in a negative impact on the visual amenity of the area. The proposed development will not result in the removal of any significant amount of hedgerow on the northern boundary of the site (road) and no existing mature trees will be removed to facilitate the creation of the proposed entrance as indicated in the tree survey, on the contrary the landscaping schedule and conditions contained in the decision to grant planning, will serve to enhance and reinforce where necessary both roadside and site boundaries.
- 6.2.7. **Access and Sight Lines** - The access and sightlines details and information demonstrating sufficient control over the landholding adjacent to the proposed entrance to the site has been accepted as satisfactory to the Planning Authority so as to provide a safe/exit on to the public road.
- 6.2.8. **Conclusion** - The proposed development will not have any adverse impact on the residential amenity of the appellants and their property. The Applicant contends that the grounds for appeal by the appellants are not valid and respectfully request that the Board rejects the appeal.

### 6.3. **Planning Authority Response**

- 6.3.1. There is no response recorded on the appeal file.

## 6.4. Observations

6.4.1. There are no observations recorded on the appeal file.

## 6.5. Further Responses

6.5.1. There are no further observations recorded on the appeal file.

## 7.0 Assessment

7.1. The application submitted to Cork County Council on 16th December 2016 was for the construction of a storey and half dwelling house (300sqm), detached domestic garage (32sqm), new entrance, wastewater treatment plant and associated site works. On the 24th April 2017, in response to a request for further information the applicant submitted a revised design and alternative finished together with a tree survey, landscape boundary treatment and details of proposed entrance. Accordingly, this assessment is based on the plans and particulars submitted to Cork County Council on 16<sup>th</sup> December 2016 as amended by further information on 24<sup>th</sup> April 2017.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspections of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Impact on Glebe House
- Visual Impact
- Traffic Safety
- Uncoordinated Development
- Waste Water Treatment
- Development Contribution
- Appropriate Assessment

### 7.3. Principle / Policy Considerations

- 7.3.1. The appeal site is within the defined Village Settlement boundary of Shanagarry/Garryvoe as identified in the East Cork Municipal District Local Area Plan 2017 (LAP) where the zoning for the entire area is “Existing Built Up Area”. The general objective for the village is to encourage housing development on the scale set out in Table 5.1 of the LAP. Development Boundary Objectives DB-01 states that within the development boundary of Shanagarry/Garryvoe it is an objective to encourage the development of up to 70 houses during the plan period. This is in line with Table 5.1.
- 7.3.2. However, I note that the Case Planners report states that the settlement has the objective to encourage the development of up to *15 dwelling units* over the lifetime of the plan and *that this figure has not yet been exceeded*. It is unclear where the figure of 15 dwelling units has been sourced in the Planners report. While there appears to be a discrepancy in the Case Planners report regarding the overall scale of development for the Village it remains that Table 5.1 of the East Cork Municipal District Local Area Plan 2017 identifies the development of up to 70 houses during the plan period.
- 7.3.3. Notwithstanding the foregoing discrepancy the Case Planner was satisfied that the significantly lower figure of 15 units had not been exceeded. Accordingly, I am satisfied that the proposed development of a single dwelling at this location is in compliance with the East Cork Municipal District Local Area Plan 2017 and that to permit same would not exceed the 70 house to be developed during the plan period.
- 7.3.4. Accordingly, I consider the principle of the proposed development to be acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### 7.4. Impact on Glebe House

- 7.4.1. Reference is made throughout the appeal file to the protected structure located to the south west of the appeal site (site photos refer). Various documenters refer to this structure as either Kilmahon House and Glebe House. It is my understanding that both names refer to the same building. The Cork County Development Plan Record of Protected Structures and the Cork County Conservation Officer refer to



the building as Kilmahon House. Whereas the National Inventory of Architectural Heritage (NIAH) refers to the building as Glebe House. In the interest of clarity I will refer to this protected structure as Glebe House throughout this assessment.

- 7.4.2. Objective HE 4-1: Record of Protected Structures of the Cork County Development Plan 2014 states that it is an objective to inter alia protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures. The NIAH describes Glebe House as a building of regional importance of architectural, social and technical interest. The house is a detached three-bay two-storey over half-basement former glebe house, built 1807, with gabled four-bay three-storey block and single-bay three-storey flat-roofed return to rear (north). There is a detached seven-bay two-storey outbuilding to north with pitched slate roof, red brick chimneystack, rubble stone walls, square-headed openings with timber fittings together with an arched carriage arches with stepped surrounds and red brick voussoirs and a detached single-bay single-storey outbuilding to site with pitched slate roof, rendered rubble stone walls and segmental-headed carriage arch.
- 7.4.3. The appellants are concerned that the proposed development will have an adverse impact on the setting of this protected structure and that a landscaping solution is not sufficient. It is submitted that while a landscaping solution may provide screening to the new build during the summer months, it will be completely visible for 8 months of the year when the trees are not in leaf. In addition, the appellant has concerns regarding the impact that the proposed development will have on their residential amenity at Glebe House. The concerns mainly relate to loss of outlook and sense of encroachment as the proposed development would be located in close proximity to the boundary with their property. Submitted that the house which was permitted and developed under Ref. 14/4222 is already highly visible from within Glebe House.
- 7.4.4. As set out by the Conservation Officer in their first report the particulars of this development are somewhat difficult. Firstly, is the proximity to Glebe House, secondly is the fact that the site while formally part of the larger curtilage to Glebe House the subject site and Glebe House are currently in separate ownership. I agree that the situation is further complicated by the fact that proposed developments are equally being carried out by independent parties, therefore the nature of development is incremental and harder to control and plan in a satisfactory manner with respect to potential impacts on Glebe House. However, as pointed out

by the Conservation Officer *there is approximately 66 -67 meters from Glebe House to the west boundary of the proposed development. In between this is an established mature boundary (albeit screening wise it is somewhat weak particularly at this time of year) associated with Glebe House. Further there is 23 meters between the established boundary and the west boundary of the proposed development site.*

7.4.5. As documented above there was a previous refusal for permission for 21 no. serviced sites for detached dwellings with garages, new entrance, wastewater treatment plant and associated site works on a larger site at this location. Cork County Council Ref. 08/8510 and ABP Ref. PL04.233002 refer. I would draw attention to the Inspectors report where it states that *the historic curtilage (of Glebe House) would have included lands on all sides of the present Glebe House ownership. The Inspector goes on to state the tree screen on the Eastern boundary is old and weak. To the east are open fields rather than gardens or other dependencies. Any development there will have some affect on Glebe House, but subject to appropriate reinforcement of the tree screen and an appropriate layout and design [it is considered] that the eastern boundary of the garden and yard could provide a reasonable definition of the eastern curtilage.* Together with my site inspection I agree with this assessment.

7.4.6. As pointed out by the Conservation Officer the recently constructed dwelling adjoining the appeal site to the east sets a precedent in terms of the building line and *ideally [they would] have preferred if both buildings were located closer to the road.* However, I am satisfied that the visual impact has been lessened in the amended design for this scheme through the eliminating the rear returns to the building. I further agree with the Conservation Officer that while sufficient distance lies between Kilmahon House and the proposed new development there will be a visual impact and the strengthening of vegetation will assist in softening the impact. Accordingly, it is recommended that should the Board be minded to grant permission that a condition be attached requiring the details of the western boundary to be agreed with the planning authority in consultation with the Conservation Officer.

## 7.5. Visual Impact

7.5.1. The proposed dwelling (as amended) is a 300sqm dormer style dwelling which has been set out on site along a similar building line and layout as that established by the

recently constructed dwelling to the east (ABP Ref. PL04.243315 refers). In terms of elevation design and treatment the proposed dwelling is not dissimilar in form and scale to that recently permitted on the adjoining site to the east. I consider the overall design treatment (as amended) to be acceptable at this location and that it can be accommodated without significant erosion of the visual amenities of the area. However, I also share the detailed design concerns raised by the Conservation Officer in their second report pertaining to some basic features that had been missed such as windows not centrally located, front door off centre and over-designed and that ideally the plant room should have been incorporated with the overall floor plan. In line with the recommendation of the Conservation Officer it is recommended that should permission be granted that conditions requiring some design revisions as set out above be attached. This is in line with Condition No 3 and 4 of the notification of decision to grant permission issued by Cork County Council.

- 7.5.2. It is further noted that the applicant intends to retain the existing tree cover and supplement where required. Should the Board be minded to grant permission it is recommended that a condition be attached requiring that all planting shall comply with the specification of plans submitted on 24<sup>th</sup> April 2017. This is in line with Condition No 14 of the notification of decision to grant permission issued by Cork County Council.

## 7.6. **Traffic Safety**

- 7.6.1. Policy Objective TM3-3d of the County Development Plan 2014 states that it is an objective to ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users. This objective is considered reasonable.
- 7.6.2. The applicant has submitted proposals to provide sight lines of 80m in either direction at the proposed entrance and this would appear to be based on a design speed associated with that of a village i.e. 50kph. However, as observed on site this is a stretch of road where greater speeds are achieved and where in my view the alterations to the existing roadside ditch to provide sightlines required for this proposed house would lead to a further increase of road speeds at this location.

- 7.6.3. As set out previously the site is located within the Village Settlement of Shanagarry/Garryvoe as identified in the East Cork Municipal District Local Area Plan 2017. However, the sites location within this development envelop is not in my view reason enough to set aside traffic safety requirements. There are no footpaths, or adequate street lighting or safety signage at this location to indicate that this is a village settlement. Rather this section of road between Shanagarry and Garryvoe appears to experience greater speeds then one would reasonably expect in a “village settlement”.
- 7.6.4. The proposed development would in my view endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this road at a point where sightlines are restricted. Therefore, to permit the proposed development would in my view be contrary to the proper planning and sustainable development of the area. Refusal is recommended.

## 7.7. Uncoordinated Development

- 7.7.1. In addition, I am concerned with regard to the uncoordinated nature of development at this location. As set out previously the site is within the defined Village Settlement of Shanagarry/Garryvoe as identified in the East Cork Municipal District Local Area Plan 2017. It is noted that Local Area Plan Objective GO 01 (i) states *that the development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme.* I consider that the uncoordinated development of this site at a location that is peripheral from the village centre of both Shanagarry or Garryvoe to be unacceptable. Further Objective TM 2-1(c): Walking of the County Development Plan 2014 seeks to ensure that all development should be accessible and permeable on foot and that the walking experience should be as safe and pleasant as possible and set within an overall coherent network. This objective is supported in the East Cork Municipal District Local Area Plan 2017 where Objective GO 01(i) requires that the development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme. I consider both these objectives to be sustainable and reasonable.

7.7.2. Having regard to the location of the site that is peripheral from the village centre of either Shanagarry or Garryvoe I am concerned that in the absence of appropriate links to the town centre (including footpaths and public lighting) the proposed development would result in a substandard form of development for future residents of this designated village settlement. The proposed development would, in my view, constitute a random, uncoordinated housing development in an area lacking certain public services such as a footpath and public lighting and would be contrary to policy Objective TM 2-1(c): Walking of the County Development Plan 2014 and Objective GO 01(i) of the East Cork Municipal District Local Area Plan 2017. Refusal is recommended.

## 7.8. Waste Water Treatment

7.8.1. Local Area Plan Objective GO 01 (c) General Objectives for Villages states inter alia that *notwithstanding the scale of growth outlined in Table 5.1, in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, subject to normal proper planning and sustainable development considerations.*

7.8.2. The development will be served by a wastewater treatment plant and associated site works comprising a Euro Bio Treatment System, as described in the Ireland Wastewater Ltd site specific report submitted with the application. I note from the site report that there is a possibility of a high water table in periods of wet weather and therefore a secondary treatment unit and a pumped polishing filter is considered the most suitable option for the site in order to protect groundwater.

7.8.3. I have noted the contents of the Site Characterisation Form and details of proposed wastewater treatment system submitted the application. The proposed arrangements are considered acceptable subject to compliance with the requirements of the planning authority and the EPA guidelines. On the basis of the information available on file, it would appear that the subject site is suitable for the installation of the packaged wastewater treatment system and polishing filter as proposed.

7.8.4. It is further noted that Local Area Plan Objective GO 01 (c) General Objectives for Villages states that *any new dwellings with individual wastewater treatment must*

*make provision for connection to the public system in the future.* It is recommended that should the Board be minded to grant permission that a condition be attached requiring that such a provision be made for future connection.

## **7.9. Development Contribution**

7.9.1. Cork County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 2004. A Section 48 Development Contribution condition was attached to the notification of decision to grant permission issued by Cork County Council requiring the payment of €5387.80. I am satisfied that a development contribution is applicable in this case and recommend that should the Board be minded to grant permission that a Section 48 Development Contribution condition be attached

## **7.10. Appropriate Assessment**

7.10.1. The site is not located within a designated Natura 2000 site. However, the site is located c.80m north of a portion of the Ballycotton Bay Special Protection Area (Site Code 004022). The general conservation objective for this site is to maintain or restore the favourable conservation status of habitats and species of community interest in Ballycotton Bay SPA. I note that the report of the Heritage Officer states that the proposed development will not have significant impacts on Ballycotton Bay Special Protection Area and that if planning permission is granted that conditions pertaining to construction activities, no major ground works to commence before 1st March and shall not continue beyond 31st October and no construction related waste shall be used to infill lands within Ballycotton Bay SPA shall to attached to any grant of permission.

7.10.2. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (the Ballycotton bay Special Protection Area (Site Code 004022) 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. Having considered the contents of the application (as amended), the provision of the Cork County Development Plan 2014 and the East Cork Municipal District Local Area Plan 2017, , the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 1) The proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted. Therefore, to permit the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is within the defined Village Settlement of Shanagarry/Garryvoe as identified in the East Cork Municipal District Local Area Plan 2017. Objective TM 2-1(c): Walking of the County Development Plan 2014 seeks to *ensure that all development should be accessible and permeable on foot and that the walking experience should be as safe and pleasant as possible and set within an overall coherent network*. This objective is further supported in the East Cork Municipal District Local Area Plan 2017 where Objective GO 01(i) requires that *the development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme*. These objectives are considered reasonable. Having regard to the location of the site that is peripheral from the village centre of both Shanagarry or Garryvoe it is considered that in the absence of appropriate links to the town centre (including footpaths and public lighting) the proposed development would result in a substandard form of development for future residents and would be contrary to Objective TM 2-

1(c): Walking of the County Development Plan 2014 and Objective GO 01(i) of the East Cork Municipal District Local Area Plan 2017. Therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

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**Mary Crowley**

**Senior Planning Inspector**

**27<sup>th</sup> September 2017**