



An
Bord
Pleanála

Inspector's Report PL04.248903

Development	Dwelling, septic tank and all associated works.
Location	Cooldaniel, Toames, Macroom, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/00270
Applicants	Marian Lehane & Peter Daly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellants	Marian Lehane & Peter Daly
Observer(s)	None
Date of Site Inspection	23/10/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site subject of the appeal, which has a stated area of 0.25 hectares, constitutes part of a larger field currently accessed from an agricultural entrance off a minor county road accessed from the R587 to the north of Dromcarra Bridge in the townland of Cooldaniel. A 2nd local road that runs northwards parallel to the River Lee is accessed from the said junction at the bridge. The site is approx. 10km to the south-west of Macroom.
- 1.2. The site is elevated above the road and is undulating with site falls generally to the west/north-west. A hedgerow delineates the eastern field boundary. Ground conditions were noted to be relatively dry.
- 1.3. There is a dormer dwelling to the south, also on elevated ground, with a further two storey dwelling on lower ground in proximity to the bridge. There are a further three dwellings to the north-east and east. Dromey's Public House which backs onto the River Lee is to the south, accessed from the regional road.

2.0 Proposed Development

- 2.1. The proposal is for an L-shaped dormer dwelling with a stated floor area of 240sq.m. and ridge height of 6.924 metres. External finishes are to consist of render and natural slate effect roofing. The finished floor level is stated to be 88.20 with the road immediately to the west approx. 84.00 metres. The site is to be served by a c.75 metre long driveway from a new access off the local road to the north.
- 2.2. A proprietary effluent treatment and percolation area is to located to the west and downslope of the dwelling. Water was encountered in the trial hole at 1.70 metres with a percolation test result of 47.64 recorded.
- 2.3. Water supply is to be via a well to be located in the north-eastern corner and upslope of the effluent treatment system
- 2.4. One of the applicants is the niece of the landowner. She is from the area and resides in the family home.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission on the grounds that the proposal by reason of its prominent location, proposed long access road and lack of natural screening in the foreground, would have a significant adverse impact on the landscape character when viewed from the surrounding area and would, therefore, materially contravene policy objectives RCI 6-1 and GI 6-1 of the Cork County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 26/06/17 notes that the site is elevated and prominent with little or no existing screening. When viewed from the west it would constitute skyline development. The site can be seen from the length of the entire approach road and the bridge and is much more elevated over the public road when a straight line is drawn from the proposed location to the front of the site. Whilst the dwelling is well proportioned and traditional in appearance it is considered to be inappropriate at this location and would be intrusive. The site is too elevated to accommodate a dwelling without giving rise to an inappropriate form of development and without setting further precedent. The access road required would, in its own right, give rise to an unnecessary level of scarring on the landscape. No details are given of the applicants' home. The 50 metre sightlines are not considered acceptable. A refusal of permission for one reason is recommended.

The Senior Executive Planner's report dated 28/06/17 sets out the issues discussed at pre-planning. The setting and location is problematic and he concurs with the recommendation as detailed in the report above.

3.2.2. Other Technical Reports

The Liaison Officer has no comment

The Area Engineer in a report dated 13/06/17 states that 90 metre sightlines are required at this location. The 50 metre provision is not acceptable. Further information recommended.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

I am not aware of any previous planning applications on the site.

17/00268 – permission granted October 2017 to Brian Lehane for a dwelling and septic tank on a site to the north-west of the appeal site accessed from the local road that runs parallel to the river.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2014**

Objective RCI 4-2 – Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1)

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 categories of housing need including:

(d) persons who have spent a substantial period of their lives (ie. over seven years) living in the local rural area in which they propose to build a first home for their permanent occupation.

Objective 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.

Objective GI 6-1 – Landscape

- (a) Protect the visual and scenic amenities of County Cork’s built and natural heritage.
- (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 within 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 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....and views of natural beauty as recognised in the Draft Landscape Strategy.

5.2. **Natural Heritage Designations**

The Gearagh SAC (site code 0108) is located c. 70 metres to the west of the site

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submission by Edge Architecture Ltd. on behalf of the 1st party appellants, which is accompanied by supporting plans and details, can be summarised as follows.

- Following pre planning discussions with the Council planner it was agreed that the ridge would be visible only for a short stretch on Dromcarra Bridge.
Photographs provided during the said discussions were taken in November

when foliage was absent. The site is screened when travelling along the R587 from Gearagh SAC and Macroom and would be barely visible in the winter months.

- The dwelling was purposely placed within a natural hollow.
- It would not be visible from local road L4602.
- The location of the proposed access follows discussions at pre-planning. Sight lines of 100 metres can be achieved in both directions. Site layout plan submitted in support.
- The dwelling design is fully compliant with the recommendations of the 2009 Cork Rural Design Guide. The ridge height is not excessive at 6.9 metres. A single storey option was not pursued due to the extra cost involved re. additional foundations, floor slab and roofing materials
- The applicant has lived adjacent to the site in the family home all her life. She complies with the settlement location policy for the area. Map delineating family home submitted in support.
- This is the only site available to the applicants.
- The planning application by the applicant's cousin has no bearing on the current proposal. It should be assessed on its merits.

6.2. **Planning Authority Response**

No further comment.

6.3. **Observations**

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Compliance with settlement location policy
- Siting of dwelling and visual impact
- Site Access
- AA – Screening

7.1. Compliance with settlement location policy

The site is within a rural area identified as being under strong urban influence in the current County Development Plan. In view of the site's relative proximity to Macroom and its obvious attractiveness for urban generated housing demand this designation is considered to be entirely reasonable. As noted on day of inspection the area is characterised by sporadic one off housing the nearest being c.50 metres to the south with the applicant's family home to the south of same again. There are a further two dwellings to the north-east of the site with another to the west. Permission has also been granted by the planning authority in October 2017 for a dwelling on a site to the north-west of the appeal site, within the same landholding but accessed from the local road that runs parallel to the river.

In such a designated area there is a presumption in favour of applicants seeking dwellings who have a genuine rural generated housing need based on their social and/or economic links to the area as set out in development plan objective RCI 4-2. One of the applicants, Ms. Lehane, is stated to be from the area and currently resides in the family dwelling to the south of the appeal site, clarification of which was provided in support of the appeal. The site is owned by her uncle. I therefore accept that the applicants comply with the relevant settlement location policy as detailed above in that one of the applicants has spent a substantial period of their lives (ie. over seven years) living in the local rural area in which they propose to build a first home for their permanent occupation. However as stated in section 4.6.2 of the County development Plan the acceptability of the proposal in terms of settlement policy is predicated on other planning and environmental considerations being satisfied.

7.2. Siting of Dwelling and Visual Impact

The site, whilst not within an area designated as being of scenic amenity in the current county development plan, by reason of its natural features namely the river and steeply sloping lands to the east, has an innate quality and has visual merit in its own right. As a consequence of the prevailing topography the site is elevated over the road and river and enjoys views to the west.

The proposed dwelling is to be set back into the field in a hollow and will have a building line behind that established by the dwelling to the south. The finished floor level at 88.20 metres will be over 4 metres higher than the level of the road as measured immediately to the west (ie. not at proposed site access to north). Whilst I acknowledge that by reason of the dwelling design the ridge height is modest at 6.9 metres it will be prominent in views from the south-west at Dromcarra Bridge on the R587 and from the local road to the west. As evidenced on day of inspection I accept that views from the R587 travelling in a southerly direction will be intermittent as a consequence of the mature roadside planting.

Whilst the house design, in itself, is acceptable I note that the Cork Rural Design Guide: Building a New House in the Countryside places an emphasis on the importance of designing within the landscape and of siting of development to minimise visual intrusion. These principles are reiterated in the development plan objectives RCI 6-1 and GI 6-1 which refer to the design and landscaping of new dwelling houses in rural areas and protection of the landscape. I do not consider that the said principles have been respected in this instance. In my opinion the visual prominence of the lands is evident from the visibility of the existing dwellings both to the south and north/north-east of the appeal site and that the addition of a new dwelling will further erode its landscape quality. In addition, whilst the proposal would not result in a pattern of ribbon development as defined in both the County Development Plan and the Rural Housing Guidelines (5 houses on one side of a 250 metre stretch of road) I submit that taken with the existing development in the immediate vicinity the proposal would also exacerbate and consolidate a trend towards the establishment of a pattern of haphazard rural housing in an unzoned rural area which, in itself, would lead to an erosion of the rural and landscape character of this area. I would therefore concur with the planning authority in its

reason for refusal that the proposal would contravene materially the cited development plan objectives.

7.3. **Site Access**

Whilst the site subject of the appeal is currently served by an agricultural entrance immediately to the west sight distances are restricted to the north. As a consequence, a new access is proposed to the north so as to attain the necessary sight distances of which evidence has been provided in support of the application and appeal. However, in doing so I consider that the c.75 metre long driveway will exacerbate the visual impact of the proposal as assessed above.

7.4. **AA – Screening**

The site is approx. 70 metres to the east of The Gearagh SAC (site code 0108). Detailed conservation objectives have been prepared for same, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

The qualifying interests are

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation
- Old sessile oak woods with Ilex and Blechnum in the British Isles
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)
- Lutra lutra (Otter).

The qualifying interests as mapped and attached to the detailed objectives are downstream with none in proximity to the site.

Taking into consideration the nature and extent of the development proposed on a site separated from the SAC by two local roads and the site characterisation details accompanying the application which conclude that the site is suitable for effluent

disposal by means of a proprietary unit and soil filtration area, the proposed development would not be likely to have a significant effect on the SAC site.

In conclusion having regard to the foregoing and on the basis of the information available, it is reasonable to conclude that on the basis of the information on the file, 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 site code 00108 in view of the site's Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The site of the proposed development is located within a 'Rural Area under Strong Urban Influence' as set out in the current Cork County Development Plan, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Cork Rural Design Guide: Building a New House in the Countryside and in development plan objectives RCI 6-1 and GI 6-1. These guidelines and objectives are considered reasonable. Having regard to the topography of the site, the elevated and prominent positioning of the proposed development and the pattern of existing development in the vicinity, 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 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. The proposal, therefore,

contravenes materially the said development plan objectives and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

November, 2017