



An
Bord
Pleanála

Inspector's Report ABP.300014-17

Development	Dwelling and domestic garage.
Location	Coolnaconarty, Rossmore, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/527
Applicant	Patrick & Claire Burke
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Brendan & Pauline McCarthy
Observer(s)	None
Date of Site Inspection	09/01/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.31 hectares, is in the townland of Coolnaconarty c. 2km to the south of Ballygurteen village, c.1.5km to the west of Rossmore and c.9km to the north-west of Clonakilty. It is accessed from road L86131 c.500 metres to the north of its junction with the R599. The road cannot accommodate two way vehicular movements with few locations to allow for passing vehicles. By reason of the topography the road slopes down from north to south to its junction with the regional road
- 1.2. The site which forms part of a larger field, is irregular in shape, sloping down from north to south. Ground conditions were noted to be very wet in places with waterlogging evident. The site inspection followed a period of heavy rainfall.
- 1.3. The road boundary is delineated by a stone wall backed by trees with the northern boundary delineated by the driveway serving the nearest dwelling c. 30 metres to the north-west. There is a further dwelling c. 55 metres to the east on the opposite side of the local road. There are three dwellings c.380 metres to the south-west in proximity to the junction of the local road and the regional road.

2.0 Proposed Development

- 2.1. The proposal is for a two storey dwelling with a stated floor area of 224 sq.m. A detached garage is also proposed.
- 2.2. As per the site characterisation form water was recorded at a depth of 0.95 metres. Due to the high water table P percolation tests (where $P_{100} \leq 210$ minutes) were carried out recording a value of 37.19. An effluent treatment plant and polishing filter percolation area of 90sq.m. is recommended
- 2.3. Water supply is to be from a bore well.
- 2.4. A new access in the south-eastern most corner of the roadside boundary is proposed.
- 2.5. One of the applicants is the son of the landowner. The land is within a farm holding and is close to the family home.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 18 conditions. Of note:

Condition 2: Occupancy clause

Condition 3: The fenestration to the porch and dining area to be amended.

Condition 11: 70 metre sight distances to be provided north and south of entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report dated 29/09/17 notes the applicant's ties to the area and that the family home is 270 metres to the north. Whilst there are shortcomings in the local road the Area Engineer has not raised any specific objection subject to the provision of 70 metre sightlines. A further dwelling can be accommodated. In such a rural area the new entrance and its recess will assist in vehicles passing along the road. The removal of vegetation either side of the entrance will equally improve matters. The area has only experienced limited development and the choice of site is satisfactory. It will consolidate the wider settlement pattern without any significant degradation or negative impact on the rural character of the area. Although positioned c. 40 metres to the south-east of an existing dwelling the separation distance is sufficient with good screening and a satisfactory standard of amenity is maintained. A condition amending the front fenestration is recommended. A grant of permission subject to conditions is recommended.

3.2.2. Other Technical Reports

The Area Engineer's report dated 11/09/17 notes that the removal of the roadside hedge is required to provide 70 sight distances at the entrance. Permission subject to conditions is recommended.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An objection to the proposal received by the planning authority has been forwarded to the Board for its information. The issues raised are comparable to those set out in the 3rd Party appeal summarised in section 6 below and relate to the local road and site access.

4.0 Planning History

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

5.0 Policy Context

5.1. Development Plan

The site is within an area designated Transitional Rural Area.

Objective RC1 4-5 – A rural area exhibiting characteristics of a weaker economic structure. Applicants must demonstrate that their proposal complies with one of a number of categories of housing need including:

Farmers, sons/daughters who wish to build a first home for their permanent occupation on the family farm.

Returning emigrant who spent a substantial period of their lives (ie. over 7 years) living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members, to care for elderly immediate family members, to work locally, or to retire.

TM 3-3 – ensure all new vehicular access are designed to appropriate standards of visibility to ensure the safety of other road users.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal can be summarised as follows:

- The public road is not suitable for any increase in traffic. Its alignment is poor. All the established hedgerow would have to be cut to under a metre to achieve the sightline to the north. It would not be possible to monitor the maintenance of the sightlines.
- The dwelling will be less than 12 metres from their boundary. The side elevation of the dwelling would have 4 windows and a double door. The hedgerow boundary is mostly deciduous trees and will offer little screening for most of the year. The proposal would have a negative impact on their privacy.
- There are possibly more suitable sites within the landholding.

6.2. Applicant Response

None

7.0 Planning Authority Response

The planning authority considers that whilst the road is narrow and has limitations in terms of capacity, it is lightly trafficked and the new entrance will improve the situation for passing vehicles. The distance between the proposed dwelling and that adjoining is in the region of 40 metres. There would be no impact on its amenities.

7.1. Observations

None

8.0 Assessment

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

- Compliance with Settlement Location Policy
- Site Access
- Impact on Amenities of Adjoining Property
- Effluent Disposal
- Appropriate Assessment

8.1. Compliance with Settlement Location Policy

The site is within a transitional rural area as designated in the current County Development Plan. As per objective RC1 4-5 such rural areas exhibit characteristics of a weaker economic structure. In some applicants must demonstrate that their proposal complies with one of a number of categories of housing need including son/daughters who wish to build a first home for their permanent occupation on the family farm and returning emigrants who spent a substantial period of their lives living in the local rural area.

One of the applicants is the son of the landowner with the extent of the farm holding delineated in the plans accompanying the application. The holding has frontage both onto local road L86131 and the R599 to the west. I note that the family home which is c. 250 metres to the north of the appeal site as the crow flies is accessed via a private driveway from the relatively straight and wide local road L4635 off the said regional road to the north-west. The said access is immediately adjacent to the Keohane Readmix Ltd. plant.

Whilst it is stated on the Supplementary Planning Application form that the applicant has resided at the home place since 1984, details provided in the covering letter state that he has returned from the UK.

Notwithstanding, on the basis of the information on file, I accept that the applicant complies with the relevant settlement location policy as detailed above. However as stated in relevant objective the acceptability of the proposal in terms of settlement policy is predicated on other planning and environmental considerations being satisfied.

8.2. Site Access and Traffic

The issue of site access and adequacy of the local road constitutes one of the two substantive concerns of the appellants.

The site is to be served by an access located in the south-eastern corner of the site. 70 metre sight distances will require the removal of the roadside hedgerow and its maintenance at a height no greater than 1 metre.

Local road L86131 serving the site is narrow and substandard in alignment and cannot accommodate two way vehicular movements. There are few passing opportunities available travelling both northwards from the site and southwards towards the regional road R599. Whilst the proposed access would provide such a facility this stretch of road has the benefit of the accesses serving the two existing dwellings. The substantive concerns would be the passing requirements further south increasing the hazard for vehicles should there is be requirement to reverse to a passing bay. This hazard would be exacerbated by the vertical alignment of the road.

I consider that the local road is seriously substandard and is incapable of accommodating further residential development. I consider that to allow for further vehicular movements would give rise to a traffic hazard. I therefore recommend refusal in this regard.

8.3. Amenities of Adjoining Property

The proposed dwelling is to have a south-north orientation and will present its side elevation to the shared boundary with the appellants' property to west which is delineated by a sod and stone ditch backed with trees. There is to be separation distance of in excess of 30 metres between the two dwellings. This separation, coupled with the mature planting along the site boundary, will ensure that no

overlooking and loss of privacy would arise from the windows serving the habitable rooms in the said side elevation.

8.4. Effluent Disposal

The Site Characterisation Form records a high water table at a depth of 0.95 metres. The test was undertaken in June. The P test carried out (where $P_{100} \leq 210$ minutes) recorded a value of 38.83. A packaged wastewater treatment system and polishing filter is proposed. Water supply is to be from a bore well to be positioned upslope (north) of the said treatment system.

As evidenced on day of inspection waterlogging was prevalent. I note that heavy rainfall proceeded the inspection.

On balance, taking into consideration the high water and ground conditions recorded on site and the said extensive waterlogging noted I submit that the proposal could be considered to run counter to the recommendations of the Rural Housing Guidelines which states that new development should be guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. I consider that the proposal should only be accepted in exceptional circumstances where an essential rural generated housing need has been established and that absolutely no other alternative sites are available with the delineated landholding. I do not consider that this is the case in this instance.

The Board may consider this to constitute a new issue and wish to circulate to the relevant parties for comment.

8.5. Appropriate Assessment

The site is approx. 6.5 km to the south-east of Bandon River SAC and over 10km to the north-west of Clonakilty Bay SPA. Courtmacsherry Estuary SAC is over 17 km to the east. Having regard to the nature and scale of the proposed development, the distance from the said designated sites no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. It is considered that the road onto which access is proposed is seriously substandard in terms of width and alignment and that additional vehicular movements that would be generated by the proposed development would give rise to conflicting vehicular movements and would, therefore, endanger public safety by reason of traffic hazard.
2. Having regard to the soil conditions and high water table, the Board is not satisfied, on the basis of the submissions made in connection with the planning application, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2018