



An  
Bord  
Pleanála

## Inspector's Report ABP-300708-18

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<b>Development</b>	Alteration and change of use of ancillary storehouse to ancillary guest annexe
<b>Location</b>	No. 15 Tragumna Holiday Cottages, Bawnlahan, Tragumna, Skibbereen, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/689
<b>Applicant(s)</b>	P.J. & Mary O'Brien
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	P.J. & Mary O'Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> May, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1 Tragumna Holiday Cottages is located beside the beach at Bawnlahan, approximately 8km south of Skibbereen in West Cork. No. 15 comprises the southern unit of a terrace of three dormer cottages. There is an existing structure to the south-east of the house to which the proposed change of use applies. This is a dormer-type building. The site lies approximately 150m from the shoreline, which forms part of Lough Hyne SAC

## **2.0 Proposed Development**

2.1. The proposed development would comprise alterations and the change of use of an existing storehouse to an ancillary guest annexe. The applicants have submitted that it would cater for growing family needs at their second home/holiday home, providing accommodation for their grandchildren. It is intended that the guest annexe would remain ancillary to the main house. The structure would provide a living/play area, music room and utility space at ground floor level and a store and TV room at first floor level. The development would have a stated floor area of 79 square metres on an overall site of 0.025 hectares. The development would be served by a mains water supply and the existing estate effluent treatment system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 13<sup>th</sup> December 2017, Cork County Council decided to refuse permission for the proposed development for one reason relating to the proposal being out of character with other dwellings in the immediate vicinity and being contrary to development plan provisions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Area Planner noted the site's planning history, development plan provisions and the Area Engineer's report. It was submitted that the planning authority's view on the application remained unchanged from the previous decision to refuse permission under P.A. Ref. 07/494. A refusal of permission was recommended.

The Senior Executive Planner submitted that allowing permission for the use proposed did not appear appropriate as there were issues associated with useable private amenity space, impact on residential amenity, a poor precedent for substandard accommodation, parking, access, and servicing arrangements. The Planner generally agreed with the recommendation made by the Area Planner.

### 3.2.2. Other Technical Reports

The Area Engineer submitted that there would be no additional load on the waste system and no additional parking required. There was no objection to the proposal.

## 4.0 Planning History

I note the following from the Planner's report:

### P.A. Ref. 03/6277

Permission was granted in 2004 for the demolition of two dwellings and the construction of three terraced dwellings.

### P.A. Ref. 06/1493

Permission was refused for the retention of the building the subject of the current appeal as an ancillary dwelling for use as a dwelling.

### P.A. Ref. 07/494

Permission was refused for the retention of the building the subject of the current appeal as an ancillary dwelling for use as a dwelling.

### P.A. Ref. 09/360

Permission was granted for the retention of the building the subject of the current appeal as an ancillary storehouse.

### Enforcement Notice SKB060045

An Enforcement Notice was served on the applicant in June 2008 requiring the demolition of the existing structure and the reinstatement of the land. The case went before Skibbereen District Court and it was ruled that the structure should be used as storage purposes only in accordance with Planning Permission 09/360.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2014

#### Landscape

The site is located within an area designated 'High Value Landscape'.

Objectives include:

#### *GI 6-1: Landscape*

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

#### Scenic Routes

The public road to the south-west of the site forms part of a designated scenic route.

Objectives include:

#### *GI 7-2: Scenic Routes*

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects.

## Rural, Coastal and Islands

### **Holiday Home and Second Home Development**

#### *RCI 7-2: Holiday Home Accommodation*

Encourage appropriately scaled holiday home development to locate within existing settlements, where there is appropriate infrastructure provision, where they can contribute to the maintenance of essential rural services and help act as a revitalising force in counteracting population decline.

## **5.2. West Cork Local Area Plan 2017**

### Tragumna

Objectives include the following:

#### *DB-01*

Encourage development to be compatible with existing development and in particular, to be consistent with the vernacular architecture and scale of the holiday resort. The resort is located in a high value landscape area and all new development should take this into consideration.

#### *DB-02*

Protect and enhance the attractive coastal setting and landscape character of the settlement.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of the appeal may be synthesised as follows:

- The proposal would effectively act as an extension to the main house, providing ancillary living areas, but could not be used as an independent dwelling, with the house and structure remaining as a single planning unit.
- There is no policy in either the Cork County Development Plan or West Cork Municipal LAP which might prohibit this type of development. Many of the policies in the reason for refusal are not directly relevant to the proposed

development and the proposal is in accordance with relevant policies and objectives.

- The individual details of the application were not properly assessed. The merits of the application were not considered without prejudice by the planning authority. There is a distinct and material difference between the subject application and those applications relating to the structure previously. The proposal seeks to provide additional internal space for when the appellants' large family comes to visit.
- Condition 2 of Planning Permission 09/360 did not preclude future changes of use of the structure.
- The proposal will not provide an independent dwelling, there will be no additional load on the treatment system and no additional parking, there will be no impact on the level of amenity space currently provided, no direct overlooking of the main house, and the structure will be entirely fit for purpose.

## 6.2. Planning Authority Response

The Area Planner stated she had no further comments to make.

The Area Engineer acknowledged the number of persons who would use the existing and proposed development and considered there would be an increase on the load on the estate's waste water treatment system, rebutting the appellants' reliance on his initial report. It was further submitted that parking may be a problem and that the occupancy level was not known at the time of writing the initial report.

## 7.0 Assessment

- 7.1. I note the significant planning history associated with the existing structure the subject of the appeal. Of particular note is Planning Permission 09/360, when the structure was permitted to be retained as an ancillary storehouse. Condition 2 of that permission was as follows:

*"2 The ancillary storehouse shall be used solely as indicated on the submitted drawings and shall be used only for purposes incidental to the enjoyment of*

*the dwellinghouse. A change of use shall not take place without a prior grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.”*

The reason given was: “*To clarify exactly what is being granted planning permission.*”

- 7.2 It is apparent from the above decision that the structure was not necessarily limited to storage use in perpetuity as Condition 2 allowed for change of use subject to a grant of planning permission.
- 7.3 When due regard is had to the structure itself, it is apparent from the previous consideration of the planning authority under Planning Permission 09/360 that it was satisfied that the form, character, location and layout of the structure as a building was acceptable at this location. I consider that there are no issues with the structure at this location. It is not incompatible in form, layout and design when related to the adjoining dwelling. It has no adverse impacts on adjoining residential amenity and it has miniscule visual impact at this coastal location when understood as part of a larger complex of residential structures of more significant scale.
- 7.4 Having regard to the above, the issue that is of relevance when considering this appeal is the proposed use. The proposed development is intended to provide ancillary accommodation for the adjoining dwelling. It is not proposed to be a separate dwelling. The ability to contain the use to ancillary use exists by way of the attachment of a condition with a grant of planning permission, which would be enforceable. The utilisation of the structure as proposed would not significantly add to any burden on services provided, inclusive of sanitary and parking provisions. The dwelling is long established and the structure affords the opportunity to reasonably accommodate family needs at busier times. Once again, it must be emphasised that this application does not seek a separate dwelling. The structure immediately adjoins the existing house and is readily understood as a structure ancillary to the main house. I find no reason to conclude why the ancillary use would be unacceptable in terms of planning and sustainable development.
- 7.5 Finally, I note the planning authority’s reason for refusal on this application. The emphasis is placed on the building character, design, form and scale. I put it to the Board that the planning authority, under Planning Permission 09/360, granted

permission for this structure. How a change of use could now make the structure out of character and inappropriate in the landscape cannot be a rational conclusion to draw.

## **8.0 Recommendation**

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.



## 9.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development and its proximity to the established dwelling on the site, it is considered that the change of use of the store to ancillary residential accommodation would not result in the creation of a separate residential unit on the site, would not set an undesirable precedent for similar types of development in the area, would be in accordance with the provisions of the current Cork County Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed guest annexe shall not be sold or let as an independent living unit and the existing curtilage of the overall residential property on this site shall not be sub-divided.

**Reason:** In the interest of residential amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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Kevin Moore  
Senior Planning Inspector

21<sup>st</sup> May 2018