



An
Bord
Pleanála

Inspector's Report ABP-301110-18

Development

(a) Retention of a domestic garage/workshop/garden store building and associated site works.

(b) Permission for the change of use of part of the same building and the construction of an extension to the same building for use as a garden study. All associated elevational and plan alterations to the building and associated site works.

Location

Castlelands, Kinsale, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

17/07179

Applicant(s)

Jerome & Nuala O'Reilly

Type of Application

Retention permission and permission

Planning Authority Decision

Split decision

Type of Appeal	First party -v- Refusal
Appellant(s)	Jerome & Nuala O'Reilly
Observer(s)	None
Date of Site Inspection	29 th June 2018
Inspector	Hugh D. Morrison

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1.0. Site Location and Description

- 1.1. The site is located to the south of Kinsale on a headland beside the mouth of the River Bandon. This site lies in the townland of Castlelands, which comprises farmland and woodland on north facing slopes that is interspersed with one-off dwelling houses, particularly along the east/west local roads that lie on either side of the R600. It is elevated. A ruined church within a graveyard adjoins the site to the west and the ruins of Ringrone Castle lie to the north west of this graveyard. A cluster of one-off dwelling houses lies on the southern side of the local road, opposite the site.
- 1.2. The site itself is of roughly rectangular shape and it extends over an area of 0.317 hectares. This site accommodates a dormer bungalow (212 sqm), which is sited centrally, and a substantial freestanding garage (125 sqm), which is sited towards the north-western corner. Access is via a driveway from the local road to the south and the dormer bungalow is served by front and rear gardens, which are enclosed by walls and hedgerows, except for the rear (northern) boundary, which is open.

2.0 Proposed Development

- 2.1. The proposal would entail two elements: (a) a retention element and (b) a conversion/new build element.
- 2.2. The former element is for the retention of a domestic garage/workshop/garden store building (125 sqm) and associated site works.
- 2.3. The latter element is for the change of use of the rear portion of the aforementioned building and the construction of an extension (43 sqm) to its north-western corner. This change of use would entail conversion works to the space concerned, which would include a new treatment to the rear elevation of the said building, too. The converted and new build spaces would be used as a garden study (ancillary domestic accommodation to the main dwelling house) with a tea station and a toilet. (The remainder of the existing building is to continue to be a domestic garage).

3.0 Planning Authority Decision

3.1. Decision

A split decision was made: the retention part of the application was granted retention permission, subject to conditions, and the proposed part of the application was refused for the following reasons:

1. The applicants have failed to describe the full nature and extent of the proposal.
2. The site lies in an elevated and prominent position within a designated scenic landscape through which passes a designated scenic route. The proposal would be unduly obtrusive within this landscape and it would detract from the amenities of the same. Furthermore, the amount of glazing specified would case the proposal to read as a residential unit within the landscape.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports:

- Area Engineer: Reservations expressed.
- Liaison Officer: No comment.

4.0 Planning History

00/1049: Attic conversion, including windows and rooflights, to dwelling house:
Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020, the site is shown as lying within both a rural area under strong urban pressure and the Landscape Character

Area known as Indented Estuarine Coast, which is categorised as a “high value landscape”. The regional roads that pass through the surrounding area, the R600 and R606, are designated as scenic routes.

5.2. **Natural Heritage Designations**

Sovereign Islands SPA (site code 004124)

Sovereign Islands NHA (site code 000105)

Old Head of Kinsale SPA (site code 004021)

Old Head of Kinsale pNHA (site code 000100)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

In relation to the first reason for refusal:

- The Planning Authority has made unwarranted assumptions about the possible future use of the garden study rather than deciding upon the submitted proposal.
- The proposed garden study would indeed provide a quiet well-lit space away from the main dwelling house. The applicants have five children in full-time education and so the need for such a space arises. The partial conversion and extension would provide this space on a more cost-effective basis than an extension to the dwelling house.
- Precedent for similar proposals is afforded by applications 16/4187 and 12/06465, both of which were permitted. The latter was the subject of a condition requiring that it would be used for purposes incidental to the enjoyment of the existing dwelling house only. Such a condition could be used in the present case, too.

In relation to the second reason for refusal:

- Contrary to the Planning Authority's position, the proposal would improve the visual amenities of the area insofar as the blank exposed north-western elevation of the building would be improved by being broken, thereby improving its massing, and finished in materials, which would integrate it with surrounding landscaping.
- The proposed extension would be modest in size and its visual impact would be minimal, as views from public vantage points would be limited to those available from the R606, a scenic route, some 450m away on the far side of the River Bandon.
- The site is in an elevated position, but not a prominent one and so the proposal would not be seen on the skyline but against the backdrop of the existing dwelling house and landscaping. It is in a scenic area, but this does not preclude minor domestic development, such as that proposed.
- If the Board considers it to be necessary, then the proposed glazing could be reduced by conditioned. However, due to the size/scale of the proposal it would read as being ancillary to the existing dwelling house.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Description
- (ii) Visual amenity, and
- (iii) AA Screening.

(i) Description

7.2. The Planning Authority refused permission for the proposed change of use and extension to the rear portion of the garage. The applicant has appealed this refusal, i.e. not the existing garage, which was granted retention permission. The Authority gave two reasons for its refusal. The first I will address here and the second I will address under the second heading of my assessment.

7.3. The first reason for refusal relates to the description of the proposal, which the Planning Authority considers fails to capture the nature and extent of the proposal. I have sought elucidation of this reason by reading the case planner's report. Essentially concern is expressed over both the description of the proposed use of the combined converted and extended space as a "garden study" and the longer-term use of this space, once the applicants' five children no longer need it for studying in, i.e. would it cease to be ancillary to their dormer bungalow and become a self-contained dwelling unit in its own right?

7.4. The applicants have responded to this reason by explaining the need for a cost-effective garden study to afford the opportunity for their children, who are in full-time third level education, to study in a space that is separate from their dormer bungalow and so less given to distraction. They have also invited the attachment of a condition to any permission, which would require that the garden study only be used for purposes incidental to the enjoyment of the dormer bungalow.

7.5. I understand the need for the applicants' proposal and I consider that the description of this proposal, "as a garden study (ancillary domestic accommodation to the main house), with a tea station, toilet room and associated site works", adequately

captures its nature and extent. In particular, the phrase in brackets makes clear that the accommodation would be ancillary and this could indeed be underlined by the condition invited by the applicant. The inclusion of a tea station and a toilet room, which would accompany both the two study rooms and which would be capable of serving the retained garage, too, does not appear excessive or unreasonable, i.e. c. 70m would lie between the external door to the extension and the front door to the existing dwelling house.

- 7.6. I conclude that the description of the proposal captures its nature and extent satisfactorily.

(ii) Visual amenity

- 7.7. Under the CDP, the site lies within the Landscape Character Area known as Indented Estuarine Coast, which is categorised as a “high value landscape”, and the regional roads that pass through the surrounding area, the R600 and R606, are designated as scenic routes. Objective GI 7-3 of the CDP addresses development on scenic routes. This Objective states that applicants must demonstrate (a) “the appropriateness of the design, site layout, and landscaping of the proposed development” and (b) that “no adverse obstruction or degradation of the views towards and from vulnerable landscape features” would result.
- 7.8. The applicants have submitted detailed plans of the proposed alterations to the rear elevation of the existing garage and the extension to the north-western corner of this garage that they propose. They have also submitted a photomontage of these developments in conjunction with an existing photograph and a representative view from the R606.
- 7.9. The Planning Authority’s second reason for refusal critiques the aforementioned developments on the basis that the elevated site is prominent within the landscape and that these developments would be unduly obtrusive and would thus detract from the visual amenities of the area, through which two scenic routes pass. The Authority takes particular exception to the amount of glazing specified and it expresses the concern that the overall development would read as a new residential unit.
- 7.10. The applicants have responded by drawing attention to their design rationale. Thus, variety would be introduced, as half of the rear elevation of the garage would project slightly forward of the other half and this elevation would be clad in metal sheeting,

whereas the attached modest extension would be clad in vertically hung slate. In practise, views of the developments from the scenic routes would be limited to public vantage points along the R606 on the northern side of the River Bandon, 0.5 km away and greater. Within these views, these developments would be seen against the backdrop of the applicants' existing dormer bungalow and within a context of soft landscaping, which significantly includes a great variety of tree planting on neighbouring lands forward of the said developments. In these circumstances, the developments would not be prominent and so the need to limit the glazing specified would not arise. Nevertheless, should the Board consider this glazing to be an issue, the applicants would accept a condition requiring that it be reduced in extent.

- 7.11. During my site visit, I observed that the existing garage is screened by existing vegetation from views available at the parking and picnic area immediately to the north west of the bridge across the River Bandon and beside the R606. Some of this vegetation would be lost and yet the aforementioned tree planting could be expected, in time, to provide compensatory screening. Further to the west along the R606, the existing garage is more visible, but at a greater distance again.
- 7.12. In the light of the foregoing observations, I disagree with the Planning Authority in its assessment that the proposal would be unduly obtrusive. Instead, I consider that the applicants are correct in stating that it would read, in effect, as part of their existing dormer bungalow rather than as a new dwelling unit in its own right. I, also, consider that any reduction in the glazing specified would make little difference to the visual impact of the proposal.
- 7.13. I, therefore, conclude that this proposal would be compatible with the visual amenities of the area, through which two scenic routes run.

(iii) AA Screening

- 7.14. The site does not lie within a Natura 2000 site and the nearest such sites are at some considerable remove, i.e. Sovereign Islands SPA (site code 004124) and Old Head of Kinsale SPA (site code 004021), with no apparent source/pathway/receptor routes between this site and these sites.
- 7.15. Having regard to the nature and scale of the proposal and the proximity of the nearest European sites, no Appropriate Assessment issues arise and it is not

considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal for a garden study would be an appropriate development within the context of the existing residential site and that the proposed conversion and extension, which would facilitate the provision of this study, would be compatible with the visual amenities of the area, through which two scenic routes pass. No Appropriate Assessment issues would arise. Thus, the proposal would accord 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. Details of the materials, colours and textures of all the external finishes to the proposed extension and altered rear elevation of the existing garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.
Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The garden study shall not be used other than as a use incidental to the enjoyment of the dwelling house as such, on the site, unless authorised by a prior grant of planning permission.

Reason: For the avoidance of doubt, and in order to afford the Planning Authority control over any future change of use proposals.

Hugh D. Morrison
Planning Inspector

5th July 2018