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Bord  
Pleanála

## Inspector's Report ABP-301447-18

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<b>Development</b>	House, garage and waste water treatment plant
<b>Location</b>	Carrigrohane, Ballincollig, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/04280
<b>Applicant(s)</b>	Patrick O'Leary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Carmel O'Neill John Cronin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> June, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The 0.27 hectare site is located to the south of Carrigrohane, approximately 7m west of Cork City. It forms part of a larger field that is located behind a detached bungalow. Access to the site is via a narrow track from the local road to the north (Carriganarra Road) leading to the north-west corner of the main body of the site. The main body of the site consists of a level grassed area that is enclosed to the north, east and west by hedgerow. Development in the immediate vicinity of the site comprises housing mainly laid out in a linear pattern following the local road to the north. A small estate, 'Oaklee' is served by a short spur road to the north-east.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the construction of a four bedroom, dormer bungalow and single-storey garage. The house would have a gross floor area of 276 square metres and the garage would be 60 square metres in area. The development would be served by a mains water supply and a private waste water treatment system.

2.2. Details submitted with the application included a site characterisation report and a letter from the landowner permitting the making of the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 26<sup>th</sup> March, 2018, Cork County Council decided to grant permission for the development subject to 11 conditions.

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

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

The Planner noted the site's planning history, development plan provisions, reports received, and third party submissions. It was noted that the dwelling/layout had been agreed with the Senior Executive Planner at the pre planning stage. It was acknowledged that the development boundary of the settlement had been extended

to include the site under the new 2017 LAP. Noting the site's planning history and issues pertaining to access, it was stated that it was confusing as to how the same proposal which has been deemed unacceptable is now acceptable. It was submitted that it seemed to be down to a changing/lowering of standards rather than physical changes. It was noted that the Area Engineer was satisfied. The Planner stated that the site does not have an 'existing entrance' because it was made in an unauthorised manner and was required to be closed by Court Order. It was acknowledged that there is no public sewer available and that no details of adjoining treatment systems had been provided. The Planner deferred to the Senior Executive Planner's and Area Engineer's considerations on waste water treatment and to the Senior Executive Planner's opinion on the backland nature of the proposal. A grant of permission was recommended.

### 3.2.2. Other Technical Reports

The Area Engineer referred to the site having more than 50m sightlines available and considered this acceptable. There was no objection to the proposed treatment plant provision. A grant of permission subject to conditions was recommended.

### 3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

### 3.4. Third Party Observations

Objections to the proposal were received from Carmel O'Neill, Patrick and Lorraine Cooney, and John Cronin. The grounds of the appeals reflect the concerns raised.

Unsolicited information was submitted to the planning authority from the applicant in response to the third party submissions.

## 4.0 Planning History

### P.A. Ref 17/6528

Permission was refused by the planning authority for a dwelling, garage and sewage treatment plant for one reason relating to impact on residential and visual amenity.

P.A. Ref 13/5670

Permission was refused by the planning authority for the construction of an agricultural entrance for one reason relating to traffic hazard.

P.A. Ref 04/9455

Permission was refused by the planning authority for a dwelling, garage and sewage treatment plant for reasons relating to non-compliance with greenbelt policy, backland development, excessive concentration of septic tanks, and traffic hazard.

P.A. Ref 91/2526

Outline permission was refused by the planning authority for a dormer bungalow for reasons relating to traffic hazard and undesirable density of development.

## **5.0 Policy Context**

### **5.1. Ballincollig Carrigaline Municipal District Local Area Plan 2017**

Zoning

The site is zoned 'Existing Built-up Area'.

## **6.0 The Appeal**

### **6.1. Appeal by Carmel O'Neill**

The grounds of appeal may be synthesised as follows:

- The proposal would give rise to significant traffic hazard
- The proposal would have significant negative impacts on residential amenity.
- The laneway will result in the appellant's property being overlooked.
- The strip of ground for the access does not have the necessary carrying capacity for vehicular traffic and the development would have structural implications for the appellant's property.

The appellant's grounds of appeal are supported by an Engineer's report attached to the appeal submission.

## 6.2 Appeal by John Cronin

The grounds of appeal may be synopsised as follows:

- The proposed access is a narrow linear portion of land with no connectivity to the public road. In the absence of proposals regarding the width and capacity of the access to accommodate construction and vehicular traffic without structural and drainage impacts, there is concern about the negative impact on the appellant's property.
- The proposed access is inadequate to safely accommodate the development.
- The access abuts third party structures and the access arrangements would be injurious to third parties by way of noise, vibration and overlooking.

## 6.2. Applicant Response

The applicant's response to the appeals may be synopsised as follows:

- The site is within the development boundary of Ballincollig where there is a presumption in favour of development.
- Previous planning decisions cannot serve to preclude the potential for revised proposals to be brought forward for planning.
- Engineers' reports are attached to address the matters relating to the proposed access. The upgrading and treatment of the access to the public road will include a concrete slab supported on screw piles and drainage will be captured to ensure no impacts arise on adjoining property.
- Traffic generation will not be significant and referenced noise impacts are exaggerated.
- In relation to loss of privacy and overlooking, the site's urban location and context are noted and it is submitted that some degree of overlooking is to be expected. The separation distance of c. 42m between existing and proposed dwellings, no windows on the proposed northern elevation and existing

hedgerow are referenced. The only potential for loss of privacy is by passing along the driveway, which is not unreasonable.

- Regarding the issue of traffic hazard, traffic will be extremely low and at a location where the 50kph speed limit applies.
- Reference is made to existing hedgerow on the appellant's land adjoining the proposed entrance being unauthorised and it is submitted that it should be removed.
- It was also submitted that a requirement for Appropriate Assessment had been screened out, there is no objection to the waste water treatment proposal, there are no natural heritage designations on the land, the lands are not on a designated scenic route, and that there are no protected structures on the site or national monument designations.

Two reports from Engineers are attached in response to the appeals. One report addresses the width, structure and drainage associated with the proposed access road and the proposal for waste water treatment, while the other addresses road safety and sightline matters. The response also included a letter from the applicant setting out the history relating to the site and the applicant's need for the proposal.

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

I have no record of any response to the appeals from the planning authority.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1 I consider that the principal planning issues relate to previous planning decision-making, the backland nature of the proposed development, the traffic impact, the suitability of the track as a proposed driveway, the provision of a waste water treatment system at this location, and impact on residential amenity.

## 7.2 Previous Planning Decision-Making

7.2.1 In considering this issue, I note the planning history of this site. I particularly note the decision of the planning authority under P.A. Ref. 04/9455. In its decision the planning authority refused permission for reasons relating to greenbelt policy, backland development, excessive concentration of septic tanks, and traffic hazard. I understand the boundary of the settlement of Ballincolig has been extended to include the appeal site and, thus, the issue pertaining to greenbelt policy no longer applies. However, when there has been no material change to the physical conditions relating to this site, I must ask the question: how does the bringing of the site within the development boundary of Ballincolig address the issues of backland development, an excessive concentration of septic tanks, and traffic hazard? It simply does not and these issues remain at the heart of the unsustainability of the proposed development.

## 7.3 Backland Development

7.3.1 Notwithstanding any inclusion of this site within the recently redefined boundary of Ballincolig, as set out in the Ballincolig Carrigaline Municipal District Local Area Plan 2017, the development of a house as proposed on this isolated site behind existing houses lining Carriganarra Road constitutes haphazard, backland development. The proposed development does not constitute infill development. This is a location where there are extensive lands behind existing houses fronting onto the public road. If one is to pursue orderly development in such an area, one must seriously consider a comprehensive development approach to lands and not pursue a piecemeal, ad hoc response to development proposals, as is clearly the case with the proposal now before the Board. This is unsustainable development that should not be facilitated or encouraged. In my opinion, it is unquestionable that permitting this proposal will provide a precedent that will lead to instances such as this being replicated in this area. Such disorderly development must be prohibited in the pursuit of comprehensive planned approaches to development within the settlement of Ballincolig.

## 7.4 Traffic Impact

7.4.1 The proposed development poses a serious traffic hazard. Having undertaken a site inspection, I can confirm for the Board that the available sightlines from the proposed access point onto the local road are deficient and that the sightlines in the westerly direction are severely restricted. The proposed development cannot provide safe vehicular access onto the public road without substantial works being undertaken to properties outside of the control of the applicant. Proposed developments on this site have been previously refused for reasons relating to traffic hazard. The circumstances relating to this access have not altered in any material manner. It is extraordinary that the planning authority has reversed its opinion on this issue, where there have been no physical changes to the access point and the flanking properties. The restrictions on sightlines are exacerbated by the poor horizontal alignment of the local road such that the utilisation of the proposed vehicular access would undoubtedly interfere with the free flow of traffic on the public road.

## 7.5 The Suitability of the Access Track

7.5.1 The strip of land leading from the public road that is proposed to be used as a driveway serving the house is not a lane or any other type of surfaced access to farm land to the rear of properties fronting onto the public road. The applicant has submitted a report from an Engineer in response to the appeal which proposes the development of a concrete driveway and associated drainage. I accept that such a driveway can be developed as proposed. I further accept that the width of the proposed driveway, at over 3.6m, would be adequate to accommodate vehicular access into and out of the site.

## 7.6 Waste Water Treatment

7.6.1 While I again note that the development boundary of the settlement of Ballincollig has been extended to include the appeal site, the sustainability of the development of a house on this site, where it has no access to a public sewer, must be seriously called into question. This is a location where there is a proliferation of houses that are each dependent on individual private effluent treatment systems. The proposed



development seeks to be sited behind a line of such houses, compounding the concerns relating to backland development, and where there is no knowledge of where existing private effluent treatment systems are located relative to the proposal. It defies any orderly approach to the development of land in such a context to be pursuing housing in this manner. This proposal, adding to the proliferation of private effluent treatment systems, must be construed as posing a potential pollution hazard.

## 7.7 Impact on Residential Amenity

7.7.1 The development of the proposed house itself to the rear of the dwellings onto Carriganarra Road would not pose any particular concerns in terms of impact on privacy, overlooking and overshadowing, having regard to the siting of the house, its layout and design, and the retention of boundary hedgerow. It is clear that the development of a house at this location would introduce significant changes for the appellant Carmel O'Neill, where heretofore the land to the rear of this house has been in agricultural use. The proposed house would evidently introduce a permanent occupancy of a structure behind her house and, with that, the associated activities, lighting, vehicular movements, etc. that would follow. In an urban, built-up setting this may be considered to be acceptable. The location of the proposed development is not part of an urban, built-up area but rather is in a peripheral area on the extreme edge of Ballincollig, with the site forming part of a larger area of agricultural lands that adjoins a ribbon of housing along its northern edge. A notable difficulty for the development in its setting relates to the proposed driveway which would directly adjoin the western elevation of the appellant's house. The movements up and down the driveway would likely cause some degree of nuisance due to the proximity to the appellant's dwelling.

7.7.2 Having regard to the haphazard, backland nature of the development, it is reasonable to determine that the proposed siting of this isolated house would likely injure the established amenities of adjoining residential properties to the north and that this form of development would likely culminate in the depreciation of the value of those properties.

## **8.0 Recommendation**

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

## 9.0 Reasons and Considerations

- 1 Having regard to the pattern of existing residential development in the immediate vicinity of the site, to the siting of the proposed house to the rear of established residential properties, to the lack of any comprehensive plan for the orderly development of lands at this location, and to the lack of public sewerage facilities to serve the proposed dwelling, it is considered that the proposed development would constitute a piecemeal, disorderly, haphazard form of backland development in an unserviced area that would be likely to seriously injure the amenities and depreciate the value of adjoining residential properties and would create an undesirable precedent for development of a similar nature in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
- 2 It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on a poorly aligned public road, at a point where available sightlines are severely restricted.
  
- 3 It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private effluent treatment systems in the area and would, therefore, be prejudicial to public health.

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Kevin Moore

Senior Planning Inspector

9<sup>th</sup> July, 2108