



An  
Bord  
Pleanála

## Inspector's Report ABP-301711-18

---

<b>Development</b>	Dwelling house, double garage, waste water treatment system and ancillary site works.
<b>Location</b>	Cusduff, Castletreasure, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/4628
<b>Applicant(s)</b>	Trevor O'Leary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First party -v- Decision
<b>Appellant(s)</b>	Trevor O'Leary
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> September 2018
<b>Inspector</b>	Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	7
6.3. Planning Authority Response .....	7
6.4. Observations .....	7
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	13

## 1.0 Site Location and Description

- 1.1. The site is located 2.7 km east of Cork Airport, in a rural area to the south of the Cork suburb known as Castletreasure. This area is on elevated land compared to that of the suburb, which is predominantly in agricultural use and which is punctuated by one-off dwelling houses.
- 1.2. The site itself is of rectangular shape and it extends over an area of 0.437 hectares. This site forms part of an existing field and its western extremity is the subject of mild downward gradients. Access is by means of an agricultural gate off a cul-de-sac that runs on a north/south axis. Existing dwelling houses at points further to the north and the south are accessed off this cul-de-sac, too.
- 1.3. The site adjoins an existing developed house plot to the north and a further developed house plot lies at a short remove to the south. This site is bound by a post and wire fence to the north along the common boundary and by a roadside hedgerow to the east. The remaining southern and western boundaries are undefined "on the ground".

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of a single storey, four-bedroomed, dwelling house within which its roofspace would be used for habitable purposes (359 sqm). This dwelling house would be sited in the eastern half of the site and its front and rear elevations would be orientated to the east and to the west, respectively. These elevations would have projecting gabled features within them at their southern ends and a subsidiary element would be sited at the northern end of the main body of the dwelling house. The use of stone, as distinct from render, would distinguish the front gabled feature and the subsidiary element.
- 2.2. The proposal would also entail the construction of a double garage (81 sqm) in a recessed position to the west of the aforementioned subsidiary element. A new access from the existing cul-de-sac to the east of the site would be formed in the vicinity of the existing one and an accompanying gravel driveway would be laid out. The dwelling house would be served by a bored well, which would be sited in the north eastern corner of the site, and a WWTS (activated sludge process (ASP)

treatment system and raised bed percolation area), which would be sited towards the centre of the western half of the site. A soak pit is also proposed for the disposal of surface water.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reasons:

1. The proposal would constitute ribbon development and so it would materially contravene Objective RCI 6-3 of the CDP. This proposal would create an infill site to the south, thereby raising expectations of further development upon the same.
2. The site lies within the Metropolitan Cork Green Belt. To qualify for a dwelling house on this site, the applicant needs to demonstrate that he complies with one of the identified categories of housing need set out in Objective RCI 4-1. This he has not done and so the proposed dwelling house would materially contravene the Zoning Objective for the site.

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

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

See reasons for refusal.

##### **3.2.2. Other Technical Reports:**

- Irish Water: No objection, standard observations.
- Area Engineer: Further information requested re. siting and size of soak pits.

### **4.0 Planning History**

The site:

- None

Adjoining site to the north in the applicant's ownership:

- 12/5525: Dwelling house: Refused at appeal PL04.241137 on the grounds of green belt and backland development.
- 16/4619: Dwelling house for current applicant: Refused on the grounds of green belt, backland development, and access.

Adjoining site to the north in the ownership of the applicant's sister:

- 08/4547: Dwelling house: Applicant Caroline O'Leary: Permitted and implemented.

Adjacent site to the south:

- 06/5414: Dwelling house: Applicant Justin Healy: Permitted and implemented.

## **5.0 Policy Context**

### **5.1. Development Plan**

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the Metropolitan Cork Green Belt. Objective RCI 4-1 addresses the categories of housing need that are applicable to applicants for dwelling houses within the Green Belt. Other Objectives of relevance are RCI 6-3, RCI 6-2, and TM 3-3, concerning ribbon development, servicing individual houses in rural areas, and road safety and traffic management.

### **5.2. Natural Heritage Designations**

Great Island Channel SAC (site code 001058)

Cork Harbour SPA (site code 004030)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant begins by summarising the proposal, the recent planning history of the area surrounding the site and the relevant national and local planning policy context. He then responds to the two reasons for the draft refusal as follows:

- Attention is drawn to other refusals on Strawberry Lane: where housing density was cited as a reason, so was the applicant's non-qualification for a dwelling house. By contrast the current applicant would qualify.

The CDP Objective RCI 4-1 is a stricter Objective than its predecessor and yet it still lends support to qualifying applicants, even in situations of high density.

Strawberry Lane is a private cul-de-sac used by residents only rather than a through route with a high profile. Consequently, ribbon development is less of an issue.

Notwithstanding its housing density, Strawberry Lane has a rural character and the application site would maintain this character insofar as most of its front hedgerow boundary would be retained.

- The applicant insists that he has a genuine rural generated housing need based on the following considerations:
  - He has always lived locally, i.e. within c. 2.3 km of the site.
  - His mother was brought up locally and his sister and her family reside on a site that adjoins the application site.
  - He attended the local National and secondary schools and played for the local GAA club. In his youth he worked during the summer on Strawberry Farm at the end of the Lane.
  - His business is located 3 km away "as the crow flies" and it provides a breakdown service for the area, which includes Cork Airport. The call out nature of this business means that he needs to reside locally.

- His children attend the local Montessori and they have been enrolled in the local National school.
- At present he resides with his wife and children in his parents' home.
- He simply wishes to build his first home on a site owned by his family of origin. He has not obtained planning permission previously for a dwelling house in a rural area.

In the light of the above considerations, the applicant qualifies under category (d) of Objective RCI 4-1 for a rural dwelling house.

## 6.2. **Applicant Response**

n/a

## 6.3. **Planning Authority Response**

None

## 6.4. **Observations**

None

## 6.5. **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) Green belt and rural housing need,
- (ii) Ribbon development,
- (iii) Amenity,
- (iv) Access,

(v) Water, and

(vi) Screening.

**(i) Green belt and rural housing need**

- 7.2. Under the CDP, the site is located in the Metropolitan Cork Green Belt. Policy Objective RCI 4-1 states that this Green Belt is the area under strongest urban pressure for rural housing and so applicants must demonstrate that their proposal constitutes an exceptional rural generated housing need based on their social and/or economic links to a particular local rural area. To this end one or more of four criteria must be applicable.
- 7.3. The applicant has completed a supplementary planning application form, within which he has stated that his principal occupation is that of a mechanic for Tidy Mechanical Repairs, a firm that is based in Ballycurreen Industrial Estate off the Kinsale Road (N27) in the urban area of Cork. He has also stated by way of exceptional circumstances that his mother resides in the wider area of the site and she was born in the vicinity of the site. The applicant's ambition is to build a dwelling house for his own family within the said area.
- 7.4. At the appeal stage the applicant has amplified the above cited information. Thus, he states that the Ballycurreen Industrial Estate is 3 km "as the crow flies" from the site and, as his work involves a call out breakdown service, he needs to reside locally. His mother resides 2.3 km from the site and his sister resides in the dwelling house adjacent to the northern boundary of this site. He, himself, was raised in the wider area of the site and he presently resides with his own family in his parents' dwelling house. He now wants to build a dwelling house on the site for his family. He has not done so before and he has not previously obtained planning permission to do so.
- 7.5. In the light of the foregoing information, the first three of the four criteria are clearly not applicable as the applicant is not from a farming family and his employment is not in a rural area. The fourth criterion states the following:

*Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.*



- 7.6. In the present case, the principal family residence would appear to be where the applicant's mother presently resides, some 2.3 km away from the site. Thus, while his sister resides in a dwelling house adjacent to this site, the relevant principal family residence is at some remove and so on a different landholding. In these circumstances, the fourth criterion is not applicable to the applicant.
- 7.7. Given the location of the site in an area under strongest urban pressure for rural housing, I consider that the strict application of Policy Objective RCI 4-1 is justified. Thus, insofar as the applicant's circumstances do not align with the criteria set out therein, he is not a candidate for a rural dwelling house on the site.
- 7.8. I conclude that the proposal would be contrary to Policy Objective RCI 4-1 of the CDP.

**(ii) Ribbon development**

- 7.9. Under Policy Objective RCI 6-3 of the CDP there is a presumption against development which would contribute to or exacerbate ribbon development, which is defined by the Planning Authority as five or more houses on any one side of a given 250m road frontage.
- 7.10. The site is located on the western side of a cul-de-sac in the townland of Cusduff. This site adjoins a developed house plot to the north, which is one of four such plots to the north. At a short remove to the south there is further row of at least three developed house plots. If a 250m measurement is applied to these plots, then the four dwelling houses to the north of the site and two of the three to the south would come within its ambit.
- 7.11. The introduction of the proposed dwelling house to the subject site would add a further dwelling house to the existing six that are within the aforementioned dimension of 250m. The Planning Authority's first reason for its draft refusal recognises that ribbon development would thus ensue. It also recognises that, insofar as the development of this site would narrow the gap between existing developed house plots to the north and south, its development would be instrumental in creating an infill housing plot and thus pressure for a further dwelling house.
- 7.12. The applicant draws attention to the fact that as a cul-de-sac no through route is available and so ribbon development concerns can be allayed thereby. He also draws attention to the rural character of the cul-de-sac, notwithstanding the

incidence of one-off dwelling houses. Insofar as the subject site contributes to this character, it would be largely retained as, under the proposal, most of the roadside hedgerow would remain.

- 7.13. During my site visit, I observed the existing dwelling houses on the cul-de-sac, some of which are more visible than others. However, in all cases, entrance ways and accompanying visibility splays have resulted in the erosion of hedgerows and so progressively the rural character of the cul-de-sac is being diminished. Furthermore, public vantage points along the local road to the west, known as Ballinreeshig Hill, afford views of either the rear elevations of dwelling houses or the means of enclosure of residential curtilages and so again the rural character of the area is being affected. I do not therefore share the applicant's view that concerns in this respect can be allayed.
- 7.14. I conclude that the proposal would be contrary to Policy Objective RCI 6-3 of the CDP.

**(iii) Amenity**

- 7.15. Under Policy Objective RCI 6-1 of the CDP, the design and landscaping of new dwelling houses in rural areas is addressed. While the proposed dwelling house would "read" as a bungalow, its roofspace would be laid out to provide habitable room accommodation. This dwelling house would accommodate four bedrooms and it would have a floorspace of 359 sqm. Room sizes and dimensions would ensure a good standard of amenity to future residents.
- 7.16. The proposed dwelling house would be sited in the western half and towards the centre of the site. Aesthetically, the scale and mass of this dwelling house would be relieved by the specification of projecting gable features at the southern ends of the front and rear elevations, a subsidiary element at their northern ends, and the use of stone in the front gable feature and in the subsidiary element.
- 7.17. Existing dwelling houses within the vicinity of the site exhibit a variety of sizes and designs. The introduction of the proposed dwelling house into this *milieu* would be appropriate visually.
- 7.18. The existing boundary between the site and the adjoining developed house plot to the north is denoted by means of a post and wire fence. On the far side of this boundary planting has occurred and, while the applicant does not propose to

complement such planting on the nearside side of the boundary, the adjacent driveway would be accompanied on either side by flowering cherries and so some screening of the same would occur, in practise, thereby.

7.19. I conclude that the proposal would afford an acceptable standard of amenity to future residents, this proposal would be appropriately designed for a rural location, and it would be compatible with residential amenities of the adjacent developed house plot.

#### **(iv) Access**

7.20. The cul-de-sac, which serves the site, is of single lane width and straight alignment. The proposed access would be sited in a similar position along the site's roadside frontage to the existing agricultural gateway. This access would be laid out as a splayed entrance way and it would be accompanied by sightlines of 2.4m x 90m.

7.21. During my site visit, I observed that, while the aforementioned sightlines would be capable of being provided, they would require the regular trimming of hedgerows to the north and to the south. With respect to the north, I observed that the entrance way to the adjacent dwelling house is close by and so the hedge trimming requirement to maintain sightlines at this entrance would overlap with the requirement to do so for the proposed entrance, too. With respect to the south, I observed that the hedgerow in question would be under the applicant's control.

7.22. I conclude that the site would be capable of being accessed satisfactorily.

#### **(v) Water**

7.23. The proposed dwelling house would be served by a bore well for the purpose of a domestic water supply. This well would be sunk in the north eastern corner of the site. While no information has been submitted to indicate its feasibility, the neighbouring dwelling house to the north is served by such a well, as are other dwelling houses in the vicinity of the site.

7.24. The applicant has undertaken a site characterisation exercise for the purpose of establishing whether ground conditions would be suitable for a domestic waste water treatment system. This exercise concludes that, due to shallow bedrock, a raised percolation area would be necessary. The accompanying system recommended for the site is an Activated Sludge Secondary Treatment Package one. It and the

percolation area would be sited centrally within the western half of the site and so in a position some 78 m away from and down gradient of the proposed bored well.

- 7.25. The applicant proposes to install a soak pit for the purpose of surface water disposal. No details in this respect have been submitted. However, given that the site has an area of 0.437 hectares, there would appear to be scope for such installation.
- 7.26. The OPW's flood maps show that the site is not the subject of any identified flood risk.
- 7.27. I conclude that water supply and drainage arrangements would appear to be capable of being provided in a satisfactory manner. The site is not the subject of any identified flood risk.

#### **(vi) Screening**

- 7.28. Having regard to the nature and scale of the proposal, there is no real likelihood of significant effects on the environment arising from the proposal. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.29. The site is not in a Natura 2000 site or near to one. I have not been able to identify a source/pathway/receptor route between this site and the nearest Natura 2000 sites, i.e. Cork Harbour SPA to the north and south east and Great Island Channel SAC to the north east. Accordingly, no Appropriate Assessment issues would arise.
- 7.30. Having regard to the location of the site and the nature and scale of the proposal, no Appropriate Assessment issues would 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 refused.

## 9.0 Reasons and Considerations

1. The Cork County Development Plan 2014 – 2020 shows the subject site as lying within the Metropolitan Cork Green Belt, which is the area under strongest urban pressure for rural housing. Consequently, under Policy Objective RCI 4-1, applicants for one-off dwelling houses in this area must demonstrate that they have an exceptional rural generated housing need based on their social and/or economic links to a particular locality. The applicant for the proposed dwelling house on the subject site has not demonstrated that he has such a need and so to accede to the proposed dwelling house would be to contravene the said Policy Objective and, by extension, the purposes of the Green Belt as set out in Policy Objective RCI 5-2. Thus, the proposed dwelling house would be contrary to the proper planning and sustainable development of the area.
2. The proposed dwelling house would contribute to and exacerbate ribbon development within the vicinity of the subject site. It would thus contravene Policy Objective RCI 6-3 of the Cork County Development Plan 2014 – 2020. Additionally, the development of this site as proposed would create an infill site to the south, which would be likely to be the subject of pressure in the future for further ribbon development. The proposed dwelling house would therefore in its own right and in the precedent which it would establish be contrary to the proper planning and sustainable development of the area.

---

Hugh D. Morrison  
Planning Inspector

24<sup>th</sup> October 2018