



An
Bord
Pleanála

Inspector's Report 301860-18

Development	Demolish existing studio, alteration and conservatory extension to existing bungalow, Construct 1 no. residential dwelling
Location	Rushanes Townland, Glandore, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18151
Applicant(s)	Benedict Bannister
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Benedict Bannister
Observer(s)	None
Date of Site Inspection	3 rd October 2018
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located within the Development Boundary for Glandore, at the eastern end of the village. It is situated on the southern side of the main road, between the road and the sea. However, it does not have frontage to the main road. It is accessed by means of a private road which serves the existing dwelling and a further dwelling to the southwest. The site is located within a row of approx. 10 residential properties with road frontage to the main road, some of which open directly onto the road, with others being set back from the road. There is a holiday village development on the northern side of the road, opposite the site, which is at an elevated level above the road.
- 1.2.** The site comprises the access to a back-land site which is occupied by a single detached house, with an artist's studio. At the time of inspection, I can confirm that the house appeared to be vacant. The site straddles the private laneway, which meanders in an S shape down a slope towards the sea. To the west of the site there is a single house fronting the roadside and further down the private lane, another house close to the sea. To the east of the access lane and north of the site itself, there is a house fronting the road with a large field between the house and the laneway.
- 1.3.** The appeal site is divided by the laneway into a northern section and a southern section. The site area is given as 0.32ha (3,200sq.m). The northern section comprises a relatively flat site which accommodates the existing house, studio and garden area. The southern section is overgrown and sloping downhill. The existing house is single storey and appears to date from the 1960s or 1970s. The studio was probably constructed in the mid-1990s and is approx. 23sq.m. in area. The dwelling has a roof with a very shallow profile, almost flat, and is very simple in its design. The studio, which is attached to the southwestern corner, has an unusual pitched roof, where the ridgeline of off-centre.
- 1.4.** The dwelling house is approx. 100sq.m and incorporates a car port at the eastern end. It has two bedrooms.

2.0 Proposed Development

- 2.1.** It is proposed demolish the studio, carry out alterations to the bungalow and extend it, and to construct a new two-storey dwelling, (269m²), which would be fully serviced, together with all associated and ancillary works, including boundary treatments, landscaping and drainage. The dwelling would be accessed from the access lane to the west via a wayleave. The submitted drawings show a second wayleave to the north-east which connects with the public road to the east of the house to the north.
- 2.2.** The proposed development includes the raising of the roof of the existing building from a ridge height of c. 2.8m to c.5.5m, which would be clad with slate. The proposed new roof would have a much steeper double pitch than the existing, with east-facing and west-facing gables. It is also proposed to replace the existing windows and doors with new windows and doors and to construct a new conservatory roughly in the place of the existing studio.
- 2.3.** The proposal also includes the construction of a 2-storey house in the south-western corner of the northern section of the site. The house would be oriented with a ridge line running north-south, (as opposed to the E-W ridge line of the existing house). The site of the new house would be bounded by the private access road to the west and south, by the neighbouring field to the north and by the existing extended dwelling and associated entrance driveway/parking spaces to the east. The remainder of the site lies to the south-east of the access lane and it is proposed to leave this as an overgrown area.
- 2.4.** The new dwelling house is of a contemporary design with a large living area and conservatory centrally located at ground floor with an open vaulted ceiling. The master bedroom would be on the ground floor and Bedrooms 2 and 3 would be located either side of the open area at first floor level with a landing/gallery connecting them. The southern gable would have a window and the remainder of the rooms at first floor would be lit by means of roof lights and a single dormer on the western roof slope.
- 2.5.** The proposed development will be connected to the public water supply and to the public sewer. Surface water is to be disposed of to an “existing roadside drainage ditch” and a “soak pit”.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for two reasons as follows:

1. It is considered that by reason of its scale, location and site coverage, the proposed development of a second dwelling would represent overdevelopment of a small, restricted site, which would be out of character with the surrounding development and would seriously injure the amenities of the area and of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety by reason of traffic hazard because sight distance at the junction of the access road serving the site with the public road is sub-standard and inadequate to cater for the proposed intensification of use.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report (18/05/18) noted that in pre-application discussions, the applicant had been advised to consider demolition and either the erection of a single large well-designed house or possibly two modest dwellings. The retention of the existing dwelling was not encouraged. It was further noted that the planning history indicates that previous proposals for an additional dwelling on the site were refused under 95/2911 and 98/1664. Reference was made to the observation from the neighbour to the north regarding the R.O.W. to the NE and the lack of ownership to achieve the setbacks at the entrance. Reference was also made to the Area Engineer's comments regarding access.

It was considered that there was no merit in retaining the existing dwelling, which is in poor condition and the planning status for this structure is unclear. It would also give rise to injury to amenities of neighbouring properties due to increased ridge height and proximity to the northern boundary. The proposal to erect a 2-storey

dwelling with a floor area of 269m² and a ridge height of 7.2m would represent overdevelopment of the site as there is limited open space available for either of the two dwellings given that the area to the south is overgrown and steeply sloping.

It was considered that the sight distances were restricted at the entrance. It was noted that the required sight distance is 50m and that the submitted drawings, which showed 40m in each direction was unattainable on the ground. The lack of adequate sightlines combined with the intensification of a sub-standard access were considered to contribute to an unacceptable situation in terms of road safety. It was further noted that the applicant did not have sufficient control to improve the sightlines. The wayleave to the east was also of concern as the adjoining landowner questioned the accuracy of the drawings.

Refusal was recommended by the Area Planner, and supported by the Senior Executive Planner, generally in accordance with the decision of the planning authority.

3.2.2. Other Technical Reports

Area Engineer's Report – Not satisfied that the required sightlines can be achieved. Sought deferral on this basis and for applicant to provide revised drawings showing how this can be achieved, including control over obtaining and maintaining adequate set back distances. Given these deficiencies and the proposal to intensify the use of the substandard entrance, a grant of permission could not be recommended.

It was further noted that there are no proposals for disposal of surface water. Clarification was required regarding what is meant by “discharge to roadside drainage ditch” in terms of whether it refers to the public road or the private access lane.

3.3. Prescribed Bodies

Irish Water (23/04/18) – no objection subject to recommended conditions.

3.4. Third Party Observations

One third party submission was received from Mr. McCarthy by the P.A. which may be summarised as follows:

- The wayleave to the east of the site, with a pedestrian gate and access linking back to the public road is shown incorrectly at 4.5m wide over his lands. The legal position of this wayleave is that it is just 1.5m wide, from the centreline of the adjoining property to the east.
- The applicant is showing a cut-back development for sightlines at the entrance on the observer's property at the northern site boundary. This is outside the ownership of the applicant.

4.0 Planning History

94/3888 – planning permission granted for erection of artist studio in Feb. 1995.

95/2911 – planning permission refused by P.A. for additional dwelling. The decision was appealed to the Board (04.098478), but was refused on 20/3/96.

98/1664 – permission refused by P.A. in July 1998 for additional dwelling on site.

Details of the above history files are not available on line, but the Area Planner's report stated that the refusals were based on grounds of public health, zoning and traffic hazard.

5.0 Policy Context

5.1. Cork County Development Plan 2017-2023

Site is located in a High Value Landscape.

Relevant policies include:

RCI 6-1 – Design and Landscaping of New Dwelling Houses in Rural Areas

- Encourage design that respects character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- Promote sustainable approaches to design – energy efficient in design, layout and siting.
- Require appropriate landscaping and screen planting with mainly indigenous /local species and groupings.

GI-6-1 Landscape

- (a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- (b) Landscape issues – important factor in all land-use proposals
- (c) Ensure new development meets high standards of siting and design.
- (d) Protect skylines and ridge lines for development
- (e) Discourage development requiring the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.2. West Cork Municipal District Local Area Plan 2017

DB-02 – Frontage development within the core of the village shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate developments should be in the form of terraced development/courtyard schemes.

DB-03 – Protect and enhance the attractive coastal setting and landscape character of the area.

5.3. Natural Heritage Designations

Myross Wood SAC (001071) – lies approx. 3km to the northwest.

Castletownshend SAC (001547) lies approx. 6km to the southwest.

Kilkeran Lake and Castlefreke Dunes SAC (001061) lies approx. 9km to the east.

Galley Head to Duneen Point SPA (004190) lies approx. 10km to the southeast.

Sheep's Head to Toe Head SPA (004156) lies approx. 12km to the southwest.

5.4. National Monument Service

Kilfinnan Castle (CO17245 Tower House) is located approx. 200m to the southwest, adjacent to the foreshore. (SMR No. CO142-038).

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal was submitted by MHOC Consultants. The submission included several photographs of the public road in the vicinity of the site as well as revised drawings of the entrance, the site layout and the floor plans for the proposed new dwelling.

The main points raised may be summarised as follows:

- **Overdevelopment** – it is disputed that the proposal would constitute overdevelopment of the site. It is fully compliant with the policy objectives for the area and the principle of two house on the site was mentioned by the P.A. in pre-application discussions. Density would result in 2.5 houses to the acre (6.5/ha). The density of surrounding development is far greater than this.
- **No impact on residential amenity** – the proposed ridge height of the existing house is generally in accordance with those of surrounding development. The closest house is 17m away. The second dwelling would not be out of character with surrounding development and would have no impact on residential amenity, with no overlooking. The proposed amenity area, (with a depth of >16m), is greater than those at Glandore Mews opposite and of many of the adjacent houses, some of which have a second dwelling in the back garden.
- **Model of sustainable development** – higher density results in more efficient use of land. Retention and alteration of existing house is more sustainable than demolition and rebuild.
- **Quality of existing house** – The appellant’s agent has expertise in conservation architecture and is well experienced. The option of demolition was considered but rejected on several grounds. Firstly, it worthy of retention as it is one of the earliest examples of employment of a technical innovation of externally applied insulation on concrete blockwork cavity wall construction. The “poor” quality is disputed and is considered to be generally sound, dry and free of any significant defect. It is in need of renewal of services, re-roofing and some elements of fabric and internal finishes. The replacement of the roof can

be achieved structurally. It is clear from the planning authority's records that the planning status of the house was accepted in 1983 when permission was granted for an extension (not implemented).

- **Traffic and road safety** – A detailed measured survey of the existing splayed entrance together with photos taken from the entrance and approaching the entrance, have been submitted with the grounds of appeal. It is claimed that these demonstrate that the entrance is not substandard and that adequate sightlines are available in both directions, subject only to trimming of the hedgerow vegetation. It is accepted that the P.A. cannot impose a condition on an adjoining landowner to maintain hedgerows. However, it is submitted that it is the obligation of the Roads or Local Authority, in collaboration with owners of sites fronting the public roads, to maintain the hedgerows and ditches in the interests of sightlines and road safety for all. None of existing entrances in the vicinity are compliant with the 50m sightline requirement and there have been no incidents.
- **Wayleave** – it is acknowledged that the drawing submitted with the application was in error and showed the wrong dimension, and that it should be 1.5m.
- **Revised proposals for new dwelling house** – if the Board considers that the proposed dwelling is oversized, it is requested that consideration be given to the revised proposals for a reduced scale (269sq.m reduced to 155sq.m), which could also be repositioned on site.
- **Split decision** – It is open to the Board to issue a split decision permitting the proposed works to the existing house whilst requiring a revised application for the new house.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 12th July 2018. The Area Planner had no further comments to make but the Area Engineer made the following points:

- The road adjoining the site entrance is a regional road (R597) which links Rosscarbery with Leap/Union Hall, passing through Glandore Village. This is a

busy road on the Wild Atlantic Way and would be a major tourist route, indicating that a lot of road users would be strangers to the area.

- Sight visibility cannot be achieved without the consent of adjoining landowners to lower the hedging/road boundary wall to a level not greater than 1m over the road surface and maintain them as such in perpetuity. No consent documents from adjoining owners have been submitted.
- It is not clear from the measured survey that adequate sightlines are achievable as they are taken from 1.5m back from the carriageway, instead of the required distance of 2.4m. If adequate sightlines, (as specified in Guidelines for Sight Distances at Private Entrances onto Public Roads – Cork Co. Co. Feb 2014), cannot be attained, the entrance remains “substandard”, notwithstanding that it is an existing entrance.
- Photographs submitted with the grounds of appeal are misleading as they do not reflect “driver’s eye view”. Photographs 3 and 5 are the most relevant as they reflect the deficiency in sight visibility at 3m from the carriageway.
- The obligation to keep hedges trimmed and not be a hazard to traffic and pedestrians lies with the landowner, not the local authority (Section 70 of the Roads Act, 1993).
- The application is for new development which would intensify the use of a substandard entrance. The historical entrances referred to by the appellant do not suffer from the same level of obstruction as the subject entrance.
- Any risk, even a negligible one, is an additional risk onto a busy regional road.

6.3. Response from first party to P.A. response

A further response was submitted by the appellant on 15th August 2018. This was mainly in the form of a rebuttal of the points made by the P.A. and a reiteration of the points made in the grounds of appeal. However, it was pointed out that the appellant had since had discussions with one of the landowners, Mr. McCarthy, further to which the appellant makes the following points:

- It is alleged that Mr. McCarthy does not object to the proposal and that his concerns relate only to the ownership and control of the entranceway.
- It is also understood that Mr. McCarthy conceded the appellant's right-of-way over the entrances, as evidenced by the Land Registry Map submitted with the application.
- It is submitted that Mr. McCarthy has confirmed that he has no objection to the cutting back/removal of the hedgerow growth to the top of the entrance wing wall and existing ditch to the east of the entrance, which is over 600mm above the level of the roadway.

The appellant is of the opinion that the points raised above would facilitate adequate sightlines to the east and reiterates his opinion that the sightlines to the west are already appropriate. It was concluded that as the local authority has not implemented a range of other measures to improve road safety such as a 30kph speed limit, erecting warning signs of concealed entrances etc., it is assumed that the status quo is acceptable to the L.A. It is also reiterated that the Roads Engineer did not recommend refusal in his initial report but merely sought that the establishment and maintenance of sightlines be agreed with the adjoining owners.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Principle of development and overdevelopment of site;
- Residential amenity;
- Road safety and access;
- Revised proposals for site and split decision

7.2. Principle of development and overdevelopment of site

7.2.1. The retention of the existing house and its refurbishment is considered to be an appropriate in principle, in that it would improve the appearance of the dwelling and it

would be a sustainable option to modernise the structure. However, the proposal to introduce a second dwelling on the site is less straight forward. Although the site area is given as 3,200sq.m, less than half of this is useable, with the remainder being overgrown and separated from the residential area by the shared driveway and a sloping incline. The proposed drawings show a very cramped layout with two large dwellings occupying a small space. The existing house is very close to the northern, eastern and western boundaries, each of which is with an adjoining property. The only open space around this dwelling is to the south, half of which is a parking area/driveway. The area to the southwest, which would have provided the main amenity space relating to this dwelling is the site of the proposed new dwelling.

7.2.2. The site layout shows the front elevation of the proposed dwelling abutting the private amenity space of the existing dwelling to the east and the side elevations are very close to the boundaries with the neighbouring garden to the north and to the private driveway to the south. Thus, the only area of private amenity space is to the west, which is bounded on two sides by the private driveway. Although the depth of garden are shown is 16.24m, a substantial part of this is steeply sloping towards the driveway

7.2.3. The site is a backland site which is quite restricted in terms of its shape, which is partly determined by the private driveway, and in terms of the uneven ground and sloping gradient within it. Thus, the area available area for development is extremely limited. It is considered that the introduction of a second large dwelling into such a restricted backland site would result in overdevelopment of the site. It is noted that the appellant referred to other sites in the vicinity, some of which have a house in the back garden. However, I note that these sites generally have frontage to the regional road with more regular shapes and level ground. It is considered, therefore, that the proposed development would result in a density of development which would be out of character with the established pattern of development in the area.

7.3. Residential amenity

7.3.1. The alterations to the existing dwelling indicate that there is only one additional window in the north elevation, which would be a high-level window to the kitchen dining room. As the rear and side elevations will continue to abut/look onto existing mature boundary hedges, and that the dwelling is single storey in height, it is

considered that the proposed development would not give rise to nuisance in terms of overlooking. The proposed development is removed from the neighbouring properties apart from the northern elevation which is c.2.6m from the neighbouring boundary. It is noted that there are no windows proposed for the first floor on this elevation. The front (east elevation) would abut the garden area of the retained dwelling, but again, there are no windows proposed at first floor level for this elevation. Thus, it is considered that the proposed development would not give rise to loss of amenity by reason of overlooking.

7.3.2. It is noted that although the existing dwelling is sited close to the boundaries with neighbouring properties, it is not sited close to the existing dwelling houses on these properties. Thus, it is considered that there would be no significant loss of amenity from any increased potential for overshadowing from the proposed development of adjoining properties.

7.3.3. The proposed dwelling, together with the proposed parking areas and driveways serving both dwellings, essentially occupies the majority of the existing private amenity space associated with the existing residence. It is considered, therefore, that the useable private amenity space available to the future occupiers of each of the two dwellings would be of poor quality by reason of the cramped layout and the uneven and overgrown nature of the ground, with steeply sloping gradients.

7.4. Access and road safety

7.4.1. The site is located on a regional road (R597) linking Rosscarbery and Union Hall/Leap, through the picturesque village of Glandore, which is a very scenic area by the West Cork coastline. It forms part of the Wild Atlantic Way and is popular with touring visitors including cars, cyclists and walkers. The stretch of road serving the site is narrow and contains a number of concealed entrances, which is partly due to the mature vegetation lining the carriageway. It is also a residential road with a substantial number of access points onto the road, particularly to the east of the site entrance, some of which appear to be substandard, and no footpath on either side.

7.4.2. The entrance to the private/shared laneway serving the site is existing and serves two dwellings at present, although three landowners seem to have rights-of-way. It consists of splayed wing walls set back 7.4m from the edge of the carriageway, with 1.4m high stone piers. The ground on either side of the entrance consists of retained

banks with a 600mm stone wall, which provides for a narrow, curved entrance rather than a standard splayed one. Within the retained banks on either side there is overgrown vegetation including mature trees and a number of utility poles. It can be seen from a comparison of the recently taken photographs on file and Google Maps (2011 image) that the vegetation was significantly more dense and mature than at present on both sides of the entrance and along the driveway itself. However, whilst the vegetation has been cut back significantly, the visibility from the entrance is still severely restricted in both directions, when viewed at the requisite 'y' point of 2.4m back from the carriageway. Thus, I would agree with the Area Engineer that the sightlines available from the entrance are inadequate and that, as such, the entrance is substandard.

- 7.4.3.** The key issue here is the ability to firstly achieve the required sightlines and secondly, to maintain them as such in perpetuity. The P.A. has insisted that the appellant must provide evidence of the consent of the adjoining landowners to lower the hedging and roadside boundary to a level 1m over the road surface and to maintain them in perpetuity. The appellant initially claimed that the 50m sightlines are available at a point 1.5m back from the edge of the carriageway, but this was rejected by the P.A. as it must be taken for 2.4m. The appellant then argued that it was the responsibility of the roads authority to maintain the hedges and vegetation on the roadside to ensure that it did not give rise to a hazard to road users. However, the P.A. pointed out that this is not the case and that the Roads Act 1993 requires landowners to maintain the roadside vegetation.
- 7.4.4.** The appellant has since advised that he has had discussions with the adjoining landowner to the east of the entrance and that he has no objection to the cutting back of the vegetation to the east of the entrance. However, there is no evidence of this and specifically, no evidence of consent to maintain the sightlines in perpetuity. Furthermore, there is no reference to any consent from the landowner to the west, other than to say that the vegetation on this side has been cut back. However, as can be seen from the photographs on file, this is not the case. Thus, it is quite clear that the appellant does not have control over the establishment and maintenance of adequate sightlines from the entrance, which remains substandard.
- 7.4.5.** The appellant has also referred to various other properties in the vicinity which it is claimed have substandard entrances. I would agree that some of the entrances

nearby appear to be substandard, but these are existing entrances for which there is no development proposal currently before the Board, to my knowledge. The appeal that is before the Board, however, relates to an application to intensify the use of an existing substandard entrance, which is likely to remain substandard after any permission had been granted and implemented. In any case, there is insufficient evidence before the Board to enable it to be satisfied that the entrance would be brought up to standard and maintained as such permanently. I would agree with the P.A., therefore, that the proposed development should be refused on these grounds.

7.5. Revised proposals and split decision

- 7.5.1.** The appellant has submitted revised proposals for the proposed new dwelling with the grounds of appeal, together with the following statements, (4.4 and 4.5).

“Although it is only a three-bedroomed house, it contains a conservatory and double-height galleried living area that contributes to its bulk. If the Board determines that the proposed house is over-sized, we respectfully request that consideration be given to the enclosed revised, reduced proposals for a new house of 155sq.m., which could also be re-positioned on the site as shown on the enclosed revised site plan, to address any concerns remaining about private open space.

We further respectfully suggest that it is open to the Board to determine the appeal on the basis of a split decision, permitting the proposed works to the existing house whilst requiring a revised application for a new house.”

- 7.5.2.** The revised site layout plan shows that the proposed house would be set back further from the existing house. However, this seems to have been achieved by relocating the house closer to the private road, as the footprint has not been reduced significantly. The main revisions involve the omission of the double height conservatory on the western side and some internal revisions to the first-floor usable space. It is not clear how the stated revised floor area of 155sq.m has been arrived at, as the external footprint seems to be largely the same as originally submitted, apart from the conservatory. It is further noted that no revised elevations have been submitted.

7.5.3. The revised proposals do not significantly reduce the bulk of the building, which is still considered to be a large structure. The revisions do result in a less overbearing structure immediately adjacent to the only garden of the existing dwelling, but the reduced depth of the rear garden for the proposed dwelling (to 14.75m) does not address the poor quality of that amenity space, which mainly arises from the useable space due to the overgrown/uneven and sloping nature of the ground. It is considered, therefore, that the proposed revisions do not adequately address the issues regarding residential amenity and do not address the issue of overdevelopment of the site.

7.5.4. It is considered that the proposed alterations and extensions to the existing dwelling, including the demolition of the studio, are acceptable and that this proposal, on its own, would not give rise to the adverse impacts in terms of density, residential amenity or traffic hazard, as there would be no intensification of use of the site. It is, therefore, considered reasonable to grant permission for this element of the proposal as a split decision, as proposed by the appellant. However, it is considered that a condition should be attached to any such permission to submit a revised site layout showing an appropriately sized and landscaped private amenity area for the house to be retained.

7.6. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment

The closest European sites are Myross Wood SAC (001071), which lies approx. 3km to the northwest and Castletownshend SAC (001547), which lies approx. 6km to the southwest. Given the distances involved, that the site is located in an established area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the construction of a new dwelling on the site for the reasons and considerations set out below and
- 8.2. I recommend that planning permission should be granted, subject to conditions, for the demolition of the existing studio, alterations and extensions to the existing dwelling on the site for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the restricted and backland nature of the site, the proposed development comprising the introduction of a second large dwelling house on the site would result in a cramped and disorderly layout with poor quality private amenity areas, which would result in overdevelopment of the site and would be out of character with the established pattern of development in the area. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in the intensification of use of an access onto the R597, which is a Strategic Regional Road on the Wild Atlantic Way, at a point where the sightlines at the entrance are restricted in both directions, and would necessitate the removal of a substantial amount of roadside vegetation. Having regard to the lack of control by the developer over the necessary lands to attain the required sight distances and to maintain them in perpetuity, it is considered that the proposed second dwelling on the site would endanger public safety by reason of a traffic hazard and the additional and conflicting traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Cork County Development Plan 2017-2023, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development comprising the demolition of the existing studio and the carrying out of alterations and extensions to the existing dwelling on the site would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 development shall be amended as follows:
 - (a) The site layout shall be revised to show a useable private amenity area for the existing dwelling which shall be suitable landscaped and screened.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the residential amenities of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Mary Kennelly
Planning Inspector

21st November 2018