



An
Bord
Pleanála

Inspector's Report 302547-18.

Development	Demolition of existing single storey dwelling, construction of new two storey dwelling and associated ground works.
Location	Stournagh, Cove Hill, Baltimore, County Cork.
Planning Authority	West Cork County Council.
Planning Authority Reg. Ref.	18380.
Applicant	Ailish Thompson.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party.
Appellants	Padraig and Eimear Mc Cartan.
Observer	None.
Date of Site Inspection	8 th January 2019.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern edge of Baltimore village in the west of County Cork. The site forms part of a residential area comprising of detached dwellings off an informal road network.
- 1.2. On the appeal site there is a single storied dwelling. To the west is a single storied dwelling and to the east is a two storied dwelling. Access to the site is via a roadway which enters the site at the rear (south) of the site and this road continues across the rear of the site providing access to the site to the west.
- 1.3. There are also dwellings located to the north (front) of the site which are access from another section of road.
- 1.4. The lands on the site rise to the south providing views over the village and Baltimore Harbour.
- 1.5. The site has a stated area of 0.0828 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 28th of June 2018 was for the demolition of existing single storey dwelling with a stated area of 107m² and the construction of a new dwelling with a stated floor area of 214m².
- 2.2. The proposed dwelling which is 6.8 metres to ridge height level is of a modern design and construction has two floors of accommodation with the upper floor incorporated in the roof area. There is a strong glazing emphasis on the northern and southern elevations at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to fifteen conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning report dated the 14th of August 2018 refers to

- Policy provisions.
- Submissions received.
- An assessment of the issues including principle of the development, policy, consideration of the design, residential and visual amenity and surface water management.

Permission was recommended.

3.2.2. Other Technical Reports:

Area Engineer Report dated 1st of August 2018 indicates no objections.

3.2.3. Other submissions.

Third party submissions were submitted in particular in relation to the issues of surface water drainage and the increased height of the proposed dwelling.

4.0 **Planning History**

P.A. Ref. No. W/04/5134

Permission granted for an extension to the existing dwelling on the site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. Cork County Development Plan 2014.

There are general policies in relation to development area boundaries and encouraging development within defined built up areas as stated in objectives ZU 2-2 and ZU 3-1/

5.1.2. West Cork Municipal Local Area Plan 2017.

Baltimore is identified as a key village in the local area plan. The site is within the development boundary of Baltimore in an area also defined as a high value landscape.

DB-01 is a policy to encourage up to 85 additional dwelling units within the development area boundary.

DB-02 is a policy to protect and enhance the attractive coastal setting and landscape character of the village.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in a submission dated the 11th of September 2018 refers to;

- There are concerns that an existing flooding problem will be exacerbated and that the extent of water to be directed to a soakway located immediately above the appellants' property is not quantified.
- The soakway should be relocated and full details should be submitted of all paved areas and all volumes of water calculated.
- A storm drain wayleave is indicated on the northern boundary, but this does not exist based on the position on the ground.
- The appellants raise concerns in relation to the increased height and impact on their amenities and daylighting.

6.2. Planning Authority Response

The planning authority in a response dated the 15th of October 2018 indicated that they have nothing further comments to make in relation to the appeal.

In a later submission dated the 12th of November 2018 the area engineer indicates that there are no objections to the revised measures proposed by the applicant in relation to surface water runoff.

6.3. Applicant Response

The applicant in a submission dated the 12th of October 2018 refers to;

- There is no direct overlooking of the appellants' property.
- The proposed dwelling will occupy the same surface area as the existing dwelling and any run off will be the equivalent level.
- Revised proposals have been prepared which will reduce run off.
- The proposed drain along the northern boundary is removed.
- There are no issues of overshadowing.
- Drawings indicating the revised drainage layout are submitted.

7.0 Assessment

7.1. The proposed development is for the demolition of existing single storey dwelling with a stated area of 107m² and the construction of a new dwelling with a stated floor area of 214m².

7.2. Principle of development.

In section 5 of the report I have outlined the main policy provisions as they relate to the site and area.

7.2.1. The site is located within the development boundary of the village. The site is within a developed and established residential area with a variation of house types and designs. There is an existing dwelling on the site, and it is proposed to demolish the existing dwelling and to replace it with another dwelling.

7.2.2. The principle of the proposed development is acceptable within the provisions of the statutory development plans relating to the site and area.

7.3. Siting and design.

7.3.1. The proposed dwelling which is 6.8 metres to ridge height level is of a modern design and construction has two floors of accommodation with the upper floor incorporated in the roof area. There is a strong glazing emphasis on the northern and southern elevations at ground floor level.

7.3.2. It replaces an existing bungalow on the site. Given the varied nature of the dwellings in the area I would have no objection to the design as submitted.

7.4. Matters raised in the appeal.

7.4.1. In the grounds of appeal the matters raised relate to impact on their property which is to the northwest of the appeal site and owing to the nature of the topography is at a lower level to the appeal site. The appeal site is not directly to the north of the appellants' site.

7.4.2. The issues raised relate to concerns in relation to the disposal of surface water drainage and impacts arising from the increased height on their amenities.

7.4.3. In relation to surface water drainage it is indicated by the appellants that an existing flooding problem will be exacerbated and that the extent of water to be directed to a soakway located immediately above the appellants' property is not quantified; the soakway should be relocated and full details should be submitted of all paved areas and all volumes of water calculated and that a storm drain wayleave is indicated on the northern boundary, but this does not exist based on the position on the ground.

In the response to the appeal the applicant indicates that the proposed dwelling will occupy the same surface area as the existing dwelling and any run off will be the equivalent level. Revised proposals have been prepared which will reduce run off.

The proposed drain along the northern boundary referred to in the grounds of appeal is removed and all water is collected and taken to a soakway to the south of the proposed house and diverted away from the appellants' property. A drawing indicating the revised drainage layout is submitted, drawing no 5439-0020-A.

The planning authority in a response to the appeal in a submission dated the 12th of November 2018 specifically referring to surface/storm water the area engineer indicates that there are no objections to the revised measures proposed by the applicant in relation to surface water runoff in the response to the appeal

7.4.4. In relation to surface water there is an existing dwelling and hard surfaces on the site which generate runoff and the proposed dwelling occupies a similar footprint. The revised proposal in relation to surface water as presented in drawing no 5439-0020-A as part of the response to the grounds of appeal indicate a stormwater drainage plan which collects water and disposes the water to a soakway located to the south

of the dwelling. This proposal will prevent water flowing northwards which would have potentially affected lands to the north including the appellants' property. I have no objections to this proposal. In relation to foul drainage the existing system is retained.

- 7.4.5. The appellants also raised concerns in relation to the increased height and impact on their amenities and daylighting.

The proposed development does not directly overlook the appellants' property which is at an oblique angle to the proposed dwelling. Given the variation in level between the appeal site and the appellants' site some degree of overlooking will occur, but this position occurs with the present dwelling on the appeal site. I would also note that the separation distance between the properties which will largely remain unchanged and is adequate in the context of a built up area.

In relation to the issue of overshadowing the applicant in the response to the grounds of appeal has submitted a shadow study relating to the impact arising from the proposed development.

Given the separation distances I do not consider that overshadowing and impact on day lighting arise.

- 7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

- 7.6. EIAR Screening Determination

Based on a preliminary examination of the nature, size or location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

8.0 Recommendation

- 8.1. Arising from my assessment above I recommend that the Board uphold the decision of the planning authority and grant planning permission for the proposed development based on the reasons and consideration set out below.

9.0 Reasons and Considerations

Having regard to the existing pattern of development including its location within an established residential area within the development area of Baltimore; the presence of a dwelling on the appeal site and the nature and scale of the development as proposed, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th of June 2018 and details submitted to the Board on the 15th of October 2018, 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 dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof finish shall be blue black in colour.

Reason: In the interest of visual amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species

(ii) Details of boundary treatments

(b) A timescale for implementation

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. The surface water drainage shall be discharged to a soakaway on the site in accordance with the details outlined for the collection and disposal of surface water drainage submitted to the Board on the 15th of October 2018 on drawing no 5439-

0020-A as part of the response to the grounds of appeal. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties or lands.

Reason: In the interest of orderly development and to prevent pollution

7. 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

8. 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 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

9. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper

application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

.Derek Daly
Planning Inspector

21st January 2019