



An
Bord
Pleanála

inspector's Report ABP-303093-18

Development	To construct a single storey house and associated site works.
Location	Kilnamucky, Tower, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/06376
Applicant(s)	Con O'Leary
Type of Application	Permission
Planning Authority Decision	Refuse Planning Permission
Type of Appeal	First Party
Appellant(s)	Con O'Leary
Observer(s)	None
Date of Site Inspection	17 th January 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located in the village of Tower, approx. 10km north west of Cork City and approx. 3km west of Blarney.
- 1.2. The site is located the northern side of St. Ann's Hill (R-617-43) that runs in the east – west direction through the village of Tower. It is located approx. 70m east of the junction of St. Ann's Hill / Kerry Road / Model Quarter which forms the centre of Tower Village and approx. 50m west from the junction of St. Ann's Hill and Tower Cross, which provides access to a large Supervalu and a number of smaller retail / commercial units.
- 1.3. The site has a stated area of 430sqm, is triangular in shape and is currently vacant and overgrown. The site is relatively flat and level with the public road. It is bound to the north and east by overgrown open space, to the south by the St. Ann's Hill (R-617-43) and to the west by a pizza take-away.
- 1.4. There is a watercourse running along the southern section of the site adjacent to the boundary wall with St. Ann's Hill.
- 1.5. The boundary treatment along the southern boundary with St. Ann's Hill comprises a low random stone wall and vegetation. There is an ESB service pole and 3no service / telecommunication boxes located on the footpath on St. Ann's Hill.
- 1.6. The plans submitted with the appeal indicate a 'future by-pass road' located to the north of the site, running in an east-west direction.

2.0 Proposed Development

It is proposed to construct a single storey L-shaped house with a gross floor area of 104sqm. The house is a traditional cottage style design with a gable ended roof to

the front and a pitched roof to the rear. It has a maximum width of 12.5m and a maximum depth of 10m. The house has a maximum height of 4.8m. A 1m high block boundary wall is proposed along the southern boundary with St. Ann's Hill.

Access is proposed from St. Ann's Hill via a new 5m wide vehicular access and car parking is provided on site for 2 no vehicles.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons: -

- 1. It is an objective of the Blarney Macroom Municipal District Local Area Plan 2017 to protect the route corridor of the proposed local access road that runs directly adjacent to the north east of the site. This route corridor is an important and strategic requirement as set out in the LAP and it is considered that the proposed development if granted may well encroach on this corridor route which has not been formally laid out to date. It is considered that the proposed development is premature pending the development of the exact design and layout of the proposed road layout for the area, would contravene Objectives U-01 as set out in the Blarney Macroom Municipal District Local Area Plan and would therefore be contrary to the proper planning and sustainable development for the settlement of Tower.*
- 2. Permission is sought for a detached dwelling, on a restricted site. Objective ZU 3-2 of the Cork County Development Plan, 2014 states that it is an objective, normally to discourage the expansion and intensification of existing uses that are incompatible with residential amenity. Having regard to the pattern of development in the area, the site context and detached nature of the proposed development on a restricted site it is considered that the proposed development would constitute overdevelopment of this site, would*

be seriously injurious to the amenities of the area and would set an undesirable precedent for similar disorderly residential development. The proposed development would be contrary to objective ZU 3-2 of the Cork County Development Plan, 2014 contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planners report (25th October 2018) and the Senior Executive Planners report (31st October 2018) recommended that permission be refused for the reasons stated above.

3.2.2. Other Technical Reports

Liaison Officer Report: No comment.

Area Engineer's Report: No objection.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

None

4.0 Planning History

4.1. Subject Site

There is no planning history on the subject site

4.2. Surrounding Sites

Reg. Ref. S/2255/90: Permission was granted for the construction of 19 no. detached dwellings 'Towering Heights' on a site located to the north west of the subject site which was previously within the applicant's ownership.

5.0 Policy and Context

5.1. Blarney Macroom Municipal District Local Area Plan, 2017

Tower is identified as a Key Village in the Blarney Macroom Municipal District Local Area Plan. The vision for Tower is *to encourage the consolidation of the village within its rural setting, to protect and enhance the range of community facilities within the village and to promote sympathetic development in tandem with the provision of services.*

The site is located within the Tower development boundary and there is capacity available in the water supply to cater for development.

Objective DB-01: within the development boundary encourage the development of up to 182 additional dwellings units during the plan period.

Objective U-01: Local Access Road.

The development boundary map for Tower shows an indicative line which relates to Objective U-01 and the proposed new local access road. This new road is located to the north of the site and is described as a 'future by-pass road' on the drawings submitted. The first reason for refusal noted that this route corridor is an important and strategic requirement.

5.2. Cork County Development Plan, 2014

5.2.1. **Policy ZU 2-2 – Development Boundaries** 'for any settlement, it is a general objective to locate new development within the development boundary, identified in

the relevant Local Area Plan that defines the extent to which the settlement may grow during the lifetime of the plan.'

5.2.2. Objective ZU 3-2: Appropriate Uses in Residential Areas: -

a) Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area.

b) Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

5.2.3. The site is located on a scenic route (ref. S39) which consists the road between Clogheen, Tower and Blarney and the road to Blarney Lake. Policies GI 7-2 Scenic Routes and GI 7-3 Development on Scenic Routes relate to the protection of the character of scenic routes.

5.2.4. Additional relevant policies of the Cork County Development Plan are set out below.

- HOU 3-2: Urban Design.
- SC 5-8: Private Open Space Provision
- ZU 2-1: Development and Land Use Zoning
- ZU 2-2: Development Boundaries

5.3. Natural Heritage Designations

There are no relevant designated areas in the immediate vicinity of the site.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The main grounds of the appeal are detailed below.
- 6.1.2. In response to the first reason for refusal it is stated that the land reserved for the proposed new access road was previously in the ownership of the applicant and ceded to the Local Authority in 1990 to construct a new access road through the village of Tower. No works to date have begun on the new road. If the road is of importance to the village of Tower, plans and proposals for it should have been completed in the last 28 years. It is considered that the road is no longer required and may never be built. Therefore, the application is not premature pending the development of the exact design and layout of the proposed road. It is also noted that the proposed development does not encroach on the access road.
- 6.1.3. Additional drawings were submitted with the appeal which show the context of the proposed development, the access road and the 'Towering Heights' development located to the north west of the site.
- 6.1.4. In response to the second reason for refusal the applicant has stated that the development is not out of character with the area as there are a number of detached dwellings on the main Tower / Blarney Road. The house design is sympathetic to cottage type dwellings that were once prevalent in Tower Village and surrounding villages. The proposed development will add value to Tower as the site is currently vacant and run-down. A drawing has been submitted which indicates that there are a number of single storey dwellings in the village of Tower. A photograph of 2 no cottages located on the opposite side of the road has also been submitted.

6.1.5. It is also noted that there were no third-party objections to the proposal.

6.2. **Planning Authority Response**

None

7.0 **Assessment**

7.1. The main issues in this appeal relate to prematurity of the development, the suitability of the site and the design of the house. Issues relating to water services also need to be addressed. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Prematurity of the Development.
- Site Suitability and Design.
- Appropriate Assessment.

7.2. **Prematurity of the Development**

7.2.1. The subject site has a stated area of 430sqm. It is triangular in shape and currently vacant and overgrown.

7.2.2. The Blarney Macroom Municipal Local Area Plan shows an indicative route for a new access road located to the north of the subject site. It is an objective of the plan to provide the local access road. The appeal documents provided further details of the history of the proposed new road. Permission was granted for the construction of 19 no. detached dwellings (Reg. Ref. S/2255/90) on a site located to the north west of the subject site which was previously within the ownership of the applicant. A condition attached to the grant of permission required a new access road be provided. The applicant ceded land to the Local Authority in 1990 to construct the access road. It was envisaged that the road would be completed in 5 – 10 years.

- 7.2.3. While it is acknowledged that an indicative route is shown in the LAP and it is an objective of the plan to provide the new road no detailed design has been completed to date. Having regard to the existing pattern of development in Tower and the existing road network it is not self-evident what benefit the proposed route would have for the village.
- 7.2.4. The Planning Authority raised concerns that the proposed development would encroach on the route of the proposed access road. Drawing no 1221/L/1 shows a land reserve to the north of the site. A final detailed design of the proposed access road has not been provided however it is considered that there is sufficient land available to the north of the site to accommodate a new road, if required.
- 7.2.5. The Planning Authority considered the proposed development to be premature pending the development of an exact design and layout for the proposed road. Having regard to the history of the proposed road, the pattern of development within the village and the availability of land to the north of the site it is considered that the road could, if required, be accommodated. Therefore, it is considered that the proposal is not premature, and the appeal should be upheld in this instance.

7.3. Site Suitability and Design

- 7.3.1. The site has a stated area of 430sqm. The proposed single storey house is L-shaped with a gross floor area of 104sqm. The house is a traditional cottage style design with a gable ended roof to the front and a pitched roof to the rear. It has a maximum width of 12.5m and a maximum depth of 10m. The house has a maximum height of 4.8m and is set back 4m from the public road, behind the building line of the adjacent commercial premises (takeaway).
- 7.3.2. The Planning Authority raised concerns regarding overdevelopment of a constrained and restricted site. The house is located 4m from the southern boundary with the St. Ann's Hill and 2m from the western boundary with the commercial premises

(takeaway). Due to the triangular shape of the site the distances from the north eastern boundary varies between 2.6m and 20m.

- 7.3.3. A minimum of 60sqm of rear private open space is required to satisfy development plan standards. The proposed house has approx. 75sqm of rear (north) private open space and an additional 160sqm of open space provided to the side (east) of the site.
- 7.3.4. Site coverage is an indicator of whether or not a site is being overdeveloped. The development plan does not set out site coverage standards. The proposed development has a site coverage of 24%. Having regard to the distance of the proposed house to the site boundaries, the provision of open space and the relatively low site coverage it is considered that the proposed house would not result in overdevelopment of the site.
- 7.3.5. The site is located on a scenic route (ref. S39) which consists of the road between Clogheen, Tower and Blarney and the road to Blarney Lake. It is also located in a landscape designated as Broad Fertile Lowland Valleys with the associated high value and high sensitivity landscape classifications with an importance at county level. The Planning Authority raised concerns that the development would negatively impact on the amenities of the area. Having regard to the traditional design of the house on a derelict site in the centre of the village it is considered that the proposed development would enhance the visual amenities of the village and the scenic route (ref. S39).
- 7.3.6. The drawings submitted show the provision of a 1m high boundary wall along the southern boundary of the site and a 1.2m high paddock fencing along the north eastern boundary. Having regard to the extensive frontage onto St. Ann's Hill and the potential new access road provided to the north of the site it is considered that a high-quality wall with a maximum height of 2 meters should be provided along the north - eastern and western boundaries of the site and partly along the southern

boundary to protect the residential amenities of future occupants and enhance the visual amenities of the village.

- 7.3.7. It is proposed to provide a 5m wide vehicular access onto St. Ann's Hill with minimum 80m sightlines in both directions. It is noted that the proposed vehicular access may require the relocation of existing service / telecommunication boxes. Car parking for 2no cars and a turning area has been provided on site. It is noted that the Area Engineer raised no objection to the proposed development.
- 7.3.8. It is therefore considered that the proposed development with associated high-quality boundary walls will not have a negative impact on the existing amenities of the area and the appeal should be upheld in this instance.

7.4. Water Services

- 7.4.1. The site is not located in a flood zone. There is a 150mm diameter foul sewer running along the south eastern section of the site. The proposed house will be connected to existing public main sewer and water supply. It is noted that the Area Engineer raised no objection to the proposed water supply and sewage disposal arrangements.
- 7.4.2. Drawing number 1221/L/1 indicates an open storm water drain located along the southern boundary of the site. During a site visit on the 17th January 2019, which was a dry day, a watercourse with a steady flow of water was noted along the southern boundary. The Area Engineers report noted that surface water would be disposed of on site. It is recommended that a condition be attached to any grant of permission that the drainage proposals for the site be agreed with the Planning Authority.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development and the distance from 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.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Tower, the traditional cottage design, the size and siting of the house and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area or encroach on the route of the proposed new access road. 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, 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 boundary treatments, which shall comprise a high-quality wall with a maximum height of 2 meters, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

3. The formation of the vehicular access to the site, including the relocation of any service infrastructure shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of public health.

6. 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

Elaine Power
Planning Inspector

20th February 2019