



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304156-19**

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<b>Development</b>	Construction of new vehicular entrance and driveway and all associated works
<b>Location</b>	Clogheenduan, Ballinhassig, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/7388
<b>Applicant(s)</b>	John O'Neill
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v. Grant
<b>Appellant(s)</b>	Steven Rawbone and Camilla Bywater
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> July 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The site is located in Clogheenduane, approx. 2km south west of Halfway and approx. 15km south west of Cork City. Clogheenduane is a rural area characterised by agricultural lands.
- 1.2. The site has a stated area of 2.6ha. It is irregular in shape and is located to the rear of an existing house, outside of the applicant's ownership. The site currently accommodates the applicants house and garden and forms part of a larger landholding with the applicant's ownership.
- 1.3. Access to the site is from a private laneway via the L72021. The laneway varies in width from 3m to 8m and provides access to 2 no. dwellings and an agricultural landholding.

## 2.0 Proposed Development

- 2.1. It is proposed to construct an approx. 12m wide splayed vehicular access and an approx. 3.7m wide driveway. The proposed vehicular access is located approx. 110m north east of the applicant's house and would provide a link between the laneway and the rear of the applicant's house. Alterations to the rear garden are also proposed to facilitate off street car parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 2 no. standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

The Area Planners report raised no concerns regarding the proposed development and recommended that permission be granted.

#### 3.2.2. *Other Technical Reports*

The final report by the Area Engineer raised no objection.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

2 no. objections were received. The concerns raised are similar to those in the third-party appeal submission.

## 4.0 Planning History

**Reg. Ref. 16/07155:** Permission was refused in 2017 for a house. The reason for refusal related to an excessive concentration of waste water treatment systems in the area.

**PL04.246209, Reg. Ref. 15/6007:** Permission was refused in 2016 for a house. The reasons for refusal related to (1) compliance with rural housing policy (2) excessive concentration of waste water treatment systems in the area and (3) the house would be out of character with the rural area.

**PL04.244163, Reg. Ref. 14/04734:** Permission was refused in 2015 for a house. The reasons for refusal related to (1) compliance with rural housing policy (2) excessive concentration of waste water treatment systems in the area and (3) the house would be out of character with the rural area.

**Reg. Ref. 11/5433:** Retention permission was granted in 2011 for a domestic garage with attic storage.

**Reg. Ref. 11/5709:** Permission was granted in 2011 to revise the site boundaries of a dwelling granted under 04/4605.

**Reg. Ref. 04/4605:** Permission was granted in 2004 for alterations, an extension and conversion of an outbuilding to a dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located in an area of unzoned land. Relevant Policy of the Plan includes:

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- TM3-3: Road Safety and Traffic Management
- ZU 2-3: Land Use Zoning of Other Lands

### 5.2. Natural Heritage Designations

There are no designated areas within the vicinity of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal was received from Steven Rawbone and Camilla Bywater. The issues raised are summarised below

- There are 4 no. existing vehicular accesses on the laneway, including a vehicular access to the east of the applicant's house, which provides access to their rear garden. The applicants currently park vehicles to the rear of their property. There is no requirement for an additional access to the site.
- Permission was previously refused on the site for a house. The proposed driveway would facilitate development to the rear of the house.
- The development would result in the loss of existing hedgerow, stone wall and mature trees, which would have a negative impact on the visual amenities of the rural area and the environment.
- The driveway would be constructed over a soakaway.

### 6.2. Applicant Response

The applicant's response is summarised below: -

- The proposed driveway would facilitate disabled access to the applicant's house. Information has been included regarding the applicant's son's medical condition which requires the use of a wheelchair.
- The provision of an existing vehicular access to the east of the house is acknowledged, however, it is stated that due to the restricted nature of this access it is not suitable for their needs and the applicant generally parks on the laneway.
- The existing access, in close proximity to the public road, is not in the ownership of the applicant and therefore can not be utilised. It is also noted that due to the close proximity to the junction with the local road L-72021 there are limited sightlines.
- Permission has been refused on the site for a house, however, concerns have never been raised regarding the provision of an additional access. This application is for a driveway and does not relate to any other development.
- The proposed driveway would not impact on existing residential amenities. There is no right to a view.
- Maintenance work was carried out on an existing soakaway. The proposed driveway would not be constructed over the soakaway.

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

None

## 7.0 **Assessment**

7.1. The main concern in the appeal relates to the principle of the development, visual amenity and water services. 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:

- Principle of Development
- Visual Amenities
- Water Services

- Appropriate Assessment

## 7.2. *Principle of Development*

- 7.2.1. The applicants house fronts directly onto the private laneway. It is bound to the west by a two-storey house and to the east by agricultural buildings. Information submitted with the appeal noted that the private laneway is within the ownership of the applicant. There is a right of way over a section of the laneway for the adjoining property owner. The laneway historically provided access to a cemetery.
- 7.2.2. There are currently 4 no. vehicular accesses located on the laneway. There is an existing vehicular access located to the east of the applicant's house, which provides access to the rear of the site. This access is adjacent to a vehicular access, which serves agricultural lands located to the east of the applicant's house. There is another vehicular access to the west of the applicant's house, which serves the adjoining house. There is an additional vehicular access located approx. 155m north of the applicant's house. It is stated in the response to the appeal that this access and associated vehicular route is outside of the applicant's ownership.
- 7.2.3. Having regard to the planning history of the site, concerns were raised regarding the requirement for an additional access. In response the applicant stated that the intention was to construct an accessible house on the site. However, as permission was refused on 3 no. occasions it is intended to modify the existing house. Details of the applicant's sons' medical condition have been included in the response to the appeal and a justification for a disabled access has been provided.
- 7.2.4. The applicant has acknowledged that there is an existing vehicular access to the east of the site. However, it is stated that due to the restricted nature of this access and the limited sightlines available, the applicant and his wife park on the laneway. The proposed driveway would provide a disabled access to the rear of the applicant's house and would allow the applicants son to manoeuvre his wheelchair. The proposed driveway would also provide sufficient turning area for larger vehicles and provide a formal car parking area.
- 7.2.5. Having regard to the limited size and nature of the development and the information submitted regarding the medical requirement for a larger driveway and car parking area, it is my view that the proposed development would be acceptable in principle.

### **7.3. Visual Amenities**

- 7.3.1. Concerns were raised in the appeal regarding the impact the development would have on the existing visual amenities of the area, as it is proposed to remove approx. 12m of hedgerow and a low stone wall along the laneway and to remove mature trees within the applicant's site to facilitate the development. The site is not located within a designated scenic or amenity area. The wider area is identified as 'Broad Fertile Lowland Valleys' in the Development Plan. These landscapes are of high landscape value and sensitivity and the landscapes are of county level importance. It is considered that they are vulnerable landscapes with the ability to accommodate limited development pressure. Having regard to the location of the development on a private laneway and the limited size and scale of the development, it is considered that it would not have a significant negative impact on the existing visual amenities or rural character of the area.

### **7.4. Water Services**

- 7.4.1. Concerns were raised in the appeal that the proposed driveway would be constructed over a newly installed soakaway. In response to the appeal the applicant stated that maintenance work was recently carried out on an existing soakaway and confirmed that the proposed driveway would not be located over the existing soakaway.
- 7.4.2. Drawing no. 101 shows the provision of a new soakaway in the north east corner of the site and the provision of drainage traps to divert surface water run off to the soakaway. It is noted that the Planning Authority's Area Engineer raised no objection to the surface water drainage proposals. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water relating to the site.

### **7.5. Appropriate Assessment**

Having regard to the nature and small 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 pattern of development in the area and the small-scale nature of the proposed development 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 and would be acceptable in terms of traffic safety. 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 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. 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.



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Elaine Power  
Planning Inspector

1<sup>st</sup> August 2019