



An  
Bord  
Pleanála

## Inspector's Report ABP-304546-19

---

<b>Development</b>	Retention of rear extension to existing dormer dwelling, log cabin with deck area for use as a gym, domestic garage, vehicular entrance, stone cladding to dwelling and extension and changes to heights of boundary walls and associated site works.
<b>Location</b>	The Windy Gap, Farnanes, Knockshanawee, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/04138
<b>Applicant(s)</b>	Dan & Noreen O'Mahony
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant, subject to 2 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Paul Murphy
<b>Observer(s)</b>	None

**Date of Site Inspection**

16<sup>th</sup> August 2019

**Inspector**

Hugh D. Morrison

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
4.0 Planning History.....	6
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
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.....	8
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	12

## 1.0 Site Location and Description

- 1.1. The site is located 1.4 km “as the crow flies” to the north west of Farnanes, a village adjacent to the junction between the N22 and the R619. This site lies on the western side of the L-96192-2, a single lane local road, which is accessed off the said regional road at Windy Gap, some 430m to the north east. It is situated in a locally elevated position amidst rolling countryside.
- 1.2. The site itself has an area of 0.55 hectares and it encompasses a field over its greater portion. The site’s eastern portion has been built upon to provide a two-storey dwelling house (52.88 sqm), the front elevation of which is orientated towards the local road on its approach from the north east. This dwelling house is served by a ramped concrete driveway to the front and it is accompanied to the rear by several structures, which are the subject of this application for retention permission. The dwelling house is also served by a well, a conventional septic tank system, and a soak pit.

## 2.0 Proposed Development

- 2.1. The proposal seeks the retention of the following items:
  - The cladding of the dwelling house in stone.
  - A single storey rear extension (51.20 sqm), which comprises a full width lean-to element and a roughly half width projecting element under a double pitched roof.
  - A freestanding log cabin (25.00 sqm), which has been sited on an elevated paved area to the rear of the dwelling house, and which is in use as a gym.
  - A double garage (27.70 sqm), which is sited to the rear of the log cabin and which is accompanied by a concrete yard with a vehicular access off the adjoining local road.
  - Changes to heights of boundary walls: These entailed the erection of a wall along the eastern boundary of the site with the adjoining local road. This wall has a smooth plastered finish and it varies in height. Thus, on either side of the aforementioned vehicular access and the above cited ramped concrete

driveway it is 980 mm high, while adjacent to the extended dwelling house it is 1515 mm high.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Retention permission was granted subject to two conditions, the second of which states the following:

*The applicant shall lower the existing roadside boundary wall to a height not more than 1m above the existing road level for a total length of 10m, 5m either side of the eastern corner gable of the dwelling. This work shall be completed within 12 months of the date of grant of planning permission.*

*Reason: In the interests of road safety.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

Further information was requested with respect to the following matters:

- Clarify when the wall was built,
- Clarify that the applicant has sufficient legal interest in the land over which the wall has been built,
- Submit before and after surveys of the road with respect to the building of the wall, and
- Address the concerns of objectors re. the width of the road, e.g. acquisition of land on the opposite side of the road or partial demolition of wall at the pinch point and its replacement with a narrower structure.

##### 3.2.2. Other Technical Reports

- Cork County Council

Area Engineer: Following receipt of further information, condition no. 2 cited above was requested.

## 4.0 Planning History

- 99/794: Retention of extension to dwelling house and septic tank: Permitted.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within an area designated as a “Rural Area under Strong Urban Influence”.

### 5.2. Natural Heritage Designations

- The Gearagh SAC and pNHA (site code in both cases 000108)
- The Gearagh SPA (site code 004109)

### 5.3. EIA Screening

The proposal is a householder case and so it can be excluded at the pre-screening stage as one that does not need to be the subject of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The appellant is only concerned about the roadside boundary wall. He considers that condition no. 2 should be replaced by a requirement that this wall be removed.
- The appellant states that the road width is only 2.8m. He draws attention to the absence of a boundary wall (cf. photograph from 1999) and its subsequent construction without planning permission. He also draws attention to difficulties that this wall causes his neighbour and himself when towing farm machinery along the road, i.e. there is no margin for error. Some machinery is too wide to pass and so he has to rely on the goodwill of neighbours to pass over their lands when towing such machinery.

- Furthermore, the curved design of the boundary wall and its punctuation with projecting pillars all add to the difficulty of driving past it.
- If the boundary wall was constructed along the exterior of the adjacent gabled elevation, then the aforementioned difficulties would be alleviated.

## 6.2. Applicant Response

- The applicants state that the grounds of appeal are the reiteration of the appellant's case as set out at the application stage and explored under further information.
- They restate that the boundary wall has been built where there was formerly a footpath around their dwelling house.
- They draw attention to photographs of a variety of vehicles and farm machinery passing along the road beside the subject site on their way to and from the appellant's farm. They thus contest that he needs to cross over neighbours' land.
- The boundary wall was built in 2007 and it has not been the subject of complaint heretofore.
- The width of 2.8m is contested, as vehicles of at least 3m have been photographed using the road. Indeed, the road is narrower at other points.
- Attention is drawn to the fact that the boundary wall to the west of the gabled elevation is partly a retaining wall.

## 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) Amenity,
- (ii) Accessibility,
- (iii) Water, and
- (iv) Screening for AA.

### (i) Amenity

- 7.2. The original two-storey dwelling house on the site is of modest size and traditional form and design. A photograph on the file from 1999 shows that it had a pebbledash finish to its front elevation at that time. This photograph also shows the front lean-to porch and the twin gables over each of the two first floor windows, which rise above the eaves on the front elevation, in-situ.
- 7.3. The original dwelling house has been extended to the rear by means of a full width single storey lean-to extension and, projecting from this extension, a roughly half-width single storey extension of rectangular form under a double pitched roof. The lean-to roof of the former extension begins below the eaves on the rear elevation of the dwelling house, while the ridgeline of the latter extension clips this eaves. Both extensions and the original dwelling house have been clad in stone.
- 7.4. Under the Cork Rural Design Guide advice is set out concerning building a new dwelling house in the countryside. While this advice does not address directly extensions and claddings, it does set out some advice that is indirectly relevant to the current retention proposal. Thus, it emphasises the importance of ensuring that the massing of dwelling houses is broken up to avoid monolithic forms and it signals that, while stone cladding is not the norm, it can be appropriate. I consider that the proposal would coincide with these emphasises.
- 7.5. Beyond the said extensions are sited a freestanding log cabin and a double garage. The log cabin is sited on a raised platform and in a position closer to the adjacent local road than the double garage. It is thus quite prominent when viewed from this



road and its presence is underscored by the specification of white upvc cladding to its presenting eastern and southern elevations. I consider that this cladding should be painted a brown colour to match the timber work in the front (northern elevation) of this log cabin. This matter could be conditioned.

- 7.6. I conclude that the extensions and cladding proposed for retention would be compatible with the visual amenities of the area. I conclude, too, that the log cabin and double garage would be compatible with these amenities, provided the white upvc cladding to the log cabin is painted a brown colour to match its timberwork.

**(ii) Accessibility**

- 7.7. The eastern boundary to the site is denoted by a wall, which varies in height, but which rises to 1515 mm in the vicinity of the original dwelling house.
- 7.8. The appellant draws attention to the aforementioned stretch of wall and, in particular, to the pinch point that it creates on the adjoining local road. He draws attention, too, to the above cited photograph from 1999, which shows that there was formerly no roadside wall beside the dwelling house, only a paved apron to its base. He expresses concern that the utility of the local road is impaired by this pinch point as it leaves drivers with “no room for error” and it displaces some wider farm machinery, which must consequentially be routed through farmland. He requests that the wall be set back to abut the gabled side elevation of the dwelling house.
- 7.9. Under further information, the applicants submitted A Property Registration Authority extract Foilío CK25815, which shows the extent of the property that they own and its functional boundary with the adjoining local road. A comparison of this boundary with the line of the wall in question indicates that it has not encroached onto this road. The applicants also stated that this wall was built in 2007 and that it has not hitherto be the cause of complaint.
- 7.10. The parties have submitted different dimensions of the pinch point at issue. During my site visit, I measured the carriageway between the drains on either side of this carriageway to be 2.9m. If these drains are included, then this measurement increases to 3.1m. On the western side of the carriageway, the drain abuts the foot of the wall, while on the eastern side there is an earthen verge and embankment with stones set within it. If the width of this verge is included in the aforementioned measurement, then a clearance distance between the wall and the embankment of

3.45m exists (cf. the applicant's existing site map with road widths dated March 2019). I also measured the carriageway width elsewhere along the local road. To the south of the subject site, there was an instance of this width contracting to 2.8m, with tyre marks on the accompanying earth verge.

- 7.11. The applicants have submitted photographs of a considerable variety of vehicles passing their residential property along the adjoining local road, e.g. a bin truck, a cattle truck, an articulated lorry and trailer, and tractors towing muck spreaders and other agricultural machinery, and so they contest the appellant's claim that some wider farm machinery is displaced. In the light of my site visit and the above cited carriageway width measurements, I consider that even if the pinch point in question were to be widened, as requested by the appellant, there would be other points on the local which would be as narrow and narrower and so any displacement of farm machinery that may be occurring would continue to occur.
- 7.12. Essentially, the wall in question raises the twin issues of the applicants reasonable need to secure the boundaries of their residential property and the need to ensure the usability of the adjoining local road.
- 7.13. It is well established that the presence of a tall upright structure beside a carriageway creates a sense of enclosure that prompts drivers to try and lie over from such a structure. Thus, with respect to the pinch point in question, the verge on the far side of the carriageway is likely to be over-ridden from time-to-time.
- 7.14. Condition 2 of the Planning Authority's draft retention permission seeks to address the above cited sense of enclosure by requiring that the wall in question be lowered to no more than 1m in height for a length of 10m, i.e. 5m on either side of the eastern corner of the dwelling house. I consider that this condition would ease the said sense of enclosure. However, it would also leave the immediate vicinity of the dwelling house less secure, i.e. an aisle down its side. I, therefore, consider that along with the reduction in the height of the wall, the opportunity should be provided for the applicants to attach railings to the inside face of the lowered wall to make good the said reduction in height. The light, rather than solid, form of railings in such a position would be consistent with the eased sense of enclosure at the pinch point, which the reduction in the height of the wall would achieve. This matter could be conditioned.

7.15. I conclude that, provided the stretch of wall alongside the pinch point is lowered to no more than 1m, the utility of the adjoining local road would be safeguarded. I conclude, too, that railings attached to the inner side of this wall should be erected to ensure that the portion of boundary in question remains secure.

### **(iii) Water**

7.16. The extended dwelling house is served by a well and a conventional septic tank system, including a percolation area. Surface water drains to a soakaway.

7.17. The OPW's Flood Maps shows the site as not being the subject of any identified flood risk.

### **(iv) Screening for AA**

7.18. The site is neither in nor near to a Natura 2000 site. The nearest such sites are the Gearagh SAC and SPA, which lie c. 10 km to the west. I am not aware of any source/pathway/receptor route between the site and these sites. Accordingly, I consider that the proposal would be unlikely to have any significant effects upon their Conservation Objectives.

7.19. Having regard to the nature and scale of the proposal and the proximity of the nearest Natura 2000 sites, no Appropriate Assessment issues 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**

8.1. That retention permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the Cork Rural Design Guide, the Board considers that, subject to a condition requiring the toning down of the exterior of the log cabin, the proposal would be compatible with the visual amenities of the area. The proposed retention of the eastern boundary wall to the site would be compatible with the utility of the adjoining local road, subject to a condition requiring that the sense of enclosure created at a pinch point be eased by a reduction in the height of the corresponding stretch of wall. Any resulting loss of security to the residential property would be

capable of being made good by the installation of railings to the inner face of this wall. No flood risk or Appropriate Assessment issues arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of February 2019, the 4<sup>th</sup> day of April 2019, and the 11<sup>th</sup> day of April 2019, 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 within the specified time periods and the resulting works shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Within 12 weeks of the date of this Order, the applicants shall submit to and agree in writing with the Planning Authority the type and brown colour of paint to be used in painting the white upvc cladding to the eastern and southern elevations of the log cabin.</p> <p>Within 12 weeks of such written agreement, the painting of the said elevations shall be fully undertaken.</p> <p><b>Reason:</b> In order to safeguard the visual amenities of the area.</p>
3.	<p>Within 12 weeks of the date of this Order, the applicants shall submit to and agree in writing with the Planning Authority a scheme for the eastern boundary wall to their residential property. This scheme shall show a reduction in the height of this wall to no more than 1 metre over a 10-metre length, i.e. 5 metres on either side of the adjacent eastern corner to their dwelling house. It shall also show, by means of drawings and cross sections to a scale of 1: 50, the attachment of railings to the inner side of this lowered wall. These railings shall rise to the original height of this wall above ground level. Their number, type of material, and design shall be</p>

shown.

Within 12 weeks of such written agreement, the wall shall be lowered, and the railings shall be installed.

**Reason:** In order to safeguard the utility of the adjoining local road and the amenities of the residential property.

---

Hugh D. Morrison  
Planning Inspector

5<sup>th</sup> September 2019