



An  
Bord  
Pleanála

## Inspector's Report ABP-305354-19

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<b>Development</b>	Construction of a house with all ancillary site works
<b>Location</b>	Johnstown, Glounthaune, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/4620
<b>Applicant(s)</b>	John Kennedy
<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>	Hugh and Bernice O'Donnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> November 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Glounthaune, approx. 9km east of Cork City centre. The site is bound to the north by Johnstown Close (L-3004), to the south by a railway line, to the east by open space associated with the railway and to the west by an existing detached house.
- 1.2. The site is generally rectangular in shape and has a stated area of 0.072 ha. It is a narrow site with a maximum depth of approx. 15m and a width of approx. 52m. The site previously contained a residential dwelling, which was demolished in 2004. The site is currently vacant.
- 1.3. The southern site boundaries with the railway line include a 2m high wooden panel fence and a limited section of palisade fencing. The remaining boundaries treatments include a blockwork wall, a random rubble wall and vegetation.
- 1.4. There is an existing vehicular access onto the local road network, which has a 60km/h speed limit.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a one and a half storey house with a gross floor area of 171sqm. The house is rectangular in shape, with a width of approx. 18.7m and a maximum depth of approx. 6.7m. It has a pitched roof with a maximum height of approx. 6.2m. The design is a contemporary approach to a traditional style house, with large windows and cladding features on the front elevation.
- 2.2. The house is generally located in the centre of the site with a car parking area provided in the western section of the site. A 1m high retaining wall is proposed approx. 1m to the front of the dwelling. A landscaped garden is proposed between the retaining wall and the northern (front) boundary of the site.
- 2.3. It is proposed to connect to the public sewer and to the public water mains.
- 2.4. A cover letter which provides a history of the site was submitted with the application.
- 2.5. ***Unsolicited Further Information lodged 3rd May 2019***

The applicant submitted a response to a third-party objection regarding overlooking.

#### **2.6. *Further Information lodged 18th June 2019***

In response to a request for further information the applicant submitted details of the storm pipe under the site. The location of the infrastructure resulted in the house being relocated approx. 8m east. A contiguous elevation of the proposed dwelling and the existing dwelling to the west was submitted. Details regarding available sightlines and drainage proposals for the site were also submitted.

The information submitted did not result in any alterations to the layout or design of the house.

#### **2.7. *Clarification of Further Information lodged 25th July 2019***

A revised drawing showing the house relocated 4m east of the storm pipe was submitted. This result in the house being relocated an additional 0.5m east.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 12 no. standard conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. *Planning Reports***

The initial Area Planners report raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

- Details of the storm water pipe running through the site
- Details of sightlines
- Details of surface water drainage and potential hydrological link to a Natura 2000 site
- A contiguous elevation of the proposed house and existing house to the west.

Following receipt of further information and clarification of further information the Area Planner considered that all concerns had been addressed and recommended that permission be granted subject to conditions.

### 3.2.2. **Other Technical Reports**

**Engineering** final report: No objection subject to conditions.

**Water Services** report: No objection.

**Heritage Unit** report: Further Information required regarding a potential hydrological link to Natura 2000 sites.

### 3.3. **Prescribed Bodies**

**Iarnród Éireann**: Report provides details of obligations on persons carrying out works on or near a railway to ensure there is no increase in risk to the railway. Third Party Observations

**Irish Water**: No objection in principle.

## 4.0 **Planning History**

**PL04.228908, Reg. Ref. 07/11142**: Permission was granted in 2008 for the construction of a house on the subject site.

## 5.0 **Policy Context**

### 5.1. **Cobh Municipal District Local Area Plan, 2017**

The appeal site is located within the settlement boundary for Glounthaune which is designated as a Key Village in the plan. The vision for Glounthaune to 2023 is to secure a significant increase in the population of the settlement (balancing the maximisation of the sustainable transport benefit offered by the railway station, with development appropriate to the character, setting and scale of the village), to retain and improve local services and facilities and to strengthen infrastructure provision. Objective DB-01 allows for the provision of an additional 400 residential units. The site adjoins a proposed pedestrian and cycle path (Objective U-02).

## 5.2. **Cork County Development Plan, 2014**

Figure 4.1 of the Plan 'Rural Housing Policy Area Types' identifies the site as being located in a 'Metropolitan Greenbelt'. Policy RCI 4-2 notes that these areas are under significant pressure for rural housing. Therefore, applicants are required to demonstrate that their proposal complies with a genuine housing need.

The following policies are considered relevant: -

- RCI 4-1: Metropolitan Cork Greenbelt
- RCI 5-1: Metropolitan Cork Greenbelt
- RCI 5-2: Purpose of Greenbelt
- RCI 5-3: Land Uses with Metropolitan Greenbelt
- RCI 5-4: Sustainability of Exceptions to Greenbelt Policies
- HOU 3-2: Urban Design
- HOU 4-1: Housing Density on Zoned Land.
- ZU 2-1: Development and Land Use Zoning
- ZU 3-2: Existing Built Up Areas
- ZU 3-2: Appropriate Uses in Residential Areas

The site is located in an area identified as City Harbour and Estuary in Appendix E of the Plan. These locations are designated as areas with a very high landscape value and sensitivity and of national importance.

## 5.3. **Natural Heritage Designations**

The site is located approx. 10m north of the south by the Great Island Channel SAC (001058) and Cork Harbour SPA (003040).

## 5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party appeal was submitted from Hugh and Bernice O'Donnell whose property is located to the north of the appeal site, on the opposite side of the L-3004. A detailed history of the site was provided. The concerns raised are summarised below: -

- The site is located within a greenbelt and no development should be permissible. The proposed development would contravene development plan policies. The proposed house is sited in a different location to the previous house on site and is not a replacement dwelling. There has been a significant increase in residential units in the locality in the last decade. There is no requirement for an additional house to be constructed in the greenbelt.
- The site would have a negative impact on the visual amenities of the area and would restrict views of the estuary and Harpers Island
- There is a storm water pipe under the site that also runs under the railway line. This was previously a foul sewer. The area is subject to flooding and this is an important drain for the area. A 5m separation distance between the proposed development and the drain was required under the previous permission. A separation distance of only 4m is provided. It is unclear why the Planning Authorities Area Engineer considers a 4m separation distance to be adequate. There is an additional foul sewer pipe adjacent to the southern boundary of the applicant's site. No reference is made to this pipe in the application. There is a direct hydrological link to the adjoining SPA and SAC. The impact on the Natura 2000 sites was not fully addressed.
- The proposed velux windows on the front elevation of the house would result in undue overlooking of the appellants property.

## 6.2. Applicant Response

The applicant's response is summarised below: -

- The proposed house is located approx. 200m from a railway station and is in accordance with national and local policy objectives to increase residential densities in appropriate areas.
- Cork County Council has assessed the application and considered that it would not negatively impact on the greenbelt.
- In 2004 Cork County Council ordered the applicant to demolish an existing house on site as it was derelict. Permission was granted in 2008 to construct a house on the subject site. Due to circumstances outside of the applicants control he was unable to carry out the works. This application is to construct the same house. The assessment of this application should take account of the previous residential use on the site.
- The existing of the underground pipe was known by the applicant and the County Council. The Area Engineer considered that a 9m wayleave was sufficient for the management and maintenance of the drain.
- The applicant proposed to connect to the new main foul sewer which runs under the public road and not to a foul sewer to the rear of the site. The applicant is unaware of any sewer that runs to the rear of the property or any foul connections.
- The proposed development would not have an impact on any Natura 2000 site.
- There is a separation distance of approx. 30m between the proposed house and the appellants house. There is no potential for overlooking.

## 6.3. Planning Authority Response

None

## 7.0 **Assessment**

7.1. As indicated the appeal refers to the development as submitted with the Planning Authority, on the 25<sup>th</sup> July 2019, by way of clarification of further information. The following assessment, therefore, focuses on that proposal with reference to the original scheme, where appropriate. The main issues relate to the principle of development, residential and visual amenity and Appropriate Assessment. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential and Visual Amenity
- Appropriate Assessment

### 7.2. ***Principle of Development***

7.2.1. The site is located within the Metropolitan Greenbelt of Cork city and within the settlement boundary for Glounthaune. The development plan describes the greenbelt as a rural area under strong urban influence which forms part of the Cork Gateway and is within close commuting distance of Cork City and Environs. An objective of the Metropolitan Greenbelt is to protect the open countryside. It is noted that there was previously a house located on the site, which was demolished in 2004 and that permission was granted in 2008 to construct a similar dwelling on the site. Having regard to the limited size of the site, its location within the settlement boundary of Glounthaune and to the previous grant of planning permission for the construction of a house on the site, it is my view that, the proposed development would not result in the loss of open countryside or put pressure on local services and that the proposed use is compatible with the objectives of the Cobh Municipal Local Area Plan and, therefore, is acceptable in principle.

### 7.3. ***Residential and Visual Amenity***

7.3.1. The proposed house has a gross floor area of 171sqm. It is one and a half storeys with a pitched roof with a maximum height of approx. 6.2m. At first floor level there



are velux style roof lights on the front (northern) elevation and dormer style windows on the rear (southern) elevation.

- 7.3.2. The appellants raised concerns that the proposed development would result in undue overlooking of their 2-storey house. The appellants house is located to the north of the appeal site, on the opposite side of the public road. The northern boundary of the appeal site is located approx. 22m from the southern boundary of the appellants site and the proposed house is located approx. 26m from the existing house. It is also noted that there is mature vegetation along the northern side of the public road, which provides additional screening. The site is bound to the south (rear) by the railway line and to the east (side) by open space. There is an existing dwelling located to the west (side). The proposed house is located approx. 26m from the western site boundary and approx. 36m from the existing house.
- 7.3.3. Having regard to the limited height of the proposed house and the separation distances provided, it is my opinion that, the proposed development would not result in any undue overlooking of adjoining properties.
- 7.3.4. Concerns were also raised in the appeal that the proposed development would have a negative impact on the visual amenities of the area and would obstruct views of the estuary. The site is located within the settlement boundary for Glounthaune and it is noted that there was previously a house on the site. The site is not located within a designated scenic or amenity area.
- 7.3.5. The wider area is identified as '*City Harbour and Estuary*' in the Development Plan. These landscapes are of very high landscape value and sensitivity and the landscapes are of national level importance. It is considered that they are extra vulnerable landscapes which are likely to be fragile and susceptible to change.
- 7.3.6. The design is a contemporary approach to a traditional style house, with large windows and cladding features on the front elevation. In my view having regard to the limited scale and nature of the development it would not obscure views of the estuary. In addition, it is my opinion that having regard to the current nature of the site that the proposed development, which includes a landscaped garden along the front boundary of the site, would improve the visual amenities of the surrounding area and would enhance the suburban character.

#### 7.4. ***Appropriate Assessment***

- 7.4.1. The site is located approx. 10m north of the Great Island Channel SAC (001058) and Cork Harbour SPA (003040). The appeal site and the designed sites are separated by a railway line. The proposed development would not be located within the SAC or SPA and there would be no direct effects as a result of the works.
- 7.4.2. Cork Harbour is a large, sheltered bay system, with several river estuaries. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. The Great Island Channel stretches from Little Island to Midleton and is an integral part of Cork Harbour. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. The conservation objective for the SAC and SPA is to maintain or restore the favourable conservation status of habitats and species.
- 7.4.3. As indicated on the OPW flood maps the site is located outside of any flood zones. Foul water from the site would be connected to the public mains which discharged to the Carrigrennan Wastewater Treatment Plant. The potential pathways for impacts on the Great Island Channel SAC and Cork Harbour SPA are, therefore, confined to surface water run-off.
- 7.4.4. It is noted that there is a storm water drain running under the site, which could provide a hydrological link to the SAC and SPA. The applicant has stated that 4 no. soakpits would be provided on site and that all surface water run off would be collected into these soakpits. There would be no requirement to discharge into the existing storm water pipes and, therefore, there is no hydrological link to any Natura 2000 sites.
- 7.4.5. Notwithstanding the proximity of the site to both the SAC and the SPA, it is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area, the location of the railway line which separates the appeal site from the designated sites and to the nature of the qualifying interests, that the proposed development would not adversely affect the integrity of the Great Island Channel SAC and the Cork Harbour SPA.

7.4.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect Great Island Channel SAC European Site No 001058 or Cork Harbour SPA European Site No 003040 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

It is recommended that permission be granted subject to conditions.

## 9.0 Reasons and Consideration

Having regard to the sites located within the settlement boundary of Glounthaune, the pattern of development in the area and the small scale 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. 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, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of July 2019 by way of clarification of further information, 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling houses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity having regard to the restricted nature of the site.

3. Details of the boundary treatments 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.

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 raised landscaped garden area between the house and the roadside boundary shall be planted with semi-mature native plants within the first planting season following occupation of the house.

**Reason:** In the interest of visual amenity having regard to the proximity of the proposed house to the roadside boundary.

6. 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

7. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. 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.

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

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Elaine Power  
Planning Inspector

6<sup>th</sup> December 2019