



An
Bord
Pleanála

Inspector's Report

ABP-305479-19

Development	Retention of a dwelling and all associated works including existing septic tank system. Permission for completion of partially constructed windows and dormer fascia.
Location	Old Coach House, Hollymount, Mountdesert, Lee Road, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/4859
Applicant(s)	Natalie Vereker and Michael McElligott
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Siún McCarthy
Observer(s)	None

Date of Site Inspection

29th November 2019

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The site is located within the townland of Mountdesert, approx. 3km northwest of Cork City Centre. The area is significantly elevated and the site slopes in a north south direction. The site is bound to the north by agricultural lands and to the south, east and west by residential dwellings. The 5-bay, 2-storey house located to the south of the appeal site is listed on the NIAH, reference 20865067, as 'Mount Desert Farm' and was probably associated with the now demolished Mount Desert House. 'Mount Desert Farm' is referred to as Hollymount House by the applicant, appellant and the Planning Authority. In the interest of clarity, the house is referenced to as Hollymount House below.
- 1.2. The site has a stated area of 0.0475ha and is irregular in shape. It currently accommodates an existing dormer bungalow with a split-level single storey extension. The extension is located at a right angle to the house. The house on the site was originally a coach house, associated with Hollymount House.
- 1.3. Access to the site is from a private cul-de-sac via Lee Road (L-27811). The Lee Road forms part of a scenic route (S37) between Leemount and Macroom via Coachford. The private road varies in width from 5m to 10m. car parking for the appeal site is provided on the private road.

2.0 Proposed Development

- 2.1. Retention permission is sought for a renovated kitchen extension, the conversion of an existing outbuilding / garage structure to habitable space and the provision of a link structure between the two buildings. The renovated single storey extension to be retained accommodates a kitchen / dining area and a utility room and has a separate front door. It has a pitched roof with a maximum height of approx. 3.9m.
- 2.2. The converted outbuildings / garage and link to the kitchen extension is at a split level and linked internally to house. It has a mono-pitched roof with a maximum height of 4.8m. It has a front door to the parking area and accommodates a study, storage area, cloak room and bathroom. The house to be retained has a gross floor area of 214sqm.

2.3. Retention is also sought for the replacement and relocation of an existing septic tank with a waste water treatment system and a raised a filter bed.

2.4. Permission is sought for the completion of 2 no. windows located on the front elevation of the converted outbuildings / garage and for the completion of the fascia of an existing dormer window on the original house.

2.5. ***Unsolicited Further Information lodged on 13th May 2019***

The applicant submitted a detailed response to third party objections on file.

2.6. ***Further Information lodged on 1st August 2019***

In response to a request for further information details regarding proposals for surface water drainage, a revised Site Suitability Assessment Report and revised elevational drawings, indicating obscure glazing and restricted openings on the windows to be retained, were submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

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

- The proposed soak pit is located outside of the red line boundary, permission is required from the legal owner of the land.
- The waste water treatment system should be redesigned in accordance with the EPA Code of Practice.
- Revised drawings are required which indicate that the proposed windows on the converted outbuilding / garage would have obscured glazing and either fixed windows or restricted openings.

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

3.2.2. Other Technical Reports

Final Engineering report: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

2 no. third party submissions were received from Siún McCarthy and Oliver Browne both of no. 2 Hollymount. The concerns raised are similar to those in the third-party appeal.

4.0 Planning History

Enforcement Reference 18/242: An on-going investigation relating to the structures to be retained and completed as part of this application.

5.0 Policy Context

5.1. 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
- RCI 6-2: Servicing Individual Houses in Rural Areas:
- HOU 3-2: Urban Design
- HE 4-2: Protection of Structures on the NIAH
- 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.

5.2. **Natural Heritage Designations**

There are no designed areas within the immediate vicinity of the site.

5.3. **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 received from Siún McCarthy whose property, no. 2 Hollymount is located to the south of the appeal site. The concerns raised are summarised below: -

- The septic tank does not reach the minimum standards as set out in the EPA's Code of Practice and has not been properly assessed by the Planning Authority. In particular the separation distances have not been achieved and the number of persons in the house has not been clarified. The proposed development would have a negative impact on public health.
- The development is out of character with the existing pattern of development and fails to comply with the Cork Rural Design Guide. The Guide notes that extensions should be located to the rear or gable end of an existing house. The existing extensions and alterations are ad-hoc and piecemeal in character and have little regard to the existing house and adjoining properties.
- The design and layout of the development would have a negative visual impact on the area and on the residential amenities of the house located to the south which is listed on the NIAH.
- The internal layout of the house and the excessive size of the storage room could lead to the provision of an additional bedroom on site.
- The provision of a new front door on the converted outbuilding / garage allows for the internal subdivision of the house and has increased pedestrian movements along the site boundary with no. 2 Hollymount. It is also noted that a fence has been erected which divides the converted space from the main dwelling.
- The proposed window would result in undue overlooking of the adjoining property. The storage area could be served by a roof light.
- The original outbuilding / garage was demolished, and the scale and height of the new extension is excessive and visually obtrusive.
- The site is located within an greenbelt. However, the planning authority did not have regard to greenbelt policies when assessing the application.

The appellant also raised concerns regarding the processes carried out by the Planning Authority when assessing this application in relation to the site notices, the development description and the red line boundary as indicated on the Further Information response.

6.2. Applicant Response

The applicant's response is summarised below: -

- The development is respectful of the character of the greenbelt. The Old Coach House is an existing historic structure associated with Hollymount House. The development comprises the conversion / renovation of an existing kitchen extension and outbuilding / garage. Additional works include a link from the extension to the outbuilding / garage. Greenbelt policies do not preclude extension and renovations to existing houses. The works were carried out in 2018 due to concerns of structural stability and to provide additional space for the family.
- The Cork Rural Design Guide states that extensions should respond to the site. Having regard to the restricted nature and topography of the site an extension to the side or rear would not be feasible.
- The door to the front of the converted outbuilding / garage replaces and existing door on the south western elevation. It is not intended as a front door. The house would be used as a single family home, it is not intended to rent or sub-let any part of the house.
- Having regard to the separation distances, the level difference and the orientation of the proposed window and the appellants window the proposed development would not result in undue overlooking. There is no objection to obscure glazing and restricted openings on this window.
- The new roof to the converted outbuilding / garage is of a similar pitch and height of the original corrugated roof. A photograph showing the original outbuilding / garage has been submitted. The scale and configuration of the space is also similar. Therefore, the development is not out of character with the area or more domineering, obtrusive or visually overbearing than the previous structure on site.
- The site is largely screened by Hollymount House. Having regard to the long-established structures on site, it is considered that the works do not have a significant negative impact on the visual amenities of the area or on the historic setting of Hollymount House.

- The works would not result in an increase in the number of occupants. Notwithstanding this, the pre-existing waste water treatment system on site would be upgraded in accordance with the EPA's Code of Practice by designing a bespoke solution for the site. A technical note by Clement O'Sullivan Architectural and Engineering Services has been included.

The applicant has addressed the procedural concerns raised by the appellant, in this regard the site notice, development description and red line boundary and notes that they are outside of the Boards remit.

6.3. Planning Authority Response

The Planning Authority addressed concerns raised by the appellant regarding the processes undertaken when assessing the application. In particular the Planning Authority have stated that the assessment of further information submitted on the 1st August 2019 was in accordance with Section 34(4) of the Planning and Development Act, 2000 (as amended).

6.4. Further Responses

The appellants response to the applicant's submission reiterates the concerns previously raised. Additional concerns raised are summarised below: -

- The applicant has not provided any layout / details of the original structures on site. Only the gable wall was retained of the original outbuilding / garage, therefore, the development is new and not a renovation.
- The original kitchen extension was also unauthorised. Planning policy does not allow for the intensification of unauthorised uses.
- There is less than 7m between the appellants existing window and the proposed window. This is not a sufficient separation distance and would result in a loss of privacy.

7.0 Assessment

7.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension / transfer with Cork County Council. The relevant

Development Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014. This plan will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

7.2. As indicated the appeal refers to the development as submitted with the Planning Authority, on the 1st August 2019, by way of further information. The following assessment, therefore, focuses on that proposal. The main issues relate to the principle of development, residential amenities, visual amenities 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
- Residential Amenities
- Visual Amenities
- Water services
- Appropriate Assessment

7.3. ***Principle of Development***

7.3.1. Retention permission is sought for a house as existing, the works include a renovated existing kitchen extension, the conversion of an existing outbuilding / garage structure to habitable space and the provision of a link structure between the two buildings.

7.3.2. The original house was a coach house, associated with Hollymount House which is located to the south of the site. The house was previously extended to provide a kitchen extension, with a gross floor area of approx. 26sqm. The extension was constructed at a right angle to the original house, which resulted in an L-shaped house. There was also an existing outbuilding / garage associated with the house, a gross floor area of approx. 25sqm. No floor plans of the previous layout have been submitted with the application. The applicants purchased the site 13 years ago and have occupied the dwelling to date. Photographic evidence has been submitted which indicates that the kitchen extension and the original outbuilding / garage have

been in place for a minimum of 12 years and that the works to be retained are of a similar scale and design of the previous structures on site. The works to be retained were carried out in 2018, due to concerns regarding the structural stability of the buildings.

7.3.3. The appellant raised concerns that both the conversion of the coach house and the previous extension to the house are unauthorised developments and as such the development, which comprises the retention of a 'house as existing', should be assessed 'de novo' for the provision of a new house in the Metropolitan Greenbelt of Cork City.

7.3.4. The site is located within the Metropolitan Greenbelt of Cork city and it is noted that extensions and alterations to houses located within the Metropolitan greenbelt are not prohibited by the development plan. In addition, objective ZU 2-5 non-conforming uses states that '*generally, permit reasonable intensification of, extensions and to and improvement of premises accommodating non-conforming uses within the existing curtilage of the development*'. Having regard to the long-established residential use on site and the pattern of development in the immediate vicinity of the site, it is my view that the development is acceptable in principle would not have a negative impact on the character of the greenbelt or on the character of the area.

7.3.5. Concerns were also raised that the provision of an additional front door would allow for the subdivision of the proposed dwelling. It is noted that there 3 no. doors to the house. In this regard the original door to the coach house, a second door to the kitchen extension and the third door to the converted outbuilding / garage. It is noted that there is an existing wall and fence between the original house and extension, however, as the house is internally linked and application is for a single dwelling house, I have no objection in principle to the proposed layout and considered that any concerns regarding the future sub-division of the house could be dealt with by way of condition.

7.4. **Residential Amenities**

7.4.1. The site is bound to the north by agricultural lands and to the south, east and west by residential dwellings. The site is irregular in shape and elevated. It slopes in a north-south direction. The existing house is located approx. 2.9m from the northern

boundary with agricultural lands. To the south the converted outbuilding / garage sits at the party boundary with no. 2 Hollymount. To the east the converted outbuilding / garage abuts a shed and rear garden. To the west the gable end of the original house is located approx. 6.8m from the western boundary and approx. 16m from an existing house.

7.4.2. Concerns have been raised that the works to be retained and carried out would have a negative impact on the existing residential amenities of no. 2 Hollymount located to the south of the appeal site. The converted outbuilding / garage sits at the southern boundary. In particular concerns were raised regarding overlooking from a new window on the front (western) elevation of the converted outbuilding / garage. The proposed windows serve a cloak room and a storage room and there are no opposing windows. No. 2 Hollymount is a 2-storey house located to the south of the appeal site. There is an existing boundary wall and fence located between the sites. The proposed window is located approx. 7m from an existing window and is staggered from the first-floor bedroom windows of the adjoining house. Having regard to the positioning of the windows, the existing boundary treatment, the pattern of development and to the intended use of the rooms, it is my opinion that the provision of a window at this location would not result in undue overlooking.

7.4.3. The appeal site is elevated approx. 1m above the adjoining site to the south. The converted outbuilding / garage has a mono-pitched roof with a maximum height of 4.8m. It is noted that the original structures on the site had a similar height and form. As the development to be retained is of a similar design of the original structures on site and having regard to the limited height of the development and to the orientation of the site, it is my view that, the development would not have a negative impact on the existing residential amenities in terms of overbearing impact, overshadowing or overlooking.

7.5. ***Visual Amenities***

7.5.1. Concerns were raised in the appeal that the design and layout of the development would have a negative impact on the visual amenities of the area and would have a negative impact on the setting of Hollymount House, which is listed on the NIAH (ref

20865067). Hollymount House is a 5-bay, 2-storey house located to the south of the appeal site.

- 7.5.2. 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. The site is also located approx. 130m north of a designated scenic route (S37) between Leemount and Macroom via Coachford. Having regard to the existing pattern of development, and in particular the siting of Hollymount House, there are limited views of the appeal site from Lee Road.
- 7.5.3. The southern boundary treatment with no. 2 Hollymount comprises a dilapidated wall with a new wood panel fence above. It has a maximum height of 4m. To improve the existing visual amenities, it is my opinion that the existing southern boundary treatments should be replaced with high quality blockwork wall or similar, and appropriate planting.
- 7.5.4. In my opinion, having regard to the original structures on site, the limited height and size of the development, the existing pattern of development and the distance of the development from the public road the proposed development would not have a significant negative impact on the existing visual amenities of the area and would not detract from the setting of Hollymount House.

7.6. **Water services**

- 7.6.1. It is proposed to retain a waste water treatment system on the site and to pump effluent to a raised bed soil polisher filter. This system replaced an existing septic tank that was located approx. 1m from the existing house. Concerns were raised in the appeal that the system is not in accordance with the EPA Code of Practice and would result in a potential risk to ground water. It is noted that water supply is from the public mains and there are no bored wells within 250m of the site.
- 7.6.2. Policy RCI 6-2 of the Development Plan requires proposals for proprietary treatment systems to comply with the EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses'. Table 6.1 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out

minimum separation distances which requires a minimum separation distance of 7m between the septic tank and dwelling house. The existing layout provides a 4.7m distance between the house and the septic tank. It is noted that the waste water treatment system reaches and exceeds the other recommended separation distances set out in Table 6.1.

7.6.3. The revised Site Suitability Assessment Report submitted by way of further information notes that there are no issues with the current system. The trial hole with a depth of 1.7m, recorded 200mm topsoil; 1400mm of subsoil gravels; 500mm of larger boulders; and 100mm boulder rock. With regard to the percolation characteristics of the soil, a T value of 3.33 minutes / 25mm was recorded. This indicates that the site is suitable for the installation of an on-site domestic waste water treatment system.

7.6.4. It is acknowledged that waste water treatment system to be retained does not reach the minimum separation distance, between the house and the septic tank, as required by the EPA Code of Practices. However, it is my view, that having regard to the previous septic tank on site, which was located approx. 1m from the house, the system to be retained would improve the previous situation and, therefore, is acceptable in this instance.

7.6.5. In conclusion, having regard to the information submitted I am satisfied that that the subject site is suitable for the installation of the proposed packaged wastewater treatment system and polishing filter.

7.7. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development within a serviced urban area 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

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the existing pattern of development and the nature and 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 or be prejudicial to public health. 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 retained, 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 1st day of August 2019 by way 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. Details of the boundary treatments shall be submitted to, and agreed in writing with, the planning authority within 3 months from the date of this order.

Reason: In the interest of residential and visual amenity.

3. 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 within 3 months from the date of this order.

Reason: In the interest of visual amenity.

4. The extension and converted building / garage shall be used solely for purposes incidental to the enjoyment of the dwelling house.

Reason: In the interest of clarity.

5. 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. 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 amenities of property in the vicinity

Elaine Power

Planning Inspector

6th January 2020