



An
Bord
Pleanála

Inspector's Report

ABP-306307-20

Development	Construction of a dwelling house, garage and all associated site works.
Location	Desert, Clonakilty, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/489
Applicant(s)	Rachel Jennings
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party's V Decision
Appellant(s)	1. Conor Foley 2. Martina Hayes
Observer(s)	None
Date of Site Inspection	2 nd March, 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 800 metres east of Clonakilty town centre. The site has a stated area of 0.2482 hectares, is irregular in shape and is currently used for the grazing of cattle. The site is located immediately south of and contiguous to the Desert Heights residential development and another residential scheme is located east and north-east of the site.
- 1.2. The site is accessed through the Desert Heights development. The access road has a carriageway width of seven metres with a footpath and streetlighting on both sides. The site is elevated with views over the town of Clonakilty.
- 1.3. The appellants reside in No's three and four Desert Heights which adjoin the appeal site to its north.

2.0 Proposed Development

- 2.1. It is proposed to construct a contemporary style two-storey dwelling house, with a gross floor area of 209 square metres (sq. m.). The house is narrow plan, with a single storey projection on the front elevation, has a maximum ridge height of 8.2 metres. The external finishes would comprise smooth render, zinc cladding and a slate roof.
- 2.2. Further information was sought by the Planning Authority regarding the following matters: The removal of an external staircase; Submission of finished floor levels and ridge heights of the neighbouring dwellings; Illustrate the location of the watermain wayleave through the site; To submit correspondence/consent from Irish Water regarding separation distances from the wayleave. The further information response did not result in alterations to the red line application site boundary.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council granted planning permission for the proposed development subject to seventeen conditions. The pertinent conditions are as follows:

- Condition 1: Clarified that planning permission was granted for the development as modified by way of further information.
- Condition 8: Requires that the site be landscaped in accordance with a scheme to be agreed in writing with the Planning Authority.
- Condition 9: Requires the vehicular access to be recessed a minimum of 4.5 metres from the front boundary fence.
- Condition 10: Ensure that no vegetation or structure exceeding one metre in height be located within the sightline triangle.
- Condition 11; Ensure that surface water be disposed of within the site.
- Condition 16: Require the location of the public watermain to be conformed subject to agreement with Irish Water and that no buildings be located within five metres of the watermain.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Within the initial planning report (dated 3rd September 2019), the development was considered acceptable in principle subject to clarification of a number of issues pertaining to engineering, design and servicing matters. Further information was requested as set out in Section 2.2 above.

A final report was prepared by the Area Planner (dated 17th December 2019). It concluded that concerns raised within the further information request were adequately addressed and recommended that permission be granted.

3.2.2. Other Technical Reports

The final report prepared by the Area Engineer outlined no objection to the proposal subject to conditions.

3.3 Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4 Third Party Observations

3.4.1 During consideration of the application by the Planning Authority, three submissions were received. The concerns raised in the submissions are similar to those raised within the grounds of appeal which will be addressed later in this report.

4.0 Planning History

I am not aware of any relevant planning applications relating to this site.

5.0 Policy and Context

5.1. West Cork Municipal District Local Area Plan 2017

Objective DB-01: To encourage development to be compatible with existing development and in particular be consistent with the vernacular architecture and scale of the holiday resort. The appeal site is located in a high landscape value area and all new development should take this into consideration.

The site is located within the Clonakilty Town Development Plan 2009-2015 (as extended) development boundary and is zoned agricultural. There is no zoning matrix included within this plan and it is not apparent what type of development would be permissible/acceptable under this particular zoning.

5.2. Cork County Development Plan 2014

5.2.1. Policy ZU 2-2 - Development Boundaries states: For any settlement, it is a general objective to locate new development within the development boundary, identified within the relevant Local Area Plan that defines the extent to which the settlement may grow during the lifetime of the plan.

5.2.2. The site is located within an area identified as Rolling Patchwork Farmland in Appendix E of the Plan. These areas are identified as being of medium landscape value. Medium landscape sensitivity and of county importance. Policies GI 6-1- Landscape and GI 6-2 -Draft Landscape Strategy relate to the protection of the landscape of County Cork and ensure that any new development meets high standards in terms of siting and design.

5.3. Natural Heritage Designations

Not relevant.

Environmental Impact Assessment-Preliminary Examination

Having regard to the nature and 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 Appeals

6.1. Grounds of Appeals

6.1.1 This application is subject to third party appeals from two householders who reside immediately north of the appeal site. The grounds of the appeal may be summarised as follows:

- The proposed access will result in additional traffic, noise and disruption.
- The internal road within Desert Heights has not been taken in charge by the local authority. This internal road recently benefitted from improvements under the Community Involvement Scheme and is not capable of taking additional traffic.
- The proposed development would result in over-use of the internal road and access.
- The junction of Desert Heights with the adjoining county road is dangerous and additional traffic would impact upon safety at this junction.
- Permitting the development would establish an undesirable precedent for use of this internal roadway.
- A two-storey dwelling would be out of context with the existing form of development in the area, to the rear of existing houses and is elevated above the level of the neighbouring residential properties.
- Proposed development will impact upon the visual amenity of the area.

- The proposal will overshadow the neighbouring properties resulting in a loss of light and privacy.
- The height of the proposed house would result in overlooking of adjoining properties and devalue them.
- The construction activities could damage the boundary hedging between the appeal site and the appellants' properties.

6.2. Applicant's Response

The response of the applicant to the appeals may be synopsised as follows:

- The applicant would be a qualifying applicant for rural housing in this area in any event.
- She hopes to continue playing an active role within the local community from the proposed dwelling.
- The site is located within the Clonakilty town development boundary immediately adjacent to existing established residential properties, consolidating development and reducing the impact of random housing in the countryside.
- A safe access has been designed and proposed to the satisfaction of the council engineers.
- The site would be served with connections to the public foul sewer and watermains to the satisfaction of the council engineers.
- The design of the dwelling has been carefully considered having regard to the characteristics of the local landscape as well as respecting the residential amenity of the neighbouring residential properties.
- Landscaping is proposed to mitigate the impact upon the neighbouring properties and to integrate the development within the local landscape.

6.3. Planning Authority Response

None received.

7.0 Assessment

7.1. Introduction

7.1.1 I consider the principal planning issues relating to the proposed development are those of design and layout and potential impact on residential amenity. Another issue that was raised related to access and traffic.

7.2 Design and Layout and Impact on Residential Amenity

7.2.1 The appellants have submitted that the proposal would be injurious to their amenities by reason of loss of light and privacy. Given the separation distances between the properties (approximately twenty one metres at the nearest point) and the existence of the established two metre boundary fence and planting in addition to the proposed landscaping works between the properties, that such an impact could not be construed as significant. I am satisfied that the proposed development would not result in a loss of light or privacy of the properties to the north so as to warrant a refusal of permission on this issue.

7.2.2 The proposed development has been designed such that there would be minimal overlooking of the neighbouring properties. The revised proposals which include the removal of the external staircase from the northern (side) elevation reduces the potential for any negative impact. I am satisfied that the proposed development would not result in any undue loss of privacy for the neighbouring properties to the north or any other neighbouring property.

7.2.3 In terms of the height of the proposed dwelling, it is noted that the nearest dwellings to the north and east are all two storey and therefore the principle of the development of two storey dwellings in the area is well established. Having regard to the orientation of the properties in question, the fact that a pitched roof is proposed to be developed on site, and having regard to the pathway of the sun, the separation distances between the properties and the existence of a 2 metre boundary fence/landscaping separating the properties, I am satisfied that the proposed development would not result in any significant overshadowing of the properties to the north.

7.2.4 Overall, I conclude that the proposed dwelling has been designed with due regard to any potential adverse impacts on the neighbouring properties.

7.3 Access & Traffic

- 7.3.1 The application site is located within the town development boundary of Clonakilty and within the 50km/h control zone. The proposed access is through the existing Desert Heights residential development. There is an existing hammerhead at the location of the proposed access. The proposal is for the development of a single dwelling unit and therefore the additional traffic movements associated with the development are minimal. I am satisfied that the existing access road and junction with the adjacent county Road have sufficient capacity to cater for the proposed development. I note the Area Engineer did not raise any concerns in relation to the development.
- 7.3.2 Having regard to the minor nature of the road, the design speed of the road and the limited number of vehicular trips potentially generated by the proposed development, it is my view, it would not result in the creation of a traffic hazard.
- 7.3.3 In conclusion, the proposal does not reasonably warrant a refusal of permission based on any perceived impact upon the capacity of the local road network or that of the internal roadway within Desert Heights.

7.4 Appropriate Assessment

- 7.4.1 Having regard to the nature and scale of the proposed development and the location of the site in a serviced area within a town development boundary and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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

- 8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary of Clonakilty, the high quality contemporary design and layout, the scale and siting of the house and the existing pattern of development within the area, it is considered that the proposed development would be acceptable and would not adversely impact

on the residential amenities of adjoining properties and would not adversely impact upon the adjacent road network capacity or 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 and completed in accordance with the plans and particulars lodged with the application, as amended by way of further plans and particulars submitted on the 29th day of November 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 the 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 boundary treatments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

- 3 Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 4 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of

similar size and species , unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and in the interest of visual amenity.

5 The formation of the vehicular entrance to the site shall be in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety.

6 Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 and 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 Drainage requirements, 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 and to ensure a proper standard of development.

8 Water supply and foul sewer arrangements shall comply with the requirements requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9 The develop shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions Scheme made under Section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to the 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 Contributions Scheme made under Section 48 of the Act be applied to the permission.

Fergal O'Bric
Planning Inspector

24th March 2020