



An  
Bord  
Pleanála

## Inspector's Report ABP-306420-20

---

<b>Development</b>	Construction of dwelling and all associated site works.
<b>Location</b>	Lettercollum, Timoleague, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/6007
<b>Applicant(s)</b>	Hazel McLoughlin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 18 conditions
<b>Type of Appeal</b>	Third party V Grant
<b>Appellant(s)</b>	Werner & Barbara Seifert
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2020
<b>Inspector</b>	Fergal O'Bric

## 1.0 Site Location and Description

- 1.1. The site is located approximately 1.3 km to the west of the centre of the village of Timoleague and to the north of the R600, which runs between this village and Clonakilty to the south-west. This site is situated within rolling countryside. It lies within the vicinity of Lettercollum House and a courtyard, adjacent to this House, comprising stables that have been converted for residential use. Access is from the regional road, via a laneway, which serves a number of dwelling houses and the courtyard. Lettercollum House is accessed by means of a separate avenue further east.
- 1.2. The site itself comprises an area of 0.4 hectares. This site is part of a wooded area immediately north of a walled garden area, which is subject to gradients that fall gradually in a southerly direction. Its boundaries and the site itself are defined by a mixture of gorse bushes and hedgerow.

## 2.0 Proposed Development

- 2.1. The proposal would entail the siting of a three-bedroomed bungalow with a floorspace of 116 sqm largely within the north westerly quadrant of the site. This bungalow would be of rectangular form under a shallow mono-pitched roof. Its principal elevation would be south-west facing and this elevation and the two side elevations would be clad in timber.
- 2.2. The dwelling house would be accessed via a new entrance way at the northern end of an existing laneway which in turn is accessed off the regional road (R600). The laneway runs alongside and west of the converted stable building and the walled garden area. This proposed dwelling would be served by a bored well, which would be sited in the south-west of the proposed dwelling, and a proprietary treatment unit and a soil filtration unit, which would be sited to the east of the proposed dwelling. Several of the existing trees on site would be retained and it is proposed to supplement these with additional tree planting on site and a new hedgerow to the north of the site.
- 2.3. Further information was submitted in relation to: Submitting the location of the family home and a land registry copy of the full family land holding; Details of existing site

levels and the finished floor levels of the proposed dwelling; Proposals for maintenance of the access laneway; Access details for the site during the construction phase; Clarify the planning status and the precise use of two structures on site and landscaping plans for the site detailing existing and proposed planting and how existing landscaping would be protected during the construction works.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following the receipt of further information, permission was granted subject to eighteen conditions.

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

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

Under further information, a range of matters outlined in Section 2.3 above were raised.

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

- Area Engineer: Following receipt of further information, no objection, subject to conditions.
- Heritage Unit: No Objection: They outlined the following: It is considered that the proposed development is an acceptable distance away from Lettercollum House and its attendant grounds and is acceptable in regard to built heritage.

### **4.0 Planning History**

No planning history pertains to the appeal site.

Planning Authority reference number 17/406 and An Bord Peanala under reference number ABP 300565-18. In 2018 planning permission was sought for the construction of a dwelling house further south-west on the land holding, which was refused. The reason for refusal was as follows:

It is considered that by reason of its setting and proximity to Lettercollum House, a protected structure, the elevated and exposed location of the proposed site, the proposed development would materially and adversely affect the character and setting of the Protected Structure and would seriously injure the visual amenity of the area and interfere with the character of the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Development Plan**

Under the Cork County Development Plan 2014 – 2020, the site is shown as lying within the Rural Housing Policy Area Type known as Tourism and Rural Diversification Area, within which the provisions of Objective RCI 4-3 are applicable to proposals for new dwelling houses. It is also shown as lying within the Landscape Character Type 3 “Indented Estuarine Coastline”, wherein the value, sensitivity, and importance of the landscape are deemed to be very high, very high, and National, respectively. The R600 is identified as a scenic route and Lettercollum House (approximately 200 metres south-east of the appeal site) is identified as a protected structure.

### **5.2. Natural Heritage Designations**

None relevant.

## **6.0 The Appeal**

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

The appellants, Mr & Mrs Seifert, (who reside in the neighbouring Lettercollum House) concerns are synopsised as follows:

#### **Planning Notice:**

- That there were deficiencies with the site notice in terms of when it might have been put in place and its adherence with the Planning and Development Regulations 2001, as amended, in terms of the inclusion of a date of erection on it.

**Applicant's housing need:**

- Attention is drawn to the fact that there are two apartments in the converted stable block, one of which is rented out by the applicant. They have a combined area of over 200 square metres and so they would, if combined, provide ample space for a family dwelling.

**Access:**

- The proposed development will result in an increase in the number of dwellings using the current access laneway, which is in a poor state of repair. This will create an additional hazard to people, especially at the junction of the laneway, with the regional road, the R600.
- The suitability of this laneway to serve the proposed dwelling and the vehicles associated with its construction is questionable. Already this road serves 5 dwellings, and, under the current proposal, this would lead to 6. If the Board is mindful to grant planning permission for the proposed dwelling, the applicant should be conditioned to bring the laneway up to a decent standard. This would be important in order to safeguard the existing users of the laneway.

**Location of proposed development:**

- The proposed location of the dwelling would seriously detract from and prejudice the amenity and setting of Lettercollum House, a protected structure.
- A previous refusal was issued to the applicant for a dwelling by An Bord Pleanála and the considerations under that refusal are equally applicable to the current proposal.

**Water:**

- The appellants request that the applicant provide her own private bored well supply as they are not agreeable to the extension of the water supply from their property.

## 6.2. Applicant Response

- The applicant has stated that the site notice was erected on the second of August and that this date was included on the bottom of the site notice as per the requirements of the Planning and Development Regulations 2001, as amended.
- Careful consideration was given when choosing the site in order to respect and protect the privacy and enmities of neighbouring residential properties and Lettercollum House so as not to have a negative impact upon them. Regard was also had to the guidance offered within the Cork Rural Design Guide.
- The proposed development will not give rise to adverse traffic impacts, and the applicant and her family currently use the access laneway daily. The Area Engineer raised no objections in relation to the proposed development. They are happy to accept a planning condition for the submission of a Construction Management Plan to the Planning Authority prior to the commencement of development.
- The proposed development would accord with the Rural Housing policy as set out within the Cork County development Plan 2014 and with National rural housing policies
- A new deep bored well is proposed to serve the proposed dwelling as well as a Proprietary Wastewater treatment system in accordance with the Code of Practice 2009, published by the Environmental Protection Agency.
- The applicant, her partner, and their two children reside with her parents in their dwelling within the adjacent converted stable block. The applicant has resided on her parents' landholding since her childhood and her family of origin has a fruit and vegetable garden on their landholding, which serves their business, The Lettercollum Kitchen Project. Accordingly, under criteria

(a), (d), and (e) of Objective RCI 4-3 of the CDP, she is a candidate for a dwelling on the site.

- The applicant's parents have offered the subject site to the applicant rather than space within the converted stable block.
- The current site was one which was supported by the appellants within their submission to Planning Authority reference number 17/406 and under An Bord Pleanála reference number 300565-18.
- A number of similar type planning precedents are referenced.
- The applicant has obtained agreement from existing road users/residents along the laneway to undertake road improvements.

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

None

## 7.0 **Assessment**

I consider that this application/appeal should be assessed under the following headings:

- (i) Rural Housing Policy,
- (iii) Housing Need
- (iii) Landscaping, siting, and design,
- (iv) Traffic and access,
- (v) Water Services, and
- (vi) AA.

### 7.1. **Rural Housing Policy**

- 7.1.1. Under the Cork County Development Plan 2014, the site is shown as lying within the Rural Housing Policy Area Type (RHPAT) RCI 4-3: Tourism and Rural Diversification Area. Under this policy, applicants must demonstrate that they have a rural generated housing need. To this end, seven criteria are set out as an expression of

such need and applicants must demonstrate compliance with at least one of these to be a candidate for a rural dwelling.

7.1.2. The applicant has submitted a cover letter and a completed supplementary planning application form, in which she states that she qualifies as a candidate for a rural dwelling house on the subject site under criteria (a), (d), and (e). These criteria are as follows:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

(e) Persons whose predominant occupation is farming/natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

7.1.3. The applicant states that she has always resided at Lettercollum. By way of supporting information, she lists the local schools that she attended and the corresponding periods of time. The appellant has not challenged this information. She also states that she has neither owned, obtained planning permission for, nor built a dwelling house hitherto. Accordingly, I consider that she qualifies as a candidate for a rural dwelling house under criterion (d).

7.1.4. The applicant states that her parents run a shop, "The Lettercollum Kitchen Project" in Clonakilty, which is supplied by vegetables grown in the walled garden to the rear of the converted stables in the vicinity of the subject site. She works in this shop one/two days per week and the walled garden three/four days per week and describes her occupation as a vegetable grower and food production assistant.

7.1.5. The definition of agriculture, under Section 2(1) of the Planning and Development Act, 2000 – 2018, includes horticulture within its scope.

7.1.6. The applicant's occupation can reasonably be described as farming/natural resource related. She has stated that she has been involved in the family business, in Clonakilty, for the last ten years. Clearly, Clonakilty is an urban area. Nevertheless, insofar as the applicant has described her work as being between the shop and the garden, at least part of it is in the local rural area and the remainder is at least



partially based in the local town that serves this hinterland. However, on balance, I consider that demonstrable compliance with criterion (e) remains outstanding.

- 7.1.7. I conclude that the applicant qualifies as a candidate for a rural dwelling house on the subject site due to her compliance with criterion (d) of Objective RCI 4-3 of the CDP.

## **7.2. Housing Need**

- 7.2.1. The appellant also draws attention to the fact that the converted stables contain two apartments that are under the control of the applicant's parents. If these two apartments were to be amalgamated, then a family size dwelling would be available. The applicant has responded by stating that these apartments are rented out and that her parents have not offered to make them available to her. Accordingly, they do not arise as considerations in the assessment of her current proposal.
- 7.2.2. I note that Objective RCI 8-1 addresses the refurbishment of derelict dwellings and that it specifically states that the requirement to establish that future occupiers have a rural generated housing need does not arise in these cases. I note, too, that, whereas the said apartments have been formed by converting stables in the courtyard to the rear of Lettercollum House, such conversion was analogous to the refurbishment of derelict dwellings. A case could, therefore, be made for, in these circumstances, adopting a similar approach which would thus lend support to the applicant's contention.
- 7.2.3. I conclude that the appropriateness of the selection of the subject site, hinges on an assessment of the landscaping, siting, and design of the current proposal.

## **7.3. Landscaping, siting, and design,**

- 7.3.1. Under the Cork County Draft Landscape Strategy, the site is shown as lying within the landscape character area type known as Indented Estuarine Coast. This Strategy recognises that rural dwelling houses can be prominent within this landscape character type. The advice of the Cork Rural Design Guide with respect to siting especially is emphasised in this respect. Objective RCI 6-1 of the Development Plan, likewise, emphasises the importance of a good fit within the landscape and the role of landscaping in this respect.

- 7.3.2. The R600 in the vicinity of the site is identified as a scenic route and so, under Objective GI 7-3 of the CDP, views of vulnerable landscape features from this route must not be obstructed or degraded by new development.
- 7.3.3. This site is within the vicinity of existing buildings, the most prominent of which is Lettercollum House. It is hidden by the walled garden area and existing trees and hedgerows. Views of the appeal site from Lettercollum House and the R600 are therefore limited, due to a combination of embankments and hedgerows in this vicinity and the converted stables block and walled garden to its south which hide the development from the R600 and Lettercollum House.
- 7.3.4. The proposed dwelling house would be sited largely within the north-western quadrant of the site. As the site slopes gradually in a southerly direction, cut and fill earthworks would be undertaken to form a level area upon which to construct this dwelling house, which would be orientated on a north/south axis. It would be of low-rise single storey form with a shallow mono-pitched roof and timber cladding to its exposed elevations. Existing trees to the eastern, western and northern boundaries as well as within the site itself would be retained.
- 7.3.5. I consider that the siting, size, and design of the proposed dwelling house within the context of the trees proposed for retention would ensure that its visibility is limited, and significant screening is available from the outset.
- 7.3.6. I conclude that, given the limited visibility of the proposed dwelling house and the significant screening that would be afforded by existing trees, this dwelling house would be capable of being accommodated in a visually satisfactory manner within the landscape and so, in these circumstances.

#### **7.4. Traffic and access**

- 7.4.1. The proposal would generate a modest level of traffic movements along the lane, which passes the site, and which is accessed to the south off the R600. The appellants draw attention to the permitted application 04/4351 for this lane and to the accompanying description, which referred to the access that it would afford to four dwellings. They state that this number has already been exceeded by one and that the proposal would increase this to two. They also state that the description of the current proposal should have made this increase explicit.

- 7.4.2. During my site visit, I observed that the lane consists essentially of two straight sections, i.e. an east/west one that parallels the R600 and a north/south one that rises upwards in a northerly direction. Forward visibility along these sections is good. The surface of the lane is, for the most part, unsealed with some potholes evident in the initial section. The more northerly steeper stretch of the subsequent section has a sealed surface, where it passes the site.
- 7.4.3. I also observed that within the vicinity of the junction between the said lane and the R600, the regional road is relatively narrow and its vertical and horizontal alignment vary slightly. Consequently, forward visibility is affected and so a continuous white centre line has been laid. This road is the subject of an 80 kmph speed limit and so sightlines at the said junction should have a y dimension of 120m. I estimate that, with the proper maintenance of vegetation along the accompanying roadside verges, reasonable visibility is available to drivers exiting the lane. I note that the Area Engineer raised no objections in this regard.
- 7.4.4. In the light of the foregoing paragraphs, I consider that the junction and lane in question would afford a satisfactory means of access to the site and that they would be capable of accommodating the likely level of traffic generated by the proposal. I do not consider that it is necessary for the applicant to state explicitly in the description of the proposal that the lane would be the subject of increased usage, as this is implicit in the proposal itself.
- 7.4.5. The proposed entrance way to the site and on-site car parking and turning facilities would be satisfactory.
- 7.4.6. I conclude that the traffic likely to be generated by the proposal would be capable of being accommodated on the lane to the site and that the junction between this lane and the R600 would be capable of being operated in a satisfactory manner. The proposed site entrance and on-site parking and turning facilities would be appropriate.

## 7.5. **Water Services**

- 7.5.1. The proposed dwelling house would be supplied by water from a bored well, which would be sunk to the south-west of the proposed dwelling. While no test results have been submitted concerning this proposed water supply, the presence of other

dwelling houses in the vicinity of the site is of some reassurance. This outstanding matter could be the subject of a standard condition.

- 7.5.2. Foul water would be handled by means of packaged waste-water treatment system and polishing filter, which would be sited down slope of the proposed bore well in the south-western quadrant of the site. The applicant has undertaken a site characterisation exercise, which concludes that the said specification of system would be appropriate to the ground conditions underneath the site.
- 7.5.3. Surface water would drain to a soakaway. Details in this respect have not been submitted. However, they could be the subject of a standard condition.
- 7.5.4. With respect to coastal and fluvial flood risk, the site is shown in neither the OPW's flood maps or the relevant CRAM PFRA (Figure No. 2019/MAP/17/A) as being at risk of these types, or any other types, of flooding.
- 7.5.5. I conclude that the proposed water supply and drainage arrangements for the site would appear to be satisfactory.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposal and the nature of the receiving environment, 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**

I recommend that planning permission be granted.

## 9.0 **Reasons and Considerations**

Having regard to the Cork County Development Plan 2014 – 2020 and the County Cork Draft Landscape Strategy 2007, it is considered that the applicant is a candidate for a rural dwelling house on the site and that, subject to conditions, the proposed dwelling house on the selected site would be compatible with the visual amenities of the area and would not adversely impact upon the neighbouring protected structure, Lettercollum House given that it will be hidden by existing hedgerows and the walled garden area. . Furthermore, this dwelling house would be

capable of being satisfactorily accessed and serviced. No Appropriate Assessment issues would arise. The proposal would thus accord 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 on the 9<sup>th</sup> day of August 2019 as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of November 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed.

**Reason:** In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.  
  
(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

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

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

6. The landscaping scheme as set on the layout plan, as submitted to the Planning Authority on the 29<sup>th</sup> day of November 2019, shall be carried out within the first planting season following substantial completion of external construction works.

All existing planting shall be adequately protected from damage during construction. 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 the interest of residential and visual amenity.

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

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

**Reason:** In the interest of visual amenity.

9. (a) The natural stone entrance walls shown on the landscaping plan, as submitted to the Planning Authority on the 29<sup>th</sup> day of November 2019, shall be no more than 1m in height.

(b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.



**Reason:** In the interest of traffic safety.

10. The existing garage on site, located east of the proposed dwelling shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

**Reason:** In the interest of proper planning and sustainable development.

11. 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. The application of any indexation required by this condition 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.

**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.

---

Fergal O'Bric  
Planning Inspector

22<sup>nd</sup> April 2020