



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307024-20

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<b>Development</b>	Construction of domestic garage
<b>Location</b>	Eyeries, Beara, Co Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	1900470
<b>Applicant(s)</b>	Cormac & Geraldine O Sullivan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission subject to conditions
<b>Type of Appeal</b>	First Party v Condition 2
<b>Appellant(s)</b>	Cormac & Geraldine O Sullivan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> July 2020.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. This appeal relates to a site located within the village of Eyeries, on the Beara peninsula in West Cork. The appeal site which is irregular in shape extends to .283hectares and comprises an established commercial hardware foodstore and residence. The hardware / foodstore residential building fronts onto the street to the north east with fuel pumps located to the southwest of the building. The site also has frontage onto the local road to the south from where access is gained to the rear yard of the property. Within the open yard there is a timber garden shed, and playhouse. On the date of my site visit I noted open storage of items of building material, machinery, and rubble. To the north west the site adjoins residential properties and the community hall which is located immediately adjoining the north-western boundary and which includes three windows overlooking the appeal site. The 225mm main sewer line runs along the western part of the appeal site.

## 2.0 Proposed Development

2.1. The application seeks permission for the construction of a domestic garage 87.84sq/m. The proposed garage is a portal framed structure, 5.2m high with reinforced concrete base walls with pvc coated steel cladding from 1.5m above ground level and PVC Coated roof cladding. North, south and western elevations are unrelieved while a roller shutter door and doorway access are proposed on the eastern elevation. The proposed shed is to be located towards the north-western boundary of the appeal site. I note that following a request for additional information the siting of the proposed shed was revised to provide for a slightly increased separation of 2.5m from the adjoining community hall building and 3.6m from the north-eastern boundary with the adjacent dwelling property. I note that within the grounds of appeal a revised site layout plan provides for an alternative proposal with an elongated shed structure which increases separation from community hall building to 5m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 Following a request for additional information which raised questions with regard to the public sewer wayleave and the impact on the adjacent community hall, Cork County Council by order dated 4<sup>th</sup> March 2020 issued notification of its decision to grant permission and 13 conditions were attached including condition 2 as follows:

*“The garage shall not be sited in the area indicated on the site layout plan drawing number R00041901-0022119 Ref V 01A received on the 6<sup>th</sup> February 2020 or Drawing Number P00131901-00-050719 Rev A received on 12<sup>th</sup> July 2019 and before any development commences, including excavations for a concrete base takes place, a revised Site Layout Plan at a scale of 1:500 shall be submitted to the Planning Authority for written approval. This shall indicate the proposed garage being sited at the south western part of the site (edged red) and outside that 6.0m wide area reserved for access to the 225mm sewer pipe.*

*Reason: In the interest of amenity that runs with the land since a building positioned so close to two windows of the adjacent community hall as well as despoiling the outlook and loss of light from two neighbouring dwellinghouses does Not constitute sustainable development.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.1.1 Initial planner’s report noted lack of detail on submitted site layout plan. Concerns were expressed with regard to the scale and design of the proposed garage and siting in relation to sewer wayleave and within 2m of the windows to the adjacent community hall. Proposals with regard to builder’s rubble on site to be addressed.

Report following submission of additional information reiterates concerns regarding the size of the structure and potential overdevelopment of the site. Concerns regarding proximity to neighbouring dwelling and community centre reiterated.

#### 3.2.2. Other Technical Reports

3.2.2.1 Area Engineer's report – Proposed location on wayleave for Eyeries foul sewer.

Environment Section report. No objection. Waste and stone to licensed waste facility.

### 3.3. Prescribed Bodies

3.3.1 Irish Water submission indicates that further information is required. An existing 225mm diameter public foul sewer running adjacent to the proposed garage has a registered 10m wide wayleave along its length. Survey required to determine the exact location of the as constructed public foul sewer in order to retain the 10m wayleave and amend garage location to suit. Following submission of additional information the submission indicates no objection subject to amended wayleave. A diversion /wayleave agreement to be signed and works to be carried out in accordance with Irish Water codes and standards.

## 4.0 Planning History

**01/6192** Permission granted in 2001 for alterations and extensions to shop, extension to dwellinghouse and provision of canopy over existing petrol pumps.

## 5.0 Policy Context

### 5.1. Development Plan

The Cork County Development Plan 2014 refers.

### 5.2. Natural Heritage Designations

5.2.1 There are a number of designated sites in the vicinity including

- Kenmare River SAC within 0.6km
- Beara Peninsula SPA 5 km
- Glanmore Bog SAC 5.5km
- Hungry Hill Bog NHA 12km
- Killarney National Park, Macgiliguddy's Reeks & Caragh River Catchment SAC 12km

### 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the immediate vicinity, 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 Appeal

### 6.1. Grounds of Appeal

6.1.1 This first party appeal relates to condition 2 and is summarised as follows:

- Request the setting aside / modification of condition 2.
- Community hall is privately owned and never used during the day.
- Only 20% of light in 2 of the 10 windows would be impacted upon.
- Neighbouring house is vacant. It is 12m from the proposed garage and has a 2.4m high wall at the rear 4m from its own back door.
- The two owners of the three properties have all considered and agreed that the proposed location is optimal as alternative location to the south west would have considerably more impact from a visual perspective.
- Southwestern part of the site intended for future dwelling.
- Request that the Board permit the location as detailed in response to request for additional information or alternative site layout appended to the appeal dated 25<sup>th</sup> March 2020.

### 6.2. Planning Authority Response

The Planning Authority response reaffirms the decision to grant permission subject to condition 2. The Board may decide to refuse permission on appeal given the commercial composition of the establishment and scale and design of the structure.

## 7.0 Assessment

- 7.1 Having regard to the nature of the development and the grounds of appeal, I consider it that determination by the Board of the application as if it is had been made to it in the first instance would not be warranted and therefore in accordance with Section 139 of the Planning and Development Act 2000, it is appropriate that consideration is confined to assessment of the condition under appeal namely condition 2 which is as follows:

*“The garage shall not be sited in the area indicated on the site layout plan drawing number R00041901-0022119 Ref V 01A received on the 6<sup>th</sup> February 2020 or Drawing Number P00131901-00-050719 Rev A received on 12<sup>th</sup> July 2019 and before any development commences, including excavations for a concrete base takes place, a revised Site Layout Plan at a scale of 1:500 shall be submitted to the Planning Authority for written approval. This shall indicate the proposed garage being sited at the south western part of the site (edged red) and outside that 6.0m wide area reserved for access to the 225mm sewer pipe.*

*Reason: In the interest of amenity that runs with the land since a building positioned so close to two windows of the adjacent community hall as well as despoiling the outlook and loss of light from two neighbouring dwellinghouses does Not constitute sustainable development.”*

- 7.2 I note the basis for the imposition of condition 2 which relates to mitigation of impact on the light to the adjacent community building and the outlook from the neighbouring dwellings. The significant concerns as outlined in the planner’s report relate to the siting of the structure within 2.5m of the community hall building and directly opposing two windows thereby resulting in light loss. The impact on the outlook from the neighbouring dwellings arising from the scale and design of the garage structure is also of concern. The first party within the grounds of appeal includes an alternative layout plan which provides for an elongated shed structure resulting in an increased separation distance to 5m from the community hall building and location directly in front of one rather than two of the windows. The separation from adjacent dwellings is also increased. Having considered the proposal I consider that the alternative elongated structure with revised siting provides for a more appropriate solution on the site and appropriately mitigates impact on adjacent residential amenity and impact on the light and outlook from the community building.

I also consider that the back-land siting of the structure within the yard is more appropriate as opposed to adjacent to the roadside to the southwest. In light of my assessment, I recommend that an alternative condition 2 should apply as set out below.

- 7.3 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not 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. In light of my assessment I recommend the following amendments to condition 2.

### Reasons and Considerations

Having regard to revised layout plan submitted to the Board on 30<sup>th</sup> March 2020 with the grounds of appeal, it is considered that the proposed development would be acceptable in terms of its impact on the adjacent community building and impact on neighbouring residential amenity and would therefore be in accordance with the proper planning and sustainable development of the area.

#### Condition 2.

The garage shall be sited in accordance with the revised site layout plan and section X-X drawing A00012001-00-250320 O1A received by An Bord Pleanála on the 30<sup>th</sup> March 2020. Revised plan and elevation of the garage building shall be submitted to the planning authority for written agreement prior to the commencement of development. No windows or doors shall be provided to the north eastern, north-western, or southwestern elevations.

In the interests of visual and residential amenity.

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Bríd Maxwell Planning Inspector  
14<sup>th</sup> July 2020