



An
Bord
Pleanála

Inspector's Report ABP-307729-20

Development

Construct a ground floor and first floor extension to existing single storey cottage including a new terrace at first floor level, energy retrofit upgrades and reconstruction of existing walls, floors and re-roofing, alterations to elevations, upgrading of existing wastewater treatment system to include a new wastewater filter bed and associated site works and services

Location

Rose Cottage, No. 4 The Cottages, Ardkilty, Sandy Cove, Kinsale, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

20/4949

Applicant(s)

Jacinta & Noel McMahon

Type of Application

Permission

Planning Authority Decision

Grant, subject to 4 conditions

Type of Appeal	Third Parties -v- Decision
Appellant(s)	Yvonne McBain Elizabeth Bond
Observer(s)	None
Date of Site Inspection	29 th October 2020
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Applicant Response	8
6.3. Planning Authority Response	9
6.4. Observations.....	10
6.5. Further Responses.....	10
7.0 Assessment.....	10
8.0 Recommendation.....	14
9.0 Reasons and Considerations.....	14
10.0 Conditions	14

1.0 Site Location and Description

- 1.1. The site is located in Sandy Cove a coastal hamlet c. 2.5km south of Kinsale “as the crow flies”. This site lies at the north-eastern entrance to the hamlet on the landward side of the L-3224-30 in a position adjacent to this local road’s junction with the L-7320-0, which winds up the hillside to the north-west. It is situated at the end of a row of single storey cottages, beyond which to the south-west the local road passes between two multi-storey houses. On the hillside there are examples of modern dwelling houses. One immediately above the site is of strikingly contemporary design.
- 1.2. The site itself is of elongated form and it extends over an area of 313 sqm. This site presently accommodates an end of row cottage, which has been extended to the north-east to provide an inter-mediatory entrance hall and a single storey cottage-like building at a higher level. The combined floor area of these buildings is 85 sqm and their combined roadside frontage, which is accompanied by a grass strip, is c. 25m. In the north-eastern portion of the site there is a parking area, which is accessed off the above cited junction. To the rear of this area and to the rear of the cottage-like building is a stone-faced retaining wall.

2.0 Proposed Development

- 2.1. The proposal would largely replicate that which was permitted under planning application reg. no. 19/6032. It would entail alterations and extensions to the existing ground floor extensions and the addition of a first-floor extension. An increase in floor area of 66.5 sqm would ensue. While the footprint of the existing cottage-like building would be largely retained, the proposed first floor would project forward of the front wall plane below, it would over-ride the stepped form of the rear wall below, and it would over sail approximately a third of the parking area to the side. The first-floor extension would be composed of rectangular forms with accompanying rectangular openings, including two large floor-to-ceiling height picture windows in the front elevation, and a balcony would accompany its south-western end.
- 2.2. Under the current proposal, the north eastern end of the first-floor extension would be accompanied by a 20 sqm terrace that would effectively extend over the

remaining two-thirds of the parking area. A spiral staircase would be added to the far end of this terrace.

- 2.3. Under the current proposal, too, the existing cottage-like building would be rebuilt in conjunction with the installation of energy retrofit upgrades. Likewise, the original cottage roof would be re-roofed in matching slates.
- 2.4. As before the existing wastewater treatment system would be upgraded by means of the installation of a new wastewater filter bed, which would be laid out in the grass strip forward of the front elevation to the existing cottage.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 4 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

Recognises the extant permission and assesses the new aspects of the proposal.

3.2.2. Other Technical Reports

Area Engineer: No objection.

4.0 Planning History

Under PL04.104280, the Board considered a proposal for the demolition of a domestic garage and the construction of a split-level extension to the side of the cottage. Permission was refused on the grounds of amenity and public health.

The recent planning history of the site is summarised below:

- 16/7320: Two storey extension to existing single storey cottage, plan changes, elevational changes, modifications, extensions and associated site works and services: Response to CFI signalled an outstanding issue with respect to obtaining a foreshore licence and so the application appears to have run out of time.

- 16/6990: Changes to existing cottage including plan changes, elevation changes, modifications, extensions, associated site works and services: Incomplete application.
- 18/6905: Changes to existing cottage including plan changes, elevation changes, modifications, extensions, associated site works and services: Incomplete application.
- 18/7204: Construction of ground and first floor extension to existing single storey cottage, alterations to elevations and associated site works and services: Withdrawn following RFI concerning the need to address the existing wastewater discharge point to the sea.
- 19/6032: Similar proposal to that now proposed, but without the north-eastern terrace: Permitted on 8th October 2019.
- 20/4723: Same proposal to that now proposed, incomplete application.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the Landscape Character Type “Indented Estuarine Coast”, wherein the landscape value and sensitivity are very high, and the landscape is of national importance.

Under the Bandon/Kinsale Municipal District Local Area Plan 2017 (LAP), Sandycove is identified under the heading of “Other Locations” and Objective No. DB-01 includes the following: “Consideration will be given to infill residential development where it directly improves existing public foul services.”

5.2. Natural Heritage Designations

- Sovereign Islands SPA (004124)
- Old Head of Kinsale SPA (004021)

5.3. Pre-EIA Screening

The proposal is for a domestic extension, which is not a Class of Development that requires to be the subject of EIA under Parts 1 and 2 of Schedule 5 to the Planning and Development Regulations, 2001 – 2020.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Yvonne McBain

- The adequacy of the Planning Authority's assessment of 19/6032 is questioned. The case planner appears to have deferred on the advice of a senior architect received under 18/7204, an application that was subsequently withdrawn, and he appears to have accepted the advice of the Environment Section that the "planning gain" of improved wastewater facilities justified the over development of the site.
- The proposed wastewater facility would, contrary to the EPA's Code of Practice, be sited within 3m of a boundary with an adjoining property. The impact on this property has not been assessed.

(b) Elizabeth Bond of No. 2 Cottage, Sandycove

Attention is drawn to the long and complicated recent planning history of the site and the attendant difficulty posed for third parties to keep track of successive proposals.

The following grounds of appeal are cited:

- Concerns with respect to the over development of the site are justified by the current proposal to add a steel framed terrace to the north-eastern end of the proposed two storey extension, perhaps as a precursor to the enclosure of this terrace to form another room.
- The adjacent junction is congested and hazardous. It is presently the subject of a search to find solutions to these problems. The proposal would be likely to result in the greater use of the site with an attendant increase in traffic movements to and from it in the vicinity of this junction.

- The crazy paving to the retaining wall to the rear of the site could be screened by landscaping rather than the proposed terrace.
- The proposed terrace would add still further to the scale of the proposal, which would detract from the modest context of the site, which comprises low-lying cottages and a low-level sea wall.
- Insofar as other cottages have been refused permission for one-and-a-half storey extensions and solar panels, the Planning Authority's permission for the current proposal would appear to be inconsistent.
- The said permission would establish an adverse precedent for the cottages.

6.2. Applicant Response

The applicant has responded to appellant (a) as follows:

- The only visible change to the proposal permitted under application 19/6032 would be the addition of the terrace. No submissions were received by the Planning Authority from conservation/tourism bodies.
- The proposed wastewater facility was included in application 19/6032 and so it has extant permission. The applicant understands that the householders of the other three cottages have installed replacement sewage systems in recent years all with the aim of improving water quality along the adjacent shoreline.
- Internally, the fabric of the existing extension would be improved to increase its insulation properties. Traditional lime render would be used on the external walls of the cottage and the roof would be re-slatted with natural slate rather than the artificial slate that pertains at present.

The applicant has responded to appellant (b) as follows:

- Attention is drawn to the set back position and tapered form of the proposed terrace in keeping with the adjoining extension/cottage and row of cottages.

The applicants have no intention of covering the proposed terrace. Rather it would be a relatively discrete outdoor space within which the seaside location of the site could be enjoyed.

The specification of steel was to provide a sturdy material for the exposed conditions of the site and one that would be slim and thus ensure a visual lightness to the structure.

Attention is again drawn to the set back and “cranked” line of the cottages, which would be reflected in the current proposal and which would serve to ensure that it is unobtrusive. The proposal would result in the provision of an extended cottage that would afford relatively modest two-bed accommodation.

- The proposal would be served by 2 off-street car parking spaces. In this respect, it would be unique within the row of cottages, where off-street car parking does not pertain. The extended cottages would be resided in by the applicants rather than let out as holiday accommodation. It would not contribute to local parking issues borne of the locality’s attractiveness to visitors.
- The proposed terrace was not designed to screen its crazy paving backdrop, but it would have that effect.
- The proposal would be a considered contemporary addition to the row of cottages. Thus, it would be composed of individual elements that would be distinguished from one another in their size and arrangement, thereby easing their mass and scale. Elsewhere, contemporary extensions are evident, too. No overlooking of neighbouring properties would result and, conversely, it would not be visible from these properties.
- The citation of other planning applications for neighbouring properties needs to be informed by the possibility that comparable circumstances may not pertain elsewhere in the row of cottages.
- Likewise, with respect to precedent, each application is assessed on its merits.

6.3. Planning Authority Response

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Cork County Development Plan 2014 – 2020 (CDP), the Bandon/Kinsale Municipal District Local Area Plan 2017 (LAP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Visual and residential amenity,
- (ii) Traffic, access, and parking,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) Visual and residential amenity

- 7.2. The applicants draw attention to the fact that the only visible addition to the proposal under the current application, as distinct from permitted application reg. no. 19/6032, would be the terrace off the north-eastern end of the proposed first floor extension.
- 7.3. Appellant (b) states that concerns with respect to the over development of the site are illustrated by the proposed terrace, which would add to the overall quantum of development envisaged. The unsympathetic scale and design of this development, within its context, would be accentuated. This terrace would not be needed to screen the retaining wall to the rear, and it may in time be enclosed to form another room.
- 7.4. The applicants have responded to appellant (b)'s concerns by drawing attention to the "cranked" alignment of their cottage in relation to the remainder of the row of three cottages to the south-west and to the further crank that is/would be exhibited by the existing/proposed extensions. These discontinuities in the front building line allow/would allow their cottage and existing/proposed extensions to be distinguished

from the remainder of the row. The proposed terrace would be composed of slim steelwork and glass balustrade and so it would appear as a light weight structure. Its siting was not prompted by any perceived need to screen the retaining wall to the rear, although it would have that effect. Rather the motivation is to have an outdoor space that would be relatively discrete, due to the retaining wall, and yet one which would afford sea views. Consequently, the applicants do not intend to enclose this terrace.

- 7.5. During my site visit, I observed the site within its context. I noted the row of cottages and the variation in alignment that exists. I noted, too, that the dwelling house on the hillside to the rear of the site has been replaced since the Board last looked at this site, in 1998, by a larger dwelling house of strikingly contemporary design. I consider that the setting of the site has thus changed appreciably and so the addition of the proposed first floor extension, which would be of strikingly contemporary design, too, would be less conspicuous. I also observed the enclosed form of the north-eastern portion of the site which would ensure that the proposed light weight terrace would be discrete.
- 7.6. Appellant (b) expresses concern that proposals, which would have had a lesser impact than the applicants' development, have been refused planning permission in Sandy Cove and she also expresses concern that the current proposal may establish an adverse precedent. The applicants have responded by questioning whether these proposals would be comparable to their one and by stating that each proposal needs to be considered on its merits.
- 7.7. I note the lack of specific information from the appellants. I note, too, the validity of the applicants' question and statement.
- 7.8. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(ii) Traffic, access, and parking

- 7.9. Appellant (b) draws attention to the hazardous junction between two local roads, which adjoins the north-eastern end of the site. She states that work is underway to identify means of easing its hazardousness. She expresses concern that the proposal would intensify the use of the site, thereby leading to an increase in traffic movements, which necessarily must cross the junction.

- 7.10. The applicants have responded to appellant (b) by stating that two off-street car parking spaces would continue to be maintained on the site and that such off-street provision is unique to their cottage within the overall row of cottages. They also state that they intend to reside in the extended cottage and so it would not be used as holiday accommodation. Accordingly, those using these spaces would be residents familiar with the junction in question rather than holiday makers.
- 7.11. During my site visit, I observed the junction which occurs at the end of a bend in the approach road to Sandy Cove from the north-east and a side road, which meets it an acute angle and which rises initially to the north north-east. Visibility in several directions is thus limited. While this junction is clearly a challenging one, I do not consider that the proposal would affect its usage during its operational phase. During the construction phase, an indicative timetable for the attendance of plant, machinery, and vehicles should be the subject of a construction management plan, in a bid to ease congestion in the vicinity of the junction.
- 7.12. I conclude that traffic generated by the proposal during the operation phase would be comparable with that which pertains at present. Access and parking arrangements would, likewise, be maintained.

(iii) Water

- 7.13. The site is served by the public water mains. Wastewater is handled by means of an existing bio-cycle treatment unit in the north-eastern portion of the site and surface water is handled by an existing drainage system, both of which discharge to the sea.
- 7.14. Under the proposal, the existing bio-cycle treatment unit would discharge to a sand polishing filter, which would be formed in the grass strip between the front elevation of the applicants' cottage and the local road. In turn this filter would discharge to groundwater rather than to the sea.
- 7.15. The applicants have submitted a completed site characterisation form, which advises on ground conditions and percolation, i.e. T = 12 minutes per 25mm, and concludes that the site of the proposed sand polishing filter would be suitable for discharge to groundwater.
- 7.16. The applicants have also submitted a detailed design of the proposed sand polishing filter, which indicates that it would be raised 450mm above the existing ground level and sandwiched between sleepers. The width of the grass strip is such that normal

EPA Code of Practice separation distances from the site's boundaries would not be achievable. However, as the baseline for the proposal is the unsatisfactory discharge of treated wastewater into the sea, the Planning Authority raised no objection.

- 7.17. Appellant (a) expresses concern over the proximity of the proposed sand polishing filter to the adjoining residential property to the south-west. The applicants have responded by stating that the householders in the other cottages have installed replacement wastewater treatment systems in recent years within their restricted plots, all in a bid to improve water quality along the adjacent shoreline. Their proposal would continue this trend.
- 7.18. I note the specific circumstances of the site. I note, too, that Objective No. DB-01 of the LAP is committed to the improvement of wastewater handling in Sandy Cove and that the proposed sand polishing filter has previously been permitted under application reg. no. 19/6032. This filter would solve an existing pollution problem and, provided it is correctly installed and maintained, any new pollution problem would be capable of being averted.
- 7.19. The OPW's flood maps do not indicate that the site is the subject of any identified flood risk.
- 7.20. The proposal would raise no water issues.

(iv) Appropriate Assessment

- 7.21. The site does not lie within or near to a Natura 2000 site. Under the proposal, wastewater from this site would no longer discharge to the sea and so an existing source/pathway/receptor route to the nearest Natura 2000 sites would no longer exist, i.e. the Sovereign Islands SPA, 4.58km away, and the Old Head of Kinsale SPA, 6.74km away.
- 7.22. Having regard to the nature, scale, and location of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, the Bandon/ Kinsale Municipal District Local Area Plan 2017, and the planning history of the site, the Board considers that the proposal would, subject to conditions, be compatible with the visual and residential amenities of the area and public health. Existing site access and on-site car parking would be maintained and no water or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, an indicative timetable for the attendance of plant, machinery, and vehicles on the site, and off-site disposal of construction/ demolition waste.</p>

	Reason: In the interests of public safety and residential amenity.
3.	<p>(a) The polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 13th day of May 2020.</p> <p>(b) Within three months of the first occupation of the extension, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the polishing filter is constructed in accordance with the details submitted to the planning authority on the 13th day of May 2020.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>

Hugh D. Morrison
 Planning Inspector

11th November 2020