



An
Bord
Pleanála

Inspector's Report ABP-308592-20

Development	Retention of 6m high fibreglass external flagpole erected within the boundaries of the applicant's residential property.
Location	4 Athenian Terrace, Glasson's Avenue, Cobh, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/05844
Applicant(s)	Tom Kelly
Type of Application	Retention permission
Planning Authority Decision	Grant, subject to 2 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Mary & Victor McCaffery
Observer(s)	None
Date of Site Inspection	17 th February 2021
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
4.0 Planning History.....	4
5.0 Policy and Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	4
6.0 The Appeal	4
6.1. Grounds of Appeal	4
6.2. Applicant Response	5
6.3. Planning Authority Response	6
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The site is located 0.7 km to the east north-east of Cobh town centre on rising land that is elevated above Cork Harbour to the south. This site lies within an area of established residential properties in their own grounds. It is situated towards the southern end of Glasson's Avenue, which runs between The Back Road, to the north, and Summer Hill/East Hill (R624), to the south.
- 1.2. The site itself is of rectangular shape and it comprises a two-storey end-of-terrace dwelling house with front and rear gardens. This dwelling house lies at the eastern end of Athenian Terrace, which is composed of four dwelling houses and it is separated from its front garden by the communal access from Glasson's Avenue to these dwelling houses.

2.0 Proposed Development

- 2.1. The proposal is to retain a 6m high fibreglass flagpole, which is de-mountable, and which is cited in the south-eastern corner of the applicant's front garden. This corner is elevated above Glasson's Avenue which is wrapped around it. A stone-faced retaining wall with railings above it bounds this front garden and this Avenue.

3.0 Planning Authority Decision

3.1. Decision

Permission granted for a three-year period "In the interests of orderly development and to facilitate a review of the situation."

3.2. Planning Authority Reports

3.2.1. Planning Reports

Temporary permission granted out of concern over precedent and the risk that an accumulation of such proposals would be harmful to amenity.

3.2.2. Other Technical Reports

None on the file.

4.0 Planning History

- 06/52021: Single storey front extension to replace conservatory: Permitted.
- EF/16/198: The flagpole is the subject of an enforcement enquiry.

5.0 Policy and Context

5.1. Development Plan

The Cobh Town Development Plan 2013 (TDP) shows the site as lying within an existing built up area.

Under HOU-05, "It is an objective normally, to maintain and enhance overall standards of amenity within existing residential areas."

Under HOU-11, "It is an objective of this Plan that development proposals within the existing built up area will be assessed with reference to:

- The provisions of this Plan,
- The character of the surrounding area,
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings."

5.2. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside at No. 3 Athenian Terrace, i.e. the dwelling house that adjoins the applicant's dwelling house to the west.

- Objective HOU-05 of the TDP is cited: Attention is drawn to the elevated position of Athenian Terrace and the availability of fine southerly views over

Cork Harbour. Within this context, the flagpole is conspicuous, and it detracts from these scenic tranquil views, which are available from almost every room in the appellants' dwelling house. Additionally, this flagpole makes a clicking sound.

- Objective HOU-11 of the TDP is cited: Attention is drawn to “Mount Alto” on the opposite side of Glasson’s Avenue from Athenian Terrace. This house is identified in the NIAH under item ref. no. 20827364. The Terrace itself comprises 4 houses dating from 1862, which are of architectural merit. They were originally served by a communal area to the front (south). Presently, they are served by a communal means of access to the front. Within this established residential area, the flagpole is an alien feature and so it alters the character and aesthetic of the area in material contravention of Objective HOU-11.

The appellants state that they have, as asked, maintained the hedges in front of their dwelling house at a height consistent with the preservation of views. These are the views that are harmed by the flagpole, as it is, rather than simply as an adverse precedent and so its retention on even a temporary basis is objected to.

6.2. Applicant Response

- The applicant states that the flagpole is of de-mountable design and is normally only erected when a flag is being flown, e.g. on St. Patrick’s Day, when rugby matches are being played, when a cruise ship is in the harbour, and, during the pandemic, to show solidarity with front line health workers.
- Flags are a common place in Cobh, a seaside town, and in towns throughout the country, during the pandemic.
- The photographs submitted with the appeal are taken from the appellants’ dwelling house and so they are not representative of views, which typically include power and telephone poles.
- The Planning Authority’s permission indicates that it accepts that the flagpole is consistent with the TDP.

- The applicant's response is accompanied by letters of support from the residents of "Mount Alto" and No. 13 Seafield Avenue, and from the honorary secretary of Cove Sailing Club.

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 Cobh Town Development Plan 2013 (TDP), 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) Conservation,
- (ii) Visual and residential amenity, and
- (ii) Appropriate Assessment.

(i) Conservation

7.2. The appellants draw attention to the historic character of Athenian Terrace, which dates from 1862, and the conservation interest attendant upon the substantial house to the east of the site, known as "Mount Alto", which is identified in the NIAH under item ref. no. 20827364. They contend that the flagpole is an alien feature within the context of these buildings.

7.3. During my site visit, I observed that the flagpole is sited in the south-eastern corner of the applicant's front garden. This garden is elevated in relation to the bend on the adjoining Glasson's Avenue, which wraps around this corner. It is retained by a stone wall with railings above. The gated entrance way to "Mount Alto" lies on the

opposite side of this bend from the flagpole. I also observed that the flagpole forms part of the applicant's formally laid out front garden, which includes a paved circular patio with an outdoor table and chairs and stepping stones across the lawn to the base of the flagpole.

- 7.4. I consider that within its context the flagpole is an imposing feature that adds positively to the character of the area both by its presence and its well-appointed garden setting.
- 7.5. I conclude that the flagpole is compatible with the conservation interest of the area.

(ii) Visual and residential amenity

- 7.6. The appellants draw attention to the panoramic view of Cork Harbour that is available from the front of their dwelling house at No. 3 Athenian Terrace, a view which is encroached upon by the flagpole. They consider that the flagpole is conspicuous within this view and that it detracts from its scenic tranquillity. They also draw attention to a clicking sound that comes from the flagpole.
- 7.7. The applicant responds by drawing attention to the wirescape, which is seen in association with the flagpole, in the appellant's panoramic view. He also draws attention to the tradition of flying flags in coastal towns, such as Cobh. In this respect, he states that he, typically, flies the national flag on St. Patrick's Day, when the Irish rugby team is playing, when a cruise ship visits Cobh, and, more recently, to show solidarity with frontline workers during the pandemic. He adds that as the flagpole is de-mountable it tends only to be erected when a flag is being flown.
- 7.8. During my site visit, the flag was, at my request, flown. I observed that it lies c. 30m to the south south-east of the nearest window in the front elevation of the appellants' dwelling house. I observed, too, that three wind turbines are evident to the south-west at Ringaskiddy. Thus, towards either end of the available sweeping panoramic view are features that tend by their movement to "draw the eye", the one in the foreground and the other in the far distance.
- 7.9. The appellants consider that the flagpole (with flag) detracts from the scenic tranquillity of the panoramic view. By contrast, the applicant, presumably, enjoys the spectacle and drama of this feature. Clearly, either assessment involves an element of subjectivity.

- 7.10. I note that the applicant flies a flag on his flagpole on relatively few days in the year and that he undertakes to de-mount this flagpole when it is not in use. I note, too, that the clicking sound that emanates from it would be absent when it is de-mounted. In these circumstances, I consider that, if the Board is minded to grant, then a condition should be framed that references the applicant's practise of both flying a flag only on certain days and de-mounting the flagpole when it is not in use. The affect upon the visual and residential amenities of the appellants would, thereby, be limited.
- 7.11. I note, too, the Planning Authority's permission, which was subject to a temporary condition out of concern that an adverse precedent may arise. The appellants are not concerned about any adverse precedent, as their focus is upon the existing flagpole. As I am not persuaded that there is a significant risk of multiple flagpoles arising, I do not consider that this condition is necessary.
- 7.12. I conclude that, based on the applicant's stated practise, the retention of the de-mountable flagpole would be compatible with the visual and residential amenities of the area.

(iii) Appropriate Assessment

- 7.13. The site is not in or near to a European site. The proposed retention is of a flagpole only and so no Appropriate Assessment issues would arise.
- 7.14. Having regard to the nature, scale, and location of the proposal, it is concluded that no Appropriate Assessment issues arise as the proposal has no significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That retention permission be granted.

9.0 Reasons and Considerations

Having regard to the Cobh Town Development Plan 2013, the proposed retention of a de-mountable flagpole on the site would, subject to conditions, be compatible with both the conservation interest and the visual and residential amenities of the area.

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.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as augmented by the further particulars received by An Bord Pleanála the 23rd day of November 2020, except as may otherwise be required in order to comply with the following condition.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The de-mountable flagpole shall only be erected when a flag is being flown and a flag shall only be flown in accordance with the applicant's undertakings in this respect, which are set out in his letter of 17th November 2020, which was received by An Bord Pleanála on 23rd November 2020.</p> <p>Reason: In order to safeguard the amenities of the area.</p>

Hugh D. Morrison
Planning Inspector

24th March 2021