



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309116-21

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<b>Development</b>	To demolish existing bungalow and construct a new house including installation of a wastewater treatment system
<b>Location</b>	Weaver's Point, Crosshavenhill, Crosshaven, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	206219
<b>Applicant(s)</b>	Denis and Sandra Henderson.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Denis and Sandra Henderson.
<b>Observer(s)</b>	Richard & Anne O Connor, Paul Callaghan, Sue & Mark Vinter, Jaci Szymanski & Ronald & Carlo Boersma.
<b>Date of Site Inspection</b>	31 <sup>st</sup> March 2021.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to an established dwelling site located at Weaver's Point a coastal settlement to the east of Crosshaven in County Cork. The site is accessed via a narrow private cul de sac roadway running east off the local road. The access road has a steep gradient and serves a number of individual residential properties of varied style, age and design.
- 1.2. The appeal site has a stated area of 0.08hectares and falls steeply from the level of the access road eastwards to the coastline and enjoys extensive and uninterrupted views of the Harbour and Roche's point in the distance. The fall from west to east over the site is in the region of 14m. The site is occupied by a single storey derelict dwelling of 90sq.m which is in a poor state of repair and appears to have been unoccupied for some time. The existing dwelling is at a finished floor level of 21.45m relative to a spot level of 29.92m on the access road adjacent to the southern site boundary.
- 1.3. The western (road front) boundary is defined by unsightly metal posts and a timber boundary fence while the seaward / eastern boundary is defined by a low-level natural stone wall. Along the southern boundary of the site is dense hedge and this adjoins a steep stepped pathway providing access to the coastline. The dwelling on the adjoining site to the north is a single storey dwelling which lies within 2m of the common boundary and is set largely along the same building line and with a similar finish floor level to that of the dwelling on the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development involves demolition of the existing bungalow (90sq.m) and construction of a new house (348sq.m) including installation of a wastewater treatment system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 7<sup>th</sup> December 2020 Cork County Council issued notification of decision to refuse permission for the following reason:

“Having regard to the location of the site in a prominent and elevated position overlooking Weaver’s Point and the wider Cork Harbour area and the proximity of the site to an informal coastal pathway along which there is an objective to develop and maintain an amenity walk as set out in the Bandon Kinsale District Local Area Plan 2017, and within an area of High Value Landscape as designated in the Cork County Development Plan 2014 and a short distance to the east of the scenic route that extends along the L2500 minor county road, it is considered that the proposed replacement dwelling by reason of its overall height, form, scale and design would not fit appropriately into the scenic coastal landscape, would be visually obtrusive, would seriously injure the visual and scenic amenities of the area, would be out of keeping with the pattern of development in the vicinity, and would contravene the objectives GI 6-1, GI 7-1 and GI 7-2 of the County Development Plan 2014.

Furthermore, the planning authority also considers that the proposed replacement dwelling by reason of its height, form, scale, design, etc would give rise to undue overlooking of neighbouring properties to the north and south, would appear overbearing when viewed from the adjoining property to the immediate north, may result in overshadowing of the property to the north and would seriously injure the amenities and depreciate the value of property in the vicinity.

The proposed development would therefore, contravene objectives of the County Development Plan 2014, conflict with objectives of the Bandon Kinsale Local Area Plan 2017 and would be contrary to the proper planning and sustainable development of the area.

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

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

Planner's report outlines no objection in principle to the provision of a replacement dwelling however considers the proposed dwelling design to be visually obtrusive and of excessive scale and height. Proposal would give rise to overlooking overbearing impact and loss of privacy. Refusal was recommended. The Planner also recommended that a cover letter issue with the decision notification to outline no objection in principle however indicating that an amended design would be required with due consideration to the sensitive coastal setting and pattern of development in the vicinity. Engagement in pre planning discussions also advised.

Senior Executive Planer concurs with the recommendation to refuse.

### 3.2.2. Other Technical Reports

Area Engineer's report notes that were the site not previously occupied development would not be favoured, however in light of the previous occupation the proposal represents an improvement of existing circumstances. Given the topography of the site percolation area should be located to the northeast with sufficient set back from the adjacent dwelling.

### 3.3. **Prescribed Bodies**

No submissions

### 3.4. **Third Party Observations**

#### 3.4.1 Submission from the following third parties:

- Ronald and Carlo Boersma, Villaflor Weaver's Point.
- Paul Callaghan, Spindrift Weaver's Point.
- Richard McCarthy and Anne O Connor, Wavecrest, Weaver's Point.
- Mark and Sue Vintner, Heathfield, Weaver's Point
- Jaci Szymanski, Irish Mist, Weaver's Point.

3.4.2 The submissions outline objection to the proposal on a number of common grounds which I have summarised as follows:

- Sunlight obstruction particularly to adjacent dwelling to the north.
- Overlooking and loss of privacy to adjacent dwellings north and south.
- Extent of groundworks and excavation give rise to potential for negative structural impacts on adjacent dwellings.
- Disruption during construction
- Scale excessive and out of character. Over development
- Four storey house, with height 7m above the roofline of the adjacent dwelling and 10m above that to be demolished.
- Damage to access road by heavy machinery

## 4.0 Planning History

No recent planning history on the appeal site. 20/5394 incomplete.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Cork County development Plan 2014 and Bandon Kinsale Municipal District Local Area Plan 2017 refer.

5.1.2 The site is within the settlement boundary of the key village of Crosshaven and Bays as designated in the Bandon Kinsale Municipal District Local Area Plan 2017.

5.1.3 To the east of the site is an objective to Develop and maintain and amenity walk.

5.1.4 Site is within a high value landscape.

5.1.5 The local road to the west is part of designated scenic route S59 Roads between Crosshaven and Myrtleville, Church Bay, Camden, Weaver's Point and Fountainstown.

5.1.6 County Development Plan Objective GI 6-1: Landscape

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all landuse proposals, ensuring that proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

## 5.2. **Natural Heritage Designations**

5.2.1 The site is not within a designated area. The nearest such site Cork Harbour SPA lies within circa 2.4km.

## 5.3. **EIA Screening**

5.3.1 Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental assessment can therefore be excluded at preliminary examination.

## 6.0 **The Appeal**

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

6.1.1 The appeal is submitted by Irish Country House Design on behalf of Denis and Sandra Henderson. Grounds of appeal are summarised as follows:

- Applicants feel that the proposed design fulfils their entire needs on a difficult site. Dwelling is intended as their permanent home into the future.
- Care has been taken in the design in this difficult and sensitive location.
- Alternatives may compromise some of the basic criteria of good functional and sustainable design.
- Many of the newer homes in the vicinity are of a scale and approximate floor area as that required by the applicants. Examples in the vicinity demonstrated.
- Minimal structure is proposed at road/parking level to facilitate access area, lift shaft and stairwell within the structure. Bulk is broken up by alternative treatments to upper sections,
- Dwelling has a significant backdrop when viewed from seaward side.
- Visual amenity along coastal walkway is protected.
- Any development on the site would impact on the adjoining house to the north. No impact on house to the south. Design process mitigates impact on the bungalow to the north.
- Proposal is ambitious, accessible, functional and sustainable.
- Site is low lying and shaded and lies the western setting sun quite early.
- Windows are directed in a south easterly direction. Main living area and deck face southeast and lies at level one metre below the floor level of the house to the south. Hedging and slight ridge protects privacy between these houses.
- Due to the topography and backdrop of the house developing upwards makes sense. Building horizontally doesn't necessarily lessen the visual impact.

## 6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal

## 6.3. **Observations**

6.3.1 Observations to the Board were made by the following neighbouring residents :

- Jaci Szymanski, Irish Mist, Weaver's Point
- Mark and Sue Vintner, Heathfield, Weaver's Point
- Paul Callaghan, Spindrift Weaver's Point.
- Richard McCarthy and Anne O Connor, Wavecrest, Weaver's Point.
- Ronald and Carlo Boersma, Villaflor, Weaver's Point

6.3.2. Observers welcome the Council's decision to refuse. While there is no objection in principle to a replacement dwelling, the submitted design is inappropriate. It is noted that the house for demolition was a full-time permanent residence. The larger houses referenced by the first party appeal relate to designs that are proportionate to their sites. Proposal will give significant negative impacts on established dwellings to the north and south. Concerns regarding overdevelopment, structural impacts, overbearing impact, overlooking, loss of light and loss of privacy. Validity of the appeal is questioned on basis of timeline of submission more than four weeks from the date of the planning authority's decision. Issues raised in third party submissions have not been addressed by the first party. Road labelled as public road is a private road with freehold.

## 7.0 **Assessment**

7.1 As regards the validity of the first party appeal, which was questioned by one of the observers I note that as the planning authority's decision was made on the 7<sup>th</sup> of December the time limit for appeal was affected by the allowance for the Christmas period (January 25<sup>th</sup>-January 1) and therefore deemed valid by the Board on receipt 8<sup>th</sup> January 2021.

7.2 The key matters to be addressed within this appeal relate to the Council's reason for refusal regarding the design of the proposed dwelling and its impact on established adjacent residential amenity. Given the established residential use of the site the principle of development of a replacement dwelling is not in question and it is the



detail of the design that is the focus for assessment. The issue of appropriate assessment also needs to be addressed.

7.3 The proposed dwelling design seeks to minimise footprint but is laid out over four floor levels with entrance level at 29m and lowest level floor at 20m. I acknowledge that the proposed dwelling is interesting, innovative and of a high-quality standard and site specifically designed to take account of the challenging site topography and particularities of the site. The appeal site enjoys fine views of the seashore, the harbour and Roches Point and I note that when viewed from these areas the proposed dwelling will be visible at full height in excess of 13.5m above ground level. This elevation includes the use of sand /cement finish, zinc vertical cladding and local stone and by reason of its scale and height will be highly visible and prominent. The proposed dwelling of 348sq.m on a modest site area of .08ha is in my view excessive with little opportunity for assimilative landscaping given the context and terrain. Whilst I acknowledge that the site has a highly developed backdrop having considered the detailed design of the proposal, I have concluded that the proposed development is beyond the carrying capacity of the appeal site and would adversely impact on the visual amenities of the area. I note also that the proposal would involve extensive excavation and site manipulation to accommodate the proposed dwelling on the site which is considered inappropriate given the sensitive coastline setting. I consider that the proposal would be contrary to the objective of the Cork County Development Plan 2014 GI 6-1 to Protect the visual and scenic amenities of County Cork's built and natural environment.

7.4 As regard the impact on established residential amenity I share the concerns of the local authority planner regarding overshadowing and overbearing impact particularly in relation to the adjacent dwelling to the north. I consider that the impact on established residential amenity is significant and is not appropriately mitigated in terms of the design.

7.5 As regards site servicing, I note that the site suitability assessment recorded that in the trial hole excavated to 2.1m neither water table nor bedrock were encountered. Soil is described as silty soil in A horizon with sandy gravel soil from 0.3m consistent and well aerated. A t value of 28.187 and P value of 16.25 were recorded. It is

proposed that due to the steep nature of the site and proximity to the sea the most appropriate solution is to install a tricol wastewater secondary treatment system and sandcell polishing filter. I note that no details of existing wastewater arrangement on the site are provided however it is evident that the installation of a proprietary wastewater treatment system will provide for an improved standard of treatment of foul water arising on the site.

- 7.6 On the matter of Appropriate Assessment, I note that having regard to the separation distances involved to the nearest designated sites, and the residential nature of the proposed development in an established built up area, no appropriate assessment issues arise. 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.

### **Conclusions and Recommendation**

- 7.7 The appeal site is located in a designated high value landscape in a prominent and elevated position overlooking the seashore at Weaver's Point, Cork Harbour and Roches Point. It is considered that the proposed development by reason of its scale, height and design on a restricted site area would be unduly prominent and obtrusive, would seriously injure the visual amenities of the area and set an undesirable precedent for similar such development and would contravene materially the policies of the County Development Plan which are considered reasonable. Refusal is recommended for the following reasons.

### **Reasons and Considerations**

1. It is an objective of the Cork County Development Plan 2014 GI 6-1 to Protect the visual and scenic amenities of County Cork's built and natural environment. It is considered that the proposed development, by reason of its prominent location and sensitivity in a scenic coastal landscape and by reason of its scale, height and design would represent an inappropriate overdevelopment of the site and would be

overbearing and visually intrusive. The proposed development would, seriously injure the visual amenities of the area, would conflict with the development plan objective GI 6-1 to protect the visual and scenic amenities of County Cork's built and natural environment and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development would seriously detract from the residential amenity of existing occupants of the adjacent dwelling to the north by reason of overbearing impact, overlooking and overshadowing and would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

26 April 2021