



An
Bord
Pleanála

Inspector's Report

ABP-309315-21

Development	Demolition of existing dwelling and outbuildings and construction of new dwelling house, domestic garden store room, construction of new entrance and all associated site works.
Location	Atlantic Villa, Main Street, Ballycotton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	2005020
Applicant(s)	Paul and Catherine Coburn
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Deirdre O'Donnell Peter McKeown
Observer(s)	none
Date of Site Inspection	3 rd December, 2021.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the coast road at the southern end of Ballycotton Village. The site slopes significantly upwards away from the road and is currently occupied by a two storey house that dates from the 1920s and which has a two storey bay window feature on the front elevation. The stated area of the existing house on the site is 106.9 sq. metres and it is sited such that it is located immediately adjoining the south western boundary of the site.
- 1.2. The site is bounded to the north east by 2 no. detached two storey houses that are of a generally similar design and scale to that on the appeal site. To the west, the site is adjoined by a single storey house that is sited gable end on to the road. The relationship between this house and the appeal site is unusual in that the bungalow is orientated at right angles to the adjoining property and such that the windows in the north east facing elevation of the bungalow directly overlook the appeal site. This bungalow is located at a height with steps accessing the accommodation and the relative levels between the appeal site and the adjoining property to the south west are such that the floor level of the bungalow is almost at first floor level of the existing two storey house on the appeal site.
- 1.3. The site is located in a scenic area that has views over the sea and Ballycotton island and lighthouse. To the immediate south east, on the opposite side of the road, a modern design house has been constructed set into the contours of the coast.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing house on the site and the construction of a new two storey house. The layout as initially proposed incorporates a house with a proposed floor area of 280.4 sq. metres and with a significantly wider and deeper footprint than the existing structure. The design as initially proposed is for a contemporary style of house with a large balcony or terrace area across the front elevation at first floor level. To the rear, significant changes in ground level are proposed and the development includes a landscaped rear garden / amenity area and the construction of a single storey garden store building with floor area of c.37 sq. metres across the width of the site at the north west end.

- 2.2. During the course of the assessment of the application, revised plans were submitted to the Planning Authority which incorporated revisions to the design and layout of the proposed dwelling. These changes include a reduction in the depth of the two storey main footprint of the house and the addition of a two storey rear element located along the south western side of the site. The revised design is more traditional in design and finishes to that originally proposed.
- 2.3. The development is proposed to be connected to the public drainage and water supply networks.

3.0 Planning Authority Decision

3.1. Further Information and Clarification of Further Information

Prior to the issuing of a Notification of Decision, the Planning Authority requested further information and clarification of further information. The following summarises the issues raised in these requests and the main information and design changes submitted in the applicant's response.

3.1.1. Further Information

- Design proposed not considered to be acceptable as it would not reflect the existing character, design, and scale of surrounding houses to the east. Reference to inappropriate materials. A revised design is considered to be required.
- Concerns regarding the impact of the development on the availability of light to the surrounding houses to the north east. Submission of a sunlight assessment required and also concerns raised regarding the potential for overlooking from the elevated rear patio and first floor balcony.
- Clarification of the use of the rear shed sought.

The response indicates that the shed structure is proposed to be used for domestic purposes only.

The design of the house was amended by an increase in the vertical emphasis of the front elevation and changes to the proposed materials including the use of render.

To the rear the projecting element is proposed to be relocated to the opposite (western) side of the floorplan thereby reducing the potential for overshadowing of the properties to the north / north east. A shadow diagram assessment of the revised layout is submitted.

The balcony is proposed to be screened by a 1.8 metre high wall on the eastern side and a 1.8 metre high frosted glass screen on the western side. The patio area to the rear is proposed to be relocated to a more central location in the garden to reduce potential overlooking.

3.1.2. Clarification of Further information

- Restated that Item No.1 of the FI request requested that the design would have more regard to the existing character and design of the area and that the revisions to the design, while an improvement, are not sufficient.
- Concerns regarding the impact of the development on properties to the north in terms of overshadowing.

In response, a further revision to the design proposed incorporating an 'A' profile roof and further details as to how the design has been undertaken to reflect the surrounding context. The design incorporates a three bay, two storey design which it is stated is more in keeping with the surrounding area. Also contended that the revised design would not result in excessive overshadowing impact on adjoining properties due to the relocation of the building line further forward and the L shaped footprint.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 9 no. conditions, the most significant of which are considered to be as follows:

Condition No.3 requires the submission of a revised landscaping scheme for written agreement.

Condition No.4 requires that a connection agreement be entered into with Irish Water.

Condition No.7 requires the provision of a sight line of 50 metres in each direction at the entrance.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The initial report of the Planning Officer notes the proposed demolition of the existing house which is considered to be acceptable in principle. Concerns are expressed regarding the design proposed and its consistency with the environs of the site and also the potential impact on the amenity of surrounding properties. A second report subsequent to the submission of further information states that concerns regarding the design and compatibility with the environs and issues of residential amenity due to overshadowing remain. A third report following submission of clarification of further information and a significant redesign of the proposed house recommends a grant of permission consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

Ecologist – The report of the Planning Officer states that response received stating no comments to make.

Area Engineer – No objections subject to conditions.

3.4. **Prescribed Bodies**

Irish Water – No objections.

3.5. **Third Party Observations**

A number of third party observations were submitted to the Planning Authority both following the initial receipt of the application by the Planning Authority and following the submission of further information. The main issues raised in these submissions can be summarised as follows:

- Overlooking of surrounding residential properties and associated amenity areas.
- That the proposed first floor access onto a flat roof would give rise to overlooking.
- That the design should reflect the character of the village.
- That the scale of the house proposed is excessive and would result in a loss of light to neighbouring properties,
- That the existing bay windowed design over 2 storeys is an attractive feature of the area and should be reflected in the new design.
- Impact on ecology.

4.0 Planning History

There is no record of any recent planning history on the appeal site.

The following planning history that relates to the site to the south east on the opposite (sea) side of the road is referenced in the report of the Planning Officer on file:

- Cork County Council Ref. 15/4728 - Permission granted for the demolition of existing house and the construction of a new two storey house of contemporary design on the site.

5.0 Policy Context

5.1. Development Plan

Ballycotton is identified as a village in the East Cork Municipal District Local Area Plan, 2017.

The site is located within the identified development boundary of Ballycotton but is not zoned for any specific use or purpose.

There are no specific objectives relating to the appeal site or environs in terms of views or prospects and the existing structure on the site is not included on the record of protected structures or on the National Inventory of Architectural Heritage.

5.2. **Natural Heritage Designations**

The site is not located within any European site. The closest such site to the appeal site is the Ballycotton Bay SPA site (site code 004022) which is located c.1km to the north west of the appeal site at the closest point.

5.3. **EIA Screening**

The proposed development comprises the demolition and replacement of an existing dwelling with a new structure which would be connected to the public water supply and drainage networks.

Characteristics of Proposed Development

The scale of the proposed development is limited comprising a replacement dwelling. The scale of development is therefore very far below the threshold of 500 residential units specified in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). Some limited demolition is proposed and the use of natural resources, production of wastes and pollution and other nuisances is considered to be limited. No risk of major accidents or disasters or significant risk to human health are considered likely to arise.

Location of Proposed Development

The site is located within an existing developed location in the settlement of Ballycotton and is currently developed for residential use. No scarce environmental resources would be lost on foot of the proposed redevelopment of the site and the development would not impact significantly on the natural environment including coastal zones and the marine environment or any landscape of historical, cultural, or archaeological importance.

Types and Characteristics of Potential Impacts

Impacts arising would not be such as to be significant in extent, intensity or complexity and would not have significant cumulative impacts with other existing or proposed developments.

Having regard to these factors and the separation between the site and the closest European sites there is not considered to be any 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

The following is a summary of the main issues raised in the third party grounds of appeal received:

- Impact of the flat roof to the rear in terms of amenity. This could be converted to a balcony / amenity area, This does not appear to have been recognised by the Planning Officer / planning department. An appropriate condition is required to control this.
- Noted that no safety rail to the flat roof to the rear,
- That there is no objection to the principle of redevelopment.
- Photographs of the view from the appellants house and of the garden included. Photograph also indicated showing that the ground levels on the appeal site are significantly higher.
- Noted that the further information would have been re advertised and stated that *'we would have submitted a full objection to the original application had we known then what we know now'*.
- That the revised design will have a very significant impact on the light to the house to the west where there are 5 no. windows facing the development.

- That the development will impact on the views from the appellants house towards the sea, including the kitchen and main bedroom.
- Noted that the reason for the relocation of the accommodation closer to the boundary is as a result of concerns regarding the impact on the house on the opposite side of the site (north west).

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the shadow analysis submitted with the application indicates that there would not be a significant loss of light to the appellants house to the south west of the appeal site.
- That the proposed development would result in the gable of the house on the appeal site being relocated further from the boundary (c.1.0 – 1.25 metres) rather than being on the site boundary as is currently the case.
- That the above separation increase will provide lateral views across the bay for the applicant and also reducing the impact on light to the appellants house.
- Summer and winter sun path diagrams are submitted which indicate that the appellants property would not be impacted for the majority of the year.
- That the height and roof pitch of the rear projecting element could be reduced (roof pitch from 40 to 30 degrees) which would reduce the ridge height by 1.3 metres and the eaves height of the rear projecting element by 0.5 metres (illustrated in Appendix C of the appeal response).
- With regard to overlooking and loss of privacy, the submitted contiguous elevation (appendix B) shows that the height of the proposed projecting rear element relative to the existing level of the appellants property. Submitted that the height of the first floor of the rear element roughly approximates to the height of the appellants garden.
- That there is an extensive hedge already in place between the appeal site and appellants property and it is proposed to retain and augment this hedge.

- That there will not be any significant loss of privacy between the upper rear patio area proposed on site and the rear tarmacked area of the appellants property.
- That the views from the appellants property towards the site comprise views across the private area of the existing house on the appeal site. Submitted that it is not reasonable that development on the appeal site would be restricted to maintain these views. Submitted that the appellants already have extensive views east across Ballycotton Bay from their living room window.
- That the proposed balcony to the front would be fitted with privacy glass to a height of 1.8 metres where it faces the appellants property.
- That the windows at first floor level in the south west facing elevation would be high level and would not lead to overlooking.
- That the proposed rear element would not extend beyond the end of the appellants property.

6.3. Planning Authority Response

There is no record on the appeal file of a response to the grounds of appeal being received from the Planning Authority.

7.0 Assessment

7.1. I consider that the following are the main issues relevant to the assessment of this appeal:

- Principle of Development and Demolition
- Design and Impact on Visual Amenity
- Impact on Residential Amenity,
- Other Issues
- Appropriate Assessment.

7.2. Principle of Development and Demolition

- 7.2.1. The appeal site is located in an established residential area within the identified boundary of the settlement of Ballycotton. The site is not zoned for any particular purpose, however there is an existing house on the site, and the location is such that I consider that residential is the established use of the site. For these reasons, I consider that the principle of demolition of the existing house on the site and the construction of a replacement two storey house is acceptable subject to relevant design and amenity considerations.
- 7.2.2. The existing house on the appeal site dates from the early 20th century and is of a scale and design that it is compatible with the location and with surrounding development, in particular the existing detached houses located to the immediate north east. While comprising a harmonious element in the existing streetscape, I do not consider that the existing house on the site is of any particular architectural significance. In this regard, it is noted that the existing house is not included on the record of protected structures for County Cork or recorded on the National Inventory of Architectural Heritage and is not located within any form of conservation area designation or zoning. Access to the interior of the existing house on the site was not undertaken at the time of inspection of the site, however an external examination indicates that the existing structure is in a relatively run down condition and of an age where redevelopment to modern standards would likely entail significant works.
- 7.2.3. For these reasons, and subject to an acceptable design of replacement dwelling, I do not have an objection to the principle of demolition of the existing house on the site.

7.3. Design and Impact on Visual Amenity

- 7.3.1. The design of the proposed replacement dwellings was the subject of a number of revisions and iterations during the course of the assessment undertaken by Cork County Council. The assessment undertaken by the Planning Officer, and the associated requests for further information and clarification of further information, highlighted the issue of the compatibility of the proposed design with the existing character of the area, the design and scale of surrounding houses to the east and the choice of materials. I agree with the assessment of the Planning Authority that the design as initially proposed was not such that it would likely integrate well with its

environs. Specifically, the design was neither a completely contemporary or modern approach nor one which reflected the characteristics of the existing house and adjoining properties. In particular, I consider that the proposed materials, fenestration, large front balcony feature, roof profile and overall bulk and mass were such as to be out of character for the site and likely to have a potentially significant negative impact on the visual amenities and character of the area.

- 7.3.2. In my opinion, the revisions to the design as submitted to the Planning Authority by way of the response to the clarification of further information are a very significant improvement in design and integration with surrounding properties and character of the area. Specifically, the revised design has a more vertical emphasis to the front elevation with the omission of most of the proposed balcony. The roof profile has been changed to a simple 'A' form in keeping with surrounding properties and the depth of the main part of the floorplan has been significantly reduced. In my opinion, the three bay design is consistent with that of surrounding properties as are the proposed finishes. In terms of height, as per the revised layout submitted as clarification of further information, the height proposed is c.2.2 metres higher than the existing house on the site or c.1.6 metres higher when account is taken of the reduced ground level proposed. As demonstrated in the Existing and Proposed Streetscape Views submitted to the Planning Authority (Drg. No. P-08, Rev 2), this height is generally consistent with the scale of the existing two storey houses to the north east and further to the south west and, in my opinion, is not such as to be significantly out of keeping with the surrounding development or excessively visually dominant.
- 7.3.3. Overall, I consider that the design as proposed on foot of the request for clarification of further information, and which formed the basis of the permission issued by the planning authority, is consistent with the location and context of the site and such that it would not have a significant negative impact on the streetscape or character of the area in this prominent location within the village.

7.4. Impact on Residential Amenity,

- 7.4.1. The most significant grounds of appeal raised by both parties relate to the impact of the proposed development on residential amenity, particularly in terms of potential overlooking, loss of privacy and loss of daylight and sunlight.

Impact on Property to the North East

- 7.4.2. With regard to the appellant who lives in the house to the immediate north east of the site, the main concern raised relates to the potential for the single storey rear element to be used as a terrace and the resulting overlooking and loss of privacy that would arise. The layout of the house permitted by the Planning Authority has the bedroom accommodation located on the ground floor with the kitchen and living accommodation at first floor level. The approved plans indicate that there would be double doors leading from the main living room at first floor level onto the roof of the proposed single storey rear element. This area is not indicated as a terrace and is not indicated as being laid out for such a use, lacking any form of screening or barrier to the edge. The use of this roof area as a terrace would facilitate clear views north and north east over the private amenity area immediately to the rear of the appellants house and would, I consider, have a significant negative impact on the residential amenity of this adjoining property by virtue of overlooking and loss of privacy. In the event of a grant of permission, it is therefore recommended that the double doors indicated on the floorplan accessing this roof area would be replaced with a fixed sash window and that this roof area would not be used as a terrace or balcony.
- 7.4.3. With regard to the potential for overlooking from the rear garden, the revised drawings submitted as part of the clarification of further information are not in my opinion very clear with regard to the levels in the rear garden area and the relationship with the adjoining properties, particularly that to the north east. Specifically, the Proposed Site Layout Drawing (Drg. No. P-01, Rev. 2) shows levels, however it would appear that a number of these are the same as those shown on the Existing Site Plan (site survey) drawing Drg. No. P-03, Rev.1 as originally submitted to the Planning Authority on 30th April, 2020. The proposed Site Layout (Drg. No. P-01, Rev.2) does not reflect the submitted Section B-B (Drg. No. P-07, Rev. 2) in that the section drawing shows the entirety of the two storey rear element to the house

and the adjoining raised ground level while the section line on the Plan is further to the north east closer to the appellants property and away from the two storey rear element. The location of a series of steps close to the north east boundary connecting the two levels is also noted and the number of steps illustrated would appear to be more than required to accommodate the change in levels proposed as well as being located such as to potentially overlook the adjoining property. In the event of a grant of permission, I consider that a detailed landscaping plan for the rear garden area is required that would indicate details of the ground levels and the transition in levels as well as boundary treatments. A revised landscaping plan should provide for the relocation of the steps between the upper and lower levels of the garden and screening to the north east side of the terrace area proposed to be accessed from the first floor of the two storey rear element. I also consider that details of screening to the patio / terrace area further up the garden is required to mitigate the potential for overlooking of the adjoining properties.

7.4.4. I note that during the course of the assessment of the application the first party stated that the intended use of the shed structure at the north western end of the site was as a garden store. The finished floor level of this structure is stated to be 27 m OD and therefore c.4 metres above the ground level to the immediate rear of the appellants house to the north east and such that I consider issues of overlooking and loss of residential amenity could arise. The layout indicates covered decking area and external decking as part of the design which I consider could lead to a loss of amenity and are not required for a garden store. In the event of a grant of permission, I consider that the external decking areas adjoining this structure should be omitted by way of condition.

7.4.5. In terms of overshadowing and loss of daylight, the revised layout submitted as clarification of further information indicates a separation of c.9.0 metres between the proposed projecting two storey element to the rear of the proposed house and the boundary with the appellants property. This separation and the relative orientations are in my opinion such that there would not be any significant loss of sunlight to the appellants house or private amenity space. This conclusion is supported by the Shadow Analysis drawing submitted as part of the clarification of further information.

Impact on Property to the South West

- 7.4.6. With regard to the impact of the proposed development on the residential amenity of the house to the south west, I consider that there are a number of issues for consideration. As noted in the site description, the location of this adjoining bungalow and its relationship to the appeal site in terms of levels and orientation is unusual and such that the appellants bungalow currently has clear views across the rear private amenity space of the existing house on the appeal site. It is contended by the first party that this is an intrusive layout and one which should not dictate the future development of the appeal site. I note and to a certain extent agree with the first party on this issue, however the appellants property has 4 no. windows and a glazed door which face the appeal site at a separation of only c. 3.0 metres from the boundary. I consider that development on the appeal site close to this boundary therefore has significant potential to impact on access to light, have an overbearing visual impact and lead to an overall reduction in residential amenity.
- 7.4.7. I also note that the effect of the iterative changes to the design of the proposed dwelling on foot of the requests for further information and clarification of further information has been to reposition the accommodation closer to the south west boundary of the site where it adjoins the appellant's bungalow and further from the existing two storey house to the north east. I consider that the negative impacts of the development on the amenity of the property to the south west has been increased since the initial proposal was submitted to the Planning Authority.
- 7.4.8. The existing bungalow to the south west has 4 no. windows which face the appeal site, including a window to the kitchen and that serving the main bedroom. While the existing house on the site is located adjoining the shared boundary, the length of the two storey element along this boundary is proposed to increase by c.10.0 metres. In terms of light, the relative orientations between the existing bungalow and proposed development is such that I do not consider it likely that significant issues of overshadowing would arise. I do however consider that the proximity of the proposed development and the orientation of the windows in the bungalow could result in a loss of daylight to the appellants property. As highlighted by the first party, the relative levels of the appeal site and that to the south west and the finished floor level of the bungalow are such that there would not be a significant difference in height between the first floor of the projecting rear element and the bungalow. I

agree that these relative levels would significantly mitigate the loss of daylight that would likely arise.

- 7.4.9. A detailed assessment of the likely impact is complicated by an apparent discrepancy between the separation between the two storey rear element and the boundary with the appellants property to the south west as shown on the Site Layout (Drg. No. P-01, Rev.2), where the separation is c.0.8 metres, and that indicated in the Existing and Proposed Streetscape Views (Drg. No. P-08, Rev.2) where this separation scales to c.1.25 metres. I note the reference in the first party response to the appeal that the proposed development would result in the gable of the house on the appeal site being relocated further from the boundary (c.1.0 – 1.25 metres) rather than being on the site boundary as is currently the case. From the section drawing, if the separation was the 1.25 metres as shown, the proposed development would intersect an angle of 45 degrees to the horizontal from the windows in the appellants property and therefore, given the additional depth of development proposed, have potential to significantly reduce the available light to the appellants property.
- 7.4.10. Given the layout and orientation of the accommodation on the appellants property to the south west, a separation of 1.0 to 1.25 metres between the proposed development and the shared boundary would result in a separation of c.4.0 metres between the north east facing windows in the appellants house and the gable of the proposed development. I consider that this separation should be increased so as to mitigate any potential overbearing visual impact and increase the light available and that a separation of minimum 2.0 metres between the two storey rear element and the site boundary should be required. In addition, I consider that a slight reduction in the overall roof height and the eaves height of the rear element as proposed in Appendix C of the first party response to the grounds of appeal would minimise any loss of daylight to the appellants property. If a reduction in the height of the two storey element is required, I consider that the existing width of this element could be retained without having a material impact on the residential amenity of the property to the north east in terms of overshadowing, overlooking or overbearing.
- 7.4.11. I consider that an increase in the separation between the two storey rear element and the site boundary would also help to accommodate the proposed reduction in ground level required to facilitate the proposed house which is illustrated on Section Drawing B-B (Drg. No. P-07, Rev.2). A reduction in existing ground levels of more

than 1 metre is indicated at the rear of the floorplan and an increased separation would assist in accommodating any retaining structures required. .

- 7.4.12. I note the comment of the appellant with regard to the potential restriction on views towards the sea from the existing windows facing the site boundary. Given the location of the existing house adjoining the boundary I do not see that such views would be further restricted relative to the existing situation.
- 7.4.13. The appellant to the south west has also raised concerns regarding overlooking of the amenity area to the rear of their house. Given the generally similar ground levels on the appeal site and this adjoining site to the south west, and subject to landscaping of the site boundary, I do not consider that significant overlooking issues are likely to arise.
- 7.4.14. The south west facing gable of the proposed development is proposed to have three first floor windows facing towards the appellants property. Two of these are high level windows serving a WC and the kitchen and are not in my opinion such as would impact negatively on residential amenity. At the south west corner of the floorplan at first floor level an enclosed terrace area is proposed which would be accessed off the kitchen / living area. This terrace is proposed to have a large (c.2.5 metre high) window facing south west towards the appellants property and to have a c.1.1 metre high screen to the front (south east facing) elevation. I consider that the scale and location of this south west facing window is such as would create a perception of overlooking and also a visually obtrusive feature in this elevation. In the event of a grant of permission, it is therefore recommended that this window should be omitted entirely or restricted to a high level window at the same height as the other two proposed in this elevation.

7.5. Other Issues

- 7.5.1. The application is accompanied by a landscaping plan which indicates the general layout proposed. As noted in the assessment above, the layout does not provide significant detail with regard to levels and given the sloping nature of the site there is potential for overlooking from the proposed rear amenity area towards adjoining residential properties. In the event of a grant of permission it is considered appropriate that a condition would be attached requiring the submission of a revised

and more detailed landscaping plan that would set out existing site features and planting to be retained, new planting including to the boundaries and amenity spaces and which would also detail levels.

- 7.5.2. The new house on the site is proposed to be connected to the public water supply and drainage infrastructure. Irish Water have indicated that there is no objection to the proposed development and in the event of a grant of permission it is recommended that a connection agreement would be entered into with Irish Water.
- 7.5.3. The access to the site onto Main Street is proposed to be via a new recessed entrance that is further to the south west on the site frontage than the existing access. A sight line of 50 metres as specified by the Planning Authority and required under DMURS is not available at the appeal site due to the horizontal alignment of the road and the existing boundary features on either side. Notwithstanding this, given the existing developed nature of the site with an existing vehicular access and the traffic speeds and volumes on the road I consider that visibility at the site access is acceptable.

7.6. **Appropriate Assessment.**

- 7.6.1. The site is not located within any European site. The closest such site to the appeal site is the Ballycotton Bay SPA site (site code 004022) which is located c.1km to the north west of the appeal site at the closest point.
- 7.6.2. The conservation objectives for this site are to maintain the favourable conservation condition of the following species having regard to a number of listed attributes and targets.
- Teal (*Anas crecca*)
 - Ringed Plover (*Charadrius hiaticula*)
 - Golden Plover (*Pluvialis apricaria*)
 - Grey Plover (*Pluvialis squatarola*)
 - Lapwing (*Vanellus vanellus*)
 - Black-tailed Godwit (*Limosa limosa*)

- Bar-tailed Godwit (*Limosa lapponica*)
- Curlew (*Numenius arquata*)
- Turnstone (*Arenaria interpres*)
- Common Gull (*Larus canus*)
- Lesser Black-backed Gull (*Larus fuscus*)
- Wetland and Waterbirds

7.6.3. The closest SAC sites are the Ballymacoda (Clonpriest and Pillmore) SAC (site code 000077) located c.9.5km to the north east of the appeal site at the closest point and the Great Island Channel SAC (site code 001058) which is located c. 13km to the north west at the closest point.

7.6.4. The form of development proposed comprises the replacement of an existing house located within an existing developed part of Ballycotton village that is connected to the public water supply and drainage infrastructure with a new house that would also be connected to the public water supply and drainage infrastructure. During the construction phase of the development there would be significant demolition and earth removal works undertaken however the site is located at a significant remove from the closest European site (Ballycotton Bay SPA) and a very significant remove from the closest SAC sites. The location of the site is such that it is not located within or in close proximity to any European site and there are no clear direct or indirect pathways between the appeal site and any European sites.

7.6.5. In view of the above, the proposed development is not likely to have significant effects on the Ballycotton Bay SPA site or any other European sites in view of their conservation objectives.

8.0 Recommendation

8.1. Having regard to the above, it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within an existing developed area, to the pattern of development in the area, to the condition and architectural significance of the existing house on the site and to the design and scale of the replacement dwelling, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance 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 as amended by the further plans and particulars submitted on the 20th day of November 2020 and by the further plans and particulars received by An Bord Pleanála on the 4th day of March, 2021, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) the two storey element to the rear of the main building line shall be sited a minimum of 2.0 metres from the boundary with the house to the south west.
 - (b) the two storey rear element shall be reduced in scale as indicated in the drawing contained at Appendix C of the first party response to the grounds of appeal received by the Board on the 4th March, 2021 and shall result in a reduction in the roof ridge height of 1.3 metres and the eaves height of 0.5 metres relative to the heights illustrated in the clarification of further information received by the Planning Authority on 20th November, 2020.
 - (c) No access shall be available from the first floor living accommodation to the roof of the single storey rear element to the permitted dwelling and this roof shall not be used as a terrace or amenity space.
 - (d) the decking area adjoining the garden store to be located at the north west end of the site shall be omitted.
 - (e) the ope in the south west facing elevation serving the terrace shall be omitted from the development.
 - (f) the steps between the lower rear amenity space accessed off the lower level of the house and the upper garden level shall be relocated to a central position within the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The shed proposed for the north west end of the site shall only be used as a garden store or other purpose incidental to the enjoyment of the dwelling house.

Reason: In the interests of residential amenity.

4. 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.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements with Irish Water.

Reason: In the interest of public health.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees and hedgerows on site specifying which are proposed for retention as features of the site landscaping,

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs,

(iv) Details of screen planting to the site boundaries and also to the main external patio areas.

(b) Details of all boundary fencing and / or walling including materials and heights,

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. 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.

10. The developer shall pay to the planning authority a financial contribution of €3,242.48 (three thousand two hundred and forty two euro and forty eight cent) 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.

Stephen Kay
Planning Inspector

14th December, 2021