



An
Bord
Pleanála

Inspector's Report ABP-309663-21

Development	Demolition of an existing garage/store and the construction of a single storey dwelling and all associated and ancillary site works.
Location	Killard, Blarney, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39752
Applicant(s)	Nicky Doyle
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Nicky Doyle
Observer(s)	None
Date of Site Inspection	26 th May 2021
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. National Policy and Planning Guidelines.....	7
5.3. Natural Heritage Designations	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	10
6.3. Observations	10
6.4. Further Responses.....	10
7.0 Assessment.....	10
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The site is located in Killard, a hamlet, which is situated 1.8 km to the south-east of the centre of Blarney. This site lies on the north-eastern side of the Killard Road (L-3796) from which it is accessed via an existing driveway.
- 1.2. The pattern of residential development within the vicinity of the site consists of an initial roadside dwelling house being followed by subsequent dwelling houses to the rear, typically, accessed by a shared driveway from Killard Road.
- 1.3. The site itself lies to the rear of an existing dwelling house on land that is elevated in relation to this dwelling house and that is accessed by means of the driveway to it. (Beyond the site lies a further dwelling house, which is accessed by means of a separate driveway). This site is rectangular in shape and it extends over an area of 0.03102 hectares. The site presently accommodates an existing garage/storage building and the end of the driveway to the adjacent dwelling house. Its north-western, north-eastern, and south-eastern boundaries coincide with the boundaries to the curtilage to this existing dwelling house. They are denoted by a concrete fence and hedgerows. The remaining south-western boundary is denoted by means of an existing retaining/parapet wall that spans the aforementioned change in levels.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing garage/storage building (66.25 sqm) on the site and the construction of a single storey two-bed/four-person dwelling house (76.2 sqm). Access would be by means of the existing driveway and entrance from Killard Road.
- 2.2. The proposed dwelling house would be rectangular in shape under a mono-pitched roof. This dwelling house would be sited over the north-eastern portion of the site. It would be of elongated form and contemporary design. Floor-to-ceiling height openings would be concentrated in the south-western elevation and finishes would comprise painted natural/acrylic render and panels of larch sheeted cladding.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Having regard to the substantial amount of one-off housing already existing in this rural area, which is not zoned for residential development, the Planning Authority finds that the proposed development constitutes haphazard backland development that mitigates against the amenities of residents and gives rise to overconcentration of residential development in this green belt area. The proposed development would be contrary to County Development Plan Objective RCI 6-1 and to the green belt objectives in the Cork County development Plan 2014 – 2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is located in the Metropolitan Green Belt and the Planning Authority is not satisfied, having regard to the information submitted with the application, that the applicant has established compliance with Objective RCI 4-1 of the Cork County development Plan 2014 – 2020. It is considered therefore that the applicant does not come within the scope of exceptional housing need criteria for a house at this location and that the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard observations made.
- Cork City Council:
 - Waste Management & Control: No objection, subject to conditions.
 - Contribution: General development contribution condition requested.
 - Area Engineer: No objection, subject to conditions.

4.0 Planning History

- 19/38949: Retention of a single storey detached dwelling unit/store house (former garage/store house) as constructed with a pitched roof and all associated site works, services and ancillary works: Refused for the following reason:

Having regard to the layout and relationship of existing one-off housing already in this rural area, which is not zoned for residential development, the Planning Authority finds that the development to be retained constitutes haphazard backland development that mitigates against the amenities of residents and gives rise to overconcentration of residential development in this area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 107/20: Pre-application consultation on 04/09/20
- 20/1730: Part V certificate of exemption to shadow current proposal issued on 20/01/21.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP) and the Cobh Municipal District Local Area Plan 2017 (LAP), the site is shown as lying outside any development boundary and in the Metropolitan Green Belt around Cork City.

Under the LAP, Killard is identified as one of twelve “Other Locations”, which are described as “areas, which may not form a significant part of the settlement network, but do perform important functions with regard to tourism, heritage, recreation, and other uses.” Paragraph 5.3.48 states that “Other Locations generally do not have development boundaries and therefore any proposals for dwellings must comply with the rural housing policies and objectives of the CDP.”

Objective RCI 5-2 of the CDP sets out the purpose of the Green Belt:

(a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear

distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

(b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

Proposals for dwelling houses within this Green Belt are considered in accordance with Objective RCI 4-1 of the CDP:

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

(a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.

(d) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two.

Objective RCI 6-1 relates to design and landscaping of new dwelling houses in rural areas:

(a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

(b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.

(c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

5.2. National Policy and Planning Guidelines

- National Planning Framework

NPO 19 states:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

- Sustainable Rural Housing Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines

5.3. Natural Heritage Designations

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

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by describing the site and the proposal. She draws attention to the size, form, design, and finishes of the proposed dwelling house, which would accord with the advice of the Cork Rural Design Guide: Building a New House in the Countryside.

The applicant proceeds to summarise the planning policy context of the site and the assessments of the proposal set out in the case planner's report.

The applicant then set outs the following grounds of appeal:

(i) The proposal is consistent with the existing pattern of development and will not result in adverse impacts on the residential amenities of the site area.

- The site lies within an established residential cluster in Killard, which is composed of long housing plots that have been developed by families to provide additional dwelling houses over time. The proposal would simply continue this pattern.
- The proposed dwelling house would be of similar size to the building which it would replace and it would be sited in a position that would afford a greater separation distance with the dwelling house to the south than exists at present.
- The proposal would not contribute to ribbon development as the site is an infill one between existing dwelling houses. Comparable house plots in the vicinity have multiple dwelling houses upon them, including the adjoining one to the east, and so concerns with respect to overdevelopment are misplaced.
- The proposal would exceed the space standards set out in the relevant Best Practice Guidelines and it would be served by an attractive amenity space to the south-west. It would, therefore, afford a satisfactory standard of amenity to future occupiers.

- Neighbour privacy would be safeguarded by the retention of hedgerows along the north-eastern and south-eastern boundaries and the introduction of planting to the south-western and north-western boundaries.
- The mono-pitched roof to the proposed dwelling house would reflect the fall across the site and it would secure a slight reduction in the maximum roof height, while providing a generous internal floor-to-ceiling height. Its resulting presence would be discrete.
- The fenestration of the proposed dwelling house would include, high-level, narrow, and opaque windows, all of which would serve to safeguard neighbour privacy, while ensuring good levels of natural light and ventilation.
- The proposal attracted no objection from neighbours: Indeed, two letters of support were submitted.

Compliance of the proposal with Objective RCI 6-1 & Section 4.5 of the CDP.

- Contrary to the view expressed by the case planner and in the light of the factors set out under the first ground of appeal, the applicant considers that her proposal would comply with Objective RCI 6-1. Furthermore, it would be compatible with the purposes of the Green Belt as set out in Section 4.5.
- Under section 4.5, Objective RCI 5-2(b) recognises that “in order to strengthen existing rural communities provision can be made...to meet exceptional individual housing needs”.
- Under Section 4.6, criteria for housing in rural areas are set out which must be met regardless of an applicant’s rural housing need. These criteria encompass settlement policy, siting, design, and visual considerations, engineering considerations, and archaeological, heritage, and ecological considerations. The proposal would meet these criteria. In relation to settlement policy, the LAP supports the addition of 3 – 4 dwellings within Killard: To date permission has been granted for one (19/38611). In relation to engineering considerations, the proposal would be served by an existing access from the L-3796, which is subject to a 50 kmph speed limit, and it would be connected to the public water mains and public foul water sewerage system.

Applicant's exceptional rural housing need

- The case planner does not consider that the applicant has an exceptional rural housing need based on economic links to the locality of the site. However, such need can be based on social links, instead. The applicant has an abundance of such links with this locality, e.g. she was raised in her parents' dwelling house, which is the one to the south of the site, she went to school in Blarney, she rents locally, and she is active in the local community.
- Under Objective RCI 4-1(d), the applicant would have an exceptional rural housing need, i.e. the proposal would entail the provision of her first home on her parents' landholding and its proximity to their dwelling house would facilitate her future care of them.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), national planning guidelines, the Cork County Development Plan 2014 – 2020 (CDP), the Cobh 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) Rural settlement policy,
- (ii) Amenity,
- (iii) Access,

(iv) Water, and

(v) Appropriate Assessment.

(i) Rural settlement policy

- 7.2. Under the CDP and the LAP, the site is shown as lying outside any development boundary and in the Metropolitan Green Belt around Cork City. The LAP identifies Killard as one of twelve “Other Locations”, which are described as “areas, which may not form a significant part of the settlement network, but do perform important functions with regard to tourism, heritage, recreation, and other uses.” Paragraph 5.3.48 states that “Other Locations generally do not have development boundaries and therefore any proposals for dwellings must comply with the rural housing policies and objectives of the CDP.”
- 7.3. The appellant draws attention to Paragraph 5.3.100, which states that there is potential for 3 – 4 dwelling houses within Killard. She also draws attention to the planning history of this hamlet, which indicates that, since the LAP was adopted, only one dwelling house has been permitted.
- 7.4. By way of comment, I note that the LAP refers to 3 – 4 single un-serviced dwelling houses, whereas the proposal is for one that would be connected to the public sewerage system. I note, too, that the reference to these dwelling houses does not negate Paragraph 5.3.48 and the need to comply with “the rural housing policies and objectives of the CDP.”
- 7.5. As already cited, the site lies within the Metropolitan Green Belt around Cork City, which is a rural area under urban influence. Under NPO 19 of the NPF, single dwelling houses in such areas are to be facilitated where an applicant has a demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.
- 7.6. Under Objective RCI 5-2(b) of the CDP, applicants for single dwelling houses in the Green Belt must have an exceptional individual housing need and Objective RCI 4-1 sets out four categories of relevance in this respect. The Planning Authority’s second reason for refusal states that the appellant failed to establish compliance with this Objective. She has responded to this reason by stating that the Planning Authority only considered her economic links to Killard and not her social ones. Under Category (d) of Objective RCI 4-1, she cites the following factors:

- Her parent's home, where she was raised, is the dwelling house adjacent to the site. Its proximity would facilitate her future care of them,
- She went to school in Blarney, she rents locally, and she is active in the local community, and
- The proposed dwelling house would be the appellant's first home of her own.

7.7. I consider that the appellant would come within Category (d) of Objective RCI 4-1. However, NPO 19 of the NPF, which came into force since the CDP was adopted, requires me to consider demonstrable social need having regard to the viability of small towns and settlements. I take the view that the absence of a development boundary around Killard means that I cannot consider it to be a settlement for the purpose of this exercise. The question therefore arises as to whether the social need presented by the appellant is so specific to Killard that it would be incapable of being met were she to reside in a nearby settlement with a development boundary. From the information before me, I do not consider that an affirmative answer to this question can be given.

7.8. I conclude that, under NPO 19 of the NPF, the appellant does not have a demonstrable social need that requires her to reside on the site within Killard, as distinct from a nearby settlement with a development boundary.

(ii) Amenity

7.9. The proposal would entail the provision of a single storey two-bed/four-person dwelling house (76.2 sqm), which would be served by 67 sqm of usable private open space. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, the recommended floorspace and room sizes for the type of dwelling house proposed would be met. Qualitatively, the combined kitchen/dining/living room would have a south-westerly aspect, as would the accompanying private open space. Light and ventilation would be provided through glazed openings, which would include rooflights. Accordingly, from quantitative and qualitative perspectives, the proposed dwelling house would afford a satisfactory standard of amenity to future occupiers.

7.10. The proposed dwelling house would be sited to the rear of the appellant's parents' existing single storey dwelling house on land that is elevated 1.35m above the rear

yard to this dwelling house. The proposed front and the corresponding rear elevations would be separated by distances of c. 8 – 12m. Overlooking and a loss of privacy would ensue. The appellant proposes to mitigate this by installing a line of timber planter boxes with tall shrubs in them along the top of the retaining wall. The proposed front and the corresponding rear elevations would face south-west and north-east respectively. Some early morning overshadowing of the latter by the former would occur and, more significantly, afternoon/evening overshadowing of the former by the latter would occur. Insofar as the proposal would entail the replacement of an existing garage/storage building, some overshadowing of the existing dwelling house occurs at present. A net increase could however be anticipated as, while the proposed dwelling house would be set further back on the site, it would extend across its entire width.

- 7.11. In the light of the foregoing paragraph, the proposed dwelling house would have an impact upon the amenities of the existing dwelling house and vice versa. Given the family relationship that would exist between the two households, no objection has been raised. If in the future such inter-relatedness were to change, then the proximity of these dwelling houses to one another may prove problematic.
- 7.12. The proposed dwelling house would be screened to the north-west, the north-east, and the south-east by existing mature hedgerows. It would also have high level windows only on its more sensitive north-eastern elevation. Thus, notwithstanding the proximity of adjacent dwelling houses beyond the site, overlooking/ overshadowing would not occur to any appreciable extent.
- 7.13. I conclude that the proposed dwelling house would be designed to afford a satisfactory standard of amenity to future occupiers and it would be compatible with the amenities of existing surrounding dwelling houses with the exception of the one to the south-west. While this latter dwelling house is occupied at present by the applicant's parents, if in the future it such inter-relatedness were to change, then the proximity of the proposed dwelling house to it would be problematic from an amenity perspective.

(iii) Access

- 7.14. The proposed dwelling house would be served by the existing entrance from Killard Road (L-3796) that serves her parents' dwelling house. This entrance is off a 50

kmp/h section of the local road. (Repeated signage on the approach to Killard from the south-east suggests that compliance with this speed limit may be an issue). It is accompanied by sightlines to the south-east but restricted to the north-west due to the proximity of a gate pillar and a bend in the local road. Under the proposal, an intensification in the use of this entrance would occur.

- 7.15. During my site visit, I observed that the local road has a continuous white centre line as it passes the site entrance. I also observed that on the nearside a public footpath has been recently added in place of a former hard shoulder, thereby decreasing the width of the carriageway, and as a consequence it can be assumed vehicle speeds, and improving pedestrian safety. The restricted north-western sightline has been assisted by the resulting formalisation of the local road and it is also assisted by a mirror that has been placed opposite the site entrance.
- 7.16. The proposed redevelopment of the site would result in the loss of parking to the rear of the existing dwelling house for the appellant's parents. Nevertheless, there is already parking in front of this dwelling house to meet their needs. While the proposal shows a parking area for two cars, the dimensions of this area are tight and so this level of provision in practice may be elusive. Use of the accompanying paved area beside the north-western side elevation of the proposed dwelling house for manoeuvring would be likely to be needed.
- 7.17. I conclude that the proposal would result in an intensification of use of an existing entrance off Killard Road, which has a restricted north-western sightline. That said, this sightline has benefited from recent improvements in the layout of the road and it is augmented by a mirror that is in-situ opposite the site entrance. Objection is not therefore warranted. I conclude, too, that, while tight, off-road parking and manoeuvring arrangements would not warrant objection.

(iv) Water

- 7.18. The proposal would be served by the public water mains and foul water sewerage system. Irish Water has raised no objection in these respects.
- 7.19. The OPW's flood maps show that the site is not the subject of any identified flood risk. Under the proposal, surface water from hard surfaces would discharge to a soak pit, although details in this respect have not been submitted.
- 7.20. I conclude that the proposal raises no water issues.

(v) Appropriate Assessment

- 7.21. The proposal is not in or near to a European site. I am not aware of any source/pathway/receptor between the site and the any European sites in the wider area. Accordingly, the development of this site as proposed would not be likely to have a significant effect upon any European site.
- 7.22. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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 refused.

9.0 Reasons and Considerations

Having regard to the location of the site both within the Metropolitan Green Belt around Cork City and near to the settlement of Blarney, and National Policy Objective 19 of the National Planning Framework, which requires that applicants for rural dwelling houses should have a demonstrable economic or social need and that this should be weighed having regard to the need to promote the viability of nearby settlements, the Board considers that the applicant has not demonstrated that she has an economic or social need that requires her to reside on the application site and so to accede to the proposed dwelling house would contribute to the over intensification of development within a rural area and it would contravene the aforementioned Objective of the National Planning Framework. The proposal would, thus, be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

15th June 2021