



An
Bord
Pleanála

Inspector's Report ABP-309680-21.

Development	Construct detached dwellinghouse with detached garage, site entrance and all associated site works.
Location	Caherlag, Ballyhennick, Glanmire, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	214012.
Applicant	Philip O'Loughlin and Susan O'Brien.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Michael Hanratty.
Observer	None.
Date of Site Inspection	3 July 2021.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is in the settlement of Caherlag, which is a small settlement located 9 km to the north-east of Cork city and to the east of Glanmire town. The dominant form of development in this area is one-off dwellinghouses, clustered around the public roads. There is also a GAA large playing field and graveyard but the settlement lacks retail, education and other services.
- 1.2. The subject site is located to the north of a local road and on elevated lands. There are views from the site towards the Lee. The site is in pasture apart from at the southern (roadside) where there are a few medium-sized trees. At the site to the west there is a two-storey dwelling house. Another house of similar vintage and scale is located to the north-west of the subject site. The design and scale of the houses in the immediate vicinity of the site are in contrast to the more established and smaller houses located to the south of the local road.
- 1.3. The site is of stated area of 0.226 ha and it slopes significantly towards the public road at the southern end.
- 1.4. Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - a two-storey detached dwellinghouse of stated area of 254.7 m²
 - external finishes include smooth plaster finish to walls and at the front elevation selected stone/wood finish is included at ground floor level
 - fenestration includes a large amount of glazing at the ground floor front elevation
 - the roof is pitched and to be finished in a selected slate
 - a detached garage of stated area of 36.96 m², finished with a flat roof
 - site entrance
 - a wastewater treatment system and percolation area
 - connection to public water supply

- surface water disposal by way of soak pits
- all associated site works.

2.2. The proposed house is shown as having a finished floor level of 109m and the roof ridge of 117.63 m. The site section B-B shows the ridge of a single-storey house at the opposite side of the road as 108.418 m.

2.3. The site layout plan shows indicative landscape planting. To achieve 90 m clear sightlines, it is stated that existing roadside trees will be cut back.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- Payment of contributions under DCS and Supplementary Contribution Scheme (Cobh / Midleton – Blaney Suburban Rail Project).
- Comprehensive scheme of hard and soft landscaping full details of which to be submitted to an agreed in writing with the planning authority.
- Sight distances of 80 m in both directions at a point 3m from the road edge.
- Utility poles within roadside boundary setback required by other conditions of the schedule to be repositioned behind the new boundary.
- Surface water shall not be permitted to flow onto the public road from the site.
- Surface water to be disposed of within the site by means of soakways.
- Existing roadside drainage arrangements to be preserved to the satisfaction of the planning authority.
- Wastewater treatment system to be in accordance with EPA guidance and to be operated and maintained to the satisfaction of the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report dated 1 March 2021 recommends permission and states:

- The site is within a cluster of dwellings and those on the south are at a lower level. There is very little screening on the boundary to the adjoining dwelling to the west.
- The site is within the development boundary of Caherlag. The principle of development is acceptable in principle.
- The submission received is noted and summarised.
- Due to the location of the dwelling house within the development boundary and in the context of the adjoining dwelling the design is acceptable.
- A condition should be imposed requiring a landscape plan to screen the boundary with the dwelling to the west and to aid in assimilating the dwelling into its surrounding landscape.
- The dwelling is on an elevated site and set back 39.5 m from the front boundary and 47 m from the front elevation of the nearest dwellinghouse to the south. Even considering the differences in levels the distance is sufficient to prevent a detrimental loss of privacy.
- The fenestration at the existing and proposed houses ensure no detrimental impact on the house to the west.
- The dwelling will not result in a detrimental loss of outlook, daylight or sunlight.
- The area engineer has assessed the sightlines, stormwater and sewage disposal.

3.2.2. Other Technical Reports

Area Engineer - The area can be classed as rural and there is a concentration of houses in the surrounding area. Ground conditions on site and sight distance at the proposed entrance seem good. No objection subject to conditions

3.3. Prescribed Bodies

Irish Water – sets out standard requirements.

3.4. Third Party Observations

The points made in the submission are iterated in the appeal. The issues relate to overlooking/loss of privacy, surface water disposal and sightlines.

4.0 Planning History

There appears to be no relevant planning history related to the site.

No pre-application consultations took place.

Reg. ref. 15/6410 relates to the dwelling house to the west.

Reg. ref. 20/4205 relates to retention of minor alterations at a dwellinghouse to the south.

5.0 Policy Context

5.1. Development Plan

Cobh Municipal District Local Area Plan

Caherlag is designated as a Village Nuclei. This type of settlement is the fourth of five tiers of settlement under the Cork County Development Plan.

The strategic aim for Caherlag is to encourage small scale expansion generally through low density individual housing in tandem with the provision of services. Over the lifetime of the plan it is stated that five houses can be accommodated approximately. Development of that scale would be in line with the pattern of development and the level of services available. In this respect it is noted that there is a limited range of social and community facilities and that it is reliant on Glanmire in this respect.

New individual housing schemes should not normally exceed 1 to 2 units and the most appropriate lands for future residential development are within the north-east of the development boundary.

5.2. Natural Heritage Designations

Great Island Channel SAC is 1.6 km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the appeal are summarised below:

- My objection relates to the excessive amount of glazing.
- The proposed dwelling house would be 5 m above my house and contain an almost complete wall of glass on the front elevation looking directly onto my property and quite a large window on the master bedroom on the first floor.
- The proposed development would give rise to serious overlooking of my property and have a detrimental impact on my privacy.
- Proposals for surface water run-off from the site are not detailed.
- Sightlines are incorrect and should be indicated on the northern side of the road and not the southern side. It may not be possible to achieve the site distance required.
- Proposed development would devalue my property.

6.2. Applicant Response

The applicant's response includes the following points:

- Condition 4 requires a comprehensive landscaping scheme to be submitted. The use of trees and shrubs will negate any overlooking as shown on the revised section drawing attached. The proposed planting will restrict the view to the appellant's property. The tree line shown on the attached drawing in the landscape plan will be included in the submission to the Council.
- As noted in the planner's report the distance between the houses is 47 m which is over twice that recommended to protect privacy between dwellings.
- The master bedroom is habitable but is not a living space. The window will not be enjoyed for prolonged periods.

- There will be no water run-off onto the road. An enclosed copy of a revised site layout drawing shows the location of an ACO drain across the entrance and draining to a soakway.
- Th attach copy of the revised site layout shows that the sightlines can be achieved.
- We request that the issues raised in the appeal be managed by the planning authority as compliance issues prior to commencement of construction.

6.3. **Planning Authority Response**

No response received.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1.1. I consider that the main issues in this case relate to:

- the principle of development
- sightlines and surface water drainage
- the impact of the proposed development on the visual and residential amenities of the area.

7.2. **Principle**

7.2.1. The site which is within the designated boundary of Caherlag is to be serviced by way of the wastewater treatment unit and there is a public water supply available.

7.2.2. I note that the development plan provision sets an indicative limit of approximately five residential units to be developed in the settlement over the period of the plan. It

would appear to me that this limit may have been met or exceeded based on my examination of the planning registry map. No issues with respect to the level and pace of development have been raised by the planning authority or any other party and the duration of the plan has been extended. While the subject site is not to the north-east of the settlement, which is indicated as the preferred direction of development, I note that at the opposite side of the road there is existing established housing and in this context I consider that the proposed house would not give rise to a disorderly or undesirable pattern of development.

7.2.3. I consider that the proposed development involving the construction of a single low-density residential development is in compliance with the overarching policy provisions for this 'village nuclei' settlement.

7.2.4. I conclude that the development is acceptable in principle.

7.3. Sightlines and surface water drainage

7.3.1. In the appeal issues have been raised with respect to the sightlines available from the site entrance. I note the submissions by the applicant include a drawing showing the significant trimming of roadside boundary trees which will be necessary to achieve suitable sightlines and I note that one of these trees (to the east of the site) would appear to be within the overall lands from which the site is taken but is outside the site boundary. In the event that there are legal issues arising which preclude the provision of suitable sightlines implementation of this permission would not be possible. I have considered whether it would be appropriate to request that the applicant demonstrate control over the roadside boundaries but in the context where it is indicated the trees are to be trimmed rather than removed, I consider that this would not be necessary or appropriate. I am satisfied that the required sightlines can be achieved. I note in this respect that the boundary of the house to the west has been set back.

7.3.2. With respect to the issue of surface water drainage, which is amongst the grounds of appeal, I note that there are ample lands within the site to provide soakways. The applicant has indicated that the roadside drainage at the entrance will flow to a soakway. I am satisfied notwithstanding the topography that there is no likelihood of significant surface water flows from the site to the public road or to the appellant's

house. Suitable arrangements can be made within the site to prevent any such likelihood.

- 7.3.3. I conclude that the sightlines and surface water drainage proposals are acceptable. Further details in this respect should be subject of agreement with the planning authority at the time of construction.

7.4. Visual and residential amenities

- 7.4.1. The house will be prominently located on an elevated site and is of contemporary design idiom with large amounts of glazing at the front elevation. I agree with the planning authority's conclusions with respect to the house design and consider that it is acceptable in the context of it being located within a defined settlement and having regard to the presence of similar developments including at the site to the west.
- 7.4.2. Having regard to the considerable separation distance between the front elevation of the appellants dwelling house and the proposed dwelling, there is no real potential for impacts on the privacy associated with that house. However, there is potential for a perception of being overlooked. I consider that the careful planting of screening trees as proposed by the applicant would ensure that the proposed house would be integrated into the landscape context. At the time of inspection, I stood on the site at the location of the proposed dwelling house. On that basis I am satisfied that planting of a small cluster of trees would reasonably screen all views from the ground floor level of the proposed house to the appellant's property.
- 7.4.3. I conclude that subject to agreement of a detailed and comprehensive landscape scheme for the site, the proposed development is acceptable in terms of the visual and residential amenities of the area.

7.5. Appropriate assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the distance to the nearest European sites and the lack of hydrological connectivity, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would 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. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the location of the site within the settlement boundary of Caherlag it is considered that subject to compliance with the conditions below the proposed development would be acceptable in terms of the visual and residential amenities of the area, would not give rise to traffic hazard and would 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, 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 formation of the vehicular access to the house shall be constructed in accordance with the requirements of the planning authority. The vehicular entrance and the roadside boundary incorporating the agreed sightlines shall be put in place prior to the commencement of construction of the dwellinghouse.

Reason: In the interest of orderly development and traffic safety

3. The site shall be landscaped in accordance with details 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) the establishment of a hedgerow along the side and rear boundaries of the site,
- (b) proposals for the treatment of the front boundary of the site, and
- (c) planting of clusters of trees at suitable locations within the site to screen views of the proposed house.

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 order to screen the development and assimilate it into the surrounding landscape, in the interest of visual amenity.

- 4. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

- 5. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

- 6. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. Detailed proposals shall be agreed with the planning authority prior to the commencement of construction of the house.

Reason: To ensure a proper standard of development.

- 7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

9. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

10. The developer shall pay to the planning authority a financial contribution in respect of the Cobh / Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. Details of the application of the terms of the

Scheme 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 the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Mairead Kenny
Senior Planning Inspector

11 July 2021