



An  
Bord  
Pleanála

## Inspector's Report ABP-311060-21

<b>Development</b>	Retention of increases in footprint at lower ground and second floor levels to house and retention of external wall finishes, landscaping layout and front boundary wall treatment
<b>Location</b>	Coast Road, Kilmichael East, Myrtleville, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/5786
<b>Applicant(s)</b>	Finbarr & Laura O'Callaghan
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Finbarr & Laura O'Callaghan
<b>Observer(s)</b>	Jaqueline Regan Maolisa Dempsey & Others
<b>Date of Site Inspection</b>	1 <sup>st</sup> December, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the coastal edge on the southern side of Regional Road No. R612 in Myrtleville, approximately 25km to the south-east of Cork City. There is a two-storey over basement house of modern design on the site. The external finishes to the house comprise a mix of glazing, render, stone, and patinated copper cladding. There is extensive ribbon development along both sides of the regional road in the vicinity of the site with a wide range of different house types and designs.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise retention of minor increases in the footprint of the house at lower ground floor and second floor levels from those granted permission under planning permission 08/8741 and as extended by planning permission 14/4160 and for retention of external wall finishes, landscaping layout and front boundary wall treatment. The increases in footprint relate to a plant room at lower ground level and an en-suite at second floor level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 12<sup>th</sup> July 2021, Cork County Council decided to grant permission for the retention of increases in footprint at lower ground floor and second floor levels to the house, for the landscaping layout, and the front boundary wall treatment and to refuse permission for the retention of the external wall finishes to the house. The external wall finishes, particularly the patinated copper, was considered visually obtrusive, detracting from the visual amenities of the area, out of keeping with materials in the area, adversely impacting on views and prospects, incompatible with the scenic coastal landscape, setting an undesirable precedent, and in conflict with Objectives GI 6-1, GI 7-1, GI 7-2, and GI 7-3 of the Cork County Development Plan.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner noted the site's planning history, the Area Engineer's submission that he had no comments, and third party submissions. Regarding the additional floor space to be retained, it was considered that it would not seriously impact on the visual amenities of the area or on the amenities of neighbours. It was acknowledged that sandstone and render were the permitted external finishes of the house. The use of copper as an external finish was of concern having regard to the prominence of the site and the pattern of development in the area. The use of zinc sheeting was seen to be more appropriate. It was considered that the applicants should provide a justification for the copper finish and a request for further information was recommended.

### **3.3. Third Party Observations**

Objections were received from J. Regan, Conor McNiece and Mairead O'Leary, Derval O'Shea, and Maolisa Dempsey and others. The matters raised related to the increase in floor area and incompatibility with the original permission.

3.4. On 9<sup>th</sup> October 2020, a request for further information was issued. A response was received from the applicants on 14<sup>th</sup> June, 2021. The applicants' response set out the reasons for the selection of finishes used in the development.

3.5. In response to this submission, the Planner considered the copper finish to be visually prominent, obtrusive, and that it did not fit in with the coastal landscape and was out of keeping with finishes on dwellings in the coastal location. There was no objection to the proposed minor increases in footprint. A split decision was recommended, permitting the increases in footprint, the landscaping and front boundary wall treatment and refusing the copper finish to the building.

The Senior Planner concurred with this recommendation.

## 4.0 Planning History

### P.A. Ref. 07/9792

Permission was refused for the demolition of a dwelling and the construction of a house for reasons relating to visual impact, effluent disposal and traffic hazard.

### P.A. 08/8741

Permission was granted for the demolition of a dwelling and the construction of a house and proprietary treatment unit.

Condition 2 of the permission was as follows:

*All external walls of the proposed structure shall be finished in plaster and natural stone and metal cladding. Details including colour and finish shall be submitted for written agreement of the Planning Authority prior to the commencement of development.*

**Reason:** *In the interests of visual amenity.*

### P.A. 14/4160

Permission was granted for an extension of Planning Permission 08/8741.

## 5.0 Policy Context

### 5.1. Cork County Development Plan

The site is located in an area designated 'High Value Landscape'.

Objectives include:

#### *Objectives GI 6-1: Landscape*

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.

- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments

The R612 / Coast Road is a designated scenic route. Objectives include:

*Objective GI 7-1: General Views and Prospects*

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

*Objective GI 7-2: Scenic Routes*

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan.

*Objective GI 7-3: Development on Scenic Routes*

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping.

## 5.2. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal relate to the refusal of permission for the retention of the external wall finishes and may be summarised as follows:

- The Council did not specify a particular metal cladding at the time of the grant of Permission 08/8741 nor when granting the extension permission. It is acknowledged that written agreement of the planning authority was not sought for the final finish prior to the commencement of development.
- Permission was previously granted for a metal cladding finish. The applicant's further information response detailed the research, analysis, thought processes and design reflections prior to choosing the final finish for the metal cladding. Copper and patinated copper are natural materials that have successfully been used to clad buildings for centuries.
- There are several examples of zinc cladding and corrugated steel cladding along the Coast Road, while there is a dwelling 150m from the dwelling where patinated copper has been used.
- The appellant does not agree that the patinated copper adversely impacts on views and prospects and does not fit into the coastal landscape any more than an alternative metal cladding would.
- Regarding precedent, there is a dwelling to the west of the site with a patinated copper roof. The patinated copper meets the Council's design objective for dwellings and is justified in this location.

- It is refuted that the proposal would seriously injure the visual amenities of the area.
- The finish does not conflict with Objectives in GI 6-1, GI 7-1, GI 7-2, and GI 7-3 of the County Development Plan.

The applicants' response to the planning authority's further information request and a number of photographs were attached to the appeal submission.

## 6.2. **Planning Authority Response**

The planning authority submitted that all relevant issues had been covered in technical reports and stated that it had no further comment to make.

## 6.3. **Observations**

The observer Jacqueline Regan raised concerns relating to the visual obtrusiveness of the development, the adverse impact on the coastline, the precedent for inappropriate housing, the blocking of views and overlooking of houses.

The observers Maolisa Dempsey and others support the Council's decision. Reference is made to the upset resulting from the development of the house and the erosion of privacy that results.

## 7.0 **Assessment**

- 7.1. I first note the nature and extent of the proposed development. This is a proposal which seeks to retain small extensions to the building, landscaping, boundary wall treatment, and external finishes. Consideration of a house on this site *de novo* is not the issue before the Board. Thus, the observer submissions which raise concerns relating to the principle of the development on this site are not matters to be considered further. Permission was granted for the house under P.A. Ref. 08/8741 and an extension of this permission was granted under P.A. 14/4160.
- 7.2. I note that no concerns have been raised about the landscaping and boundary proposals and the extensions which are proposed to be retained, namely a plant room at lower ground level and an en-suite at second floor level. These are no in any

way physically intrusive or incompatible additions. Therefore, I submit that there is no objection to their retention.

7.3. I note that the focus of concern relates primarily to use of patinated copper. There appears to be no particular concern raised about the use of sandstone, render, and glazing as the other external finishes to the house. I submit that I have no particular concerns regarding the use of these finishes. The Board will note that the patinated copper that has been used forms part of the external finishes at the upper levels of the house.

7.4. I acknowledge Condition 2 of Planning Permission 08/8741. This is as follows:

*All external walls of the proposed structure shall be finished in plaster and natural stone and metal cladding. Details including colour and finish shall be submitted for written agreement of the Planning Authority prior to the commencement of development.*

**Reason:** *In the interests of visual amenity.*

The appellants have clearly admitted in the appeal submission that written agreement of the planning authority was not sought for the final finishes prior to the commencement of development.

7.5. In considering this issue, I again acknowledge the limited extent of the use of patinated copper on the building. I accept that the copper used is a distinguishable feature of the development as one approaches the site along the regional road. The use of zinc cladding, being grey in colour, would be less distinguishable and, in colour terms, may be viewed as being more in keeping with the general colour of roof finishes of properties in the wider environs.

7.6. Having regard to the above, I must acknowledge the very wide range of structures, house types, finishes, and designs of buildings in the immediate vicinity of this site. Houses are finished in render, dash, timber, stone, etc. and roofs are finished in tiles, slates, corrugated sheeting, etc. I also acknowledge that there is a house a short distance to the west in a prominent location on the north side of the regional road whose roof is partially finished in patinated copper. I consider that it is reasonable to determine that there is no consistency in external finishes to buildings in this area



and, indeed, as a result, it is unreasonable to determine that the proposed patinated copper would be in some way misplaced.

7.7. I accept that the house on this site is distinctly of contemporary design and, thus, this somewhat draws attention to the structure. This is added to by its siting so close to the coastal edge. However, I must submit that views of the property along the regional road are localised. The Board will also note that there was a house previously on the site which was demolished as part of Planning Permission 08/8741. The new house design remains generally consistent with the permission granted under Planning Permission 08/8741 and, therefore, I find it particularly difficult to conclude that the copper finishes for a relatively limited component of the approved structure could be seen to impact on the visual and scenic amenities of the area, affect the character of protected views and prospects, or affect a scenic route. Indeed, the planning authority has not clearly articulated how this arises. These are matters which I could understand would form part of the considerations given over to the replacement of the previous house by the proposed house. To suggest the limited external finishes of this building, in the form of the use of patinated copper, has such impacts is somewhat misplaced and over-stated, in my opinion. I cannot see how such limited external finishes in this contemporary house, previously approved by the planning authority, could be so incompatible with Objectives GI 6-1, GI 7-1, GI 7-2, and GI 7-3 of the Cork County Development Plan.

#### *Appropriate Assessment*

The site of the proposed development is located in a rural area approximately 800 metres north-east of Cork Harbour Special Protection Area (Site Code: 004030). Having regard to the established nature of the house and the proposed development relating to the retention of a very minor additional footprint and changes to finishes only, the nature of the receiving environment, and the significant separation distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the site's planning history, to the contemporary design and character of the existing dwelling, to the design, character and array of finishes to development in the immediate vicinity of the site, and to the limited nature of the additions to the footprint of the existing structure, it is considered that the proposed development would not adversely impact on the visual and scenic amenities of the area or on views and prospects or the adjoining scenic route, would not conflict with the provisions of Cork County Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The 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 and to ensure a proper standard of development.

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Kevin Moore  
Senior Planning Inspector

9<sup>th</sup> December 2021