



An  
Bord  
Pleanála

## Inspector's Report ABP 312403-22.

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<b>Development</b>	Construction of new two-storey dwelling, new site entrance and access driveway, new foul connection to public mains and all ancillary site works.
<b>Location</b>	Rookhurst, The Demense, Monkstown (Castle Farm), Monkstown, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	216744
<b>Applicant</b>	Louise Hall
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Louise Hall
<b>Observers</b>	(1) Brian & Mary Walsh (2) Simon & Jeanne Kelly (3) Fergal Lennon & Assumpta O'Kane

(4) Colin Bradley

(5) Andrew Gill

(6) Kevin Fielding & Michele Boyle

**Date of Site Inspection**

12/4/2022

**Inspector**

Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The site is situated at 'Rookhurst', The Demense which lies within the settlement of Monkstown, Co. Cork. The Demense is a housing development containing roughly twenty six properties located in a woodland setting which lies to the south-west of Monkstown.
- 1.2. The site has a stated area of 0.131 hectares and it comprises the north-west section of the plot of the existing dwelling 'Rookhurst'. 'Rookhurst' is a two-storey detached dwelling set in a large site which feature mature tree planting and landscaping. The site is elevated and has views east over Cork Harbour. The western site boundary is formed by a low wire fence and hedgerow. The northern boundary of the site adjoins a deciduous woodland area. The southern site boundary is undefined.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of new two-storey dwelling, new site entrance and access driveway, new foul connection to public mains and all ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission for the proposed development for the following reason:

1. Having regard to the character and layout of development in the area, it is considered that the proposed development would be incongruous with the established character of residential development in the area, would have a poor visual relationship with adjoining dwellings and have an adverse impact on the setting and amenity of same. Furthermore, the siting, design, mass and materials of the proposed development would result in an obtrusive and overbearing structure in the streetscape which would seriously detract from the visual character of this area and be detrimental to the visual and

residential amenities of the Demesne. The proposed development would be contrary to policy objectives HE 4-6, GI 6-1 and GI 6-2 of the County Development Plan 2014, would set a poor precedent for similar development in the future and would therefore be contrary to the proper planning and sustainable development of the area.

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

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

- The report of the Planning Officer stated that the proposed development is located in a High Value Landscape and that it was considered that the design fails to adequately integrate into the site. It was noted that the site is located on an elevated and sloping hillside. It was concluded that the proposed development due to the position on site, height of the dwelling, scale of the dwelling and design features would result in an obtrusive, incongruous, dominant structure which would seriously detract from the visual amenities and character of the area. It was stated that the subdivision of Rookhurst in this manner fundamentally detracts from the character of the area and that the design proposed would result in an incongruous and obtrusive feature in this High Value Landscape. Permission was recommended for refusal on that basis.

#### **3.2.2. Other Technical Reports**

#### **3.2.3. Area Engineer – No objection**

### **3.3. Prescribed Bodies**

- None received

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

- #### **3.4.1.**
- The Planning Authority received six submissions/objections in relation to the application. The issues raised are similar to those set out in the observations to the appeal.

## 4.0 Planning History

- 4.1.1. There is an extensive planning history relating to the site and surrounding sites which is detailed in full in the report of the Planning Officer. The following are of relevance.
- 4.1.2. Reg. Ref. 21/6450 & ABP 312067 – Permission was granted for a two-storey dwelling, new entrance and driveway, the removal of the existing septic tank, new foul connections to the public mains for existing adjacent dwelling and proposed dwelling and all associated site works. This site is situated to the east of the appeal site and is also within the plot of “Rookhurst”.
- 4.1.3. Reg. Ref. 16/4022 – Permission was granted for the construction of a single-storey dwellinghouse and detached single storey store and all associated site works at "Legan Lodge", No. 8 The Demesne, Monkstown, Co. Cork.
- 4.1.4. Reg. Ref. 15/5099 – Permission was granted for the construction of single storey three-bedroom dwelling house with a new entrance gate and driveway to an existing house and associated site works at Castle Combe, The Demesne, Monkstown, Co.Cork.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Cork County Development Plan 2014 – 2022.
- 5.1.2. Chapter 14 refers to Zoning and Land Use
- 5.1.3. Section 14.3.1 refers to Existing Built Up Areas
- 5.1.4. Areas of existing development are shown simply as ‘existing built up area’ in the Local Area Plans. This approach has been taken in order to allow a more positive and flexible response to proposals for the reuse or redevelopment of underused or derelict land or buildings particularly in the older parts of the main towns. “Existing built up areas” include all lands within a development boundary which do not have a specific zoning objective attached. Therefore, it includes a mix of land uses which

may have existing buildings in place, brownfield lands and undeveloped greenfield lands within the development boundary.

5.1.5. Section 14.3.3 advises within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

**5.1.6. County Development Plan Objective ZU 3-1: Existing Built Up Areas**

5.1.7. Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

**5.2. Ballincollig Carrigaline Municipal District Local Area Plan 2017**

5.2.1. As described in the plan Monkstown is located at the mouth of the West Channel and it overlooks the huge expanse of water that is Lower Cork Harbour. Monkstown is a significant centre for water-based leisure activities including Monkstown bay Sailing Club and there is a cross-river ferry from Glenbrook to Carrigaloe which provides easy access to Great Island and East Cork.

5.2.2. The site is zoned 'Existing Built-up Area'.

**5.3. Cork County Development Plan 2022 – 2028**

5.3.1. The Elected Members of Cork County Council have adopted the Cork County Development Plan 2022-2028 at the Full Council Meeting held on Monday 25th April 2022. The Cork County Development Plan 2022-2028 will come into effect on Monday 6th June 2022.

5.3.2. The subject site remains located within the settlement boundary of Passage West / Monkstown and has the zoning objective 'Existing Residential/Mixed Residential and Other Uses'. The Plan acknowledges that lands with this new zoning 'may contain



residential development of varied densities ranging from high density historic terraces to more modern lower density housing schemes’.

#### **5.4. Natural Heritage Designations**

5.4.1. Cork Harbour SPA (site code 004030), lies circa 830m to the north-west of the site.

#### **5.5. EIA Screening**

5.5.1. Having regard to the nature of the proposed development the construction of a dwelling and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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**

A first party appeal was submitted by McCutcheon Halley Chartered Planning Consultants on behalf of the applicant Louise Hall. The issue raised are as follows;

- Permission was refused for a single reason which stated;
  1. Having regard to the character and layout of development in the area, it is considered that the proposed development would be incongruous with the established character of residential development in the area, would have a poor visual relationship with adjoining dwellings and have an adverse impact on the setting and amenity of same. Furthermore, the siting, design, mass and materials of the proposed development would result in an obtrusive and overbearing structure in the streetscape which would seriously detract from the visual character of this area and be detrimental to the visual and residential amenities of the Demesne. The proposed development would be contrary to policy objectives HE 4-6, GI 6-1 and GI 6-2 of the County Development Plan 2014, would set a poor precedent for similar development in the future

and would therefore be contrary to the proper planning and sustainable development of the area.

- The refusal reason does not refer to any objections on engineering grounds. It is noted that the Area Engineer did not seek further information and recommended permission subject to standard conditions.
- It is contended that the refusal of permission is based on a subjective assessment.
- It is contended that the assessment of the Planning Authority incorrectly implied that there is a consistent pattern of development to the layout and design of existing dwellings in the area. It is also contended that it is incorrect to consider that the proposed dwelling is radically different from the existing properties in terms of siting, design, mass and materials.
- It is stated in the refusal reason that the proposed development would be contrary to the existing pattern of development and that it would contravene objectives HE 4-6, GI 6-1 and GI 6-2 of the County Development Plan.
- The first party contended that the assessment of the Planning Officer did not refer to policy Objective HE 4-6 and an adequate explanation of why the proposed siting and design would be contrary to GI 6-1 and GI 6-2.
- It is submitted that the assessment of the Planning Officer did not adequately address the policy context specifically the relevant provisions of the Draft County Development Plan.
- It is noted that the report of the Planning Officer appears to support the objectors argument that they “have a reasonable expectation that this level of development would be retained”. The report of the Planning Officer states that the requirement in the current zoning objective to consider “the character of the surrounding area.”
- It is the opinion of the first party that there is no legal basis for the argument in the report of the Planning Officer that the density of permitted development under Reg. Ref. 89/1710 must be retained notwithstanding the radical changes to the Planning Authority’s core strategy and settlement policy in the intervening years.

- It is noted that there is no overlap between the red line boundary of the permission granted under Reg. Ref. 89/1710.
- A letter from Michael Hall's Solicitor summarises the provisions of the legal agreement. MONDRAL acknowledged Michael Hall's title to area which is outlined in blue on the planning application. MONDRAL has agreed not to object to planning applications to construct not more than two houses on Michael Hall's property adjacent to Rookhurst.
- It should be noted that, by entering into legal agreement MONDRAL has effectively acknowledged that its role as management company for the open space required under Reg. Ref. 89/1710 does not apply to the area between the red and blue lines.
- The report of the Planning Officer and their decision to refuse permission appears to be based on the incorrect assumption that Rookhurst was permitted under Reg. Ref. 89/1710 and although the current application does not encroach on any area designated as open space it does involve the subdivision of one of the housing sites permitted under Reg. Ref. 89/1710
- The first party wish to clarify that the proposal does not involve an increase in the density permitted under Reg. Ref. 89/1710 as the footprint of the proposed dwelling does not fall within or overlap the boundary of the permission granted under Reg. Ref. 89/1710. The proposal does not involve any reduction in the open space permitted under Reg. Ref. 89/1710 as the site of the proposed development as defined by the red line boundary does not overlap with the open space permitted under Reg. Ref. 89/1710. The proposal does not affect the ability of MONDRAL to manage the open space which has been vested in them in accordance with condition 3 of the permission granted under Reg. Ref. 89/1710.
- It is an assumption in the report of the Planning Officer that the current zoning as "Existing Built Up Areas" precludes any significant change in the character of the existing housing estate even when subdivision and infill development would be consistent with the policies adopted since the governing permission was granted.

- It is submitted that the approach taken in the report was not correct as it misinterpreted the need to consider the general character of the surrounding area as a requirement to impose the density and architectural character of a 1990's housing estate. It is submitted that this approach is inconsistent with the guidance given in paragraph 14.3.3 of the 2014 Development Plan which states, "Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas."
- The current national policy context requires the Planning Authority to promote a more sustainable pattern of development with due regard to the impact on the character and amenities of the area.
- It is submitted that the proposed development as detailed in the Design Statement submitted with the appeal demonstrates that the density layout and design of the proposed development is entirely consistent with the objectives for the area as set out in the Draft County Plan 2021.
- The reason for refusal refers to the proposed development being contrary to policy objectives HE 4-6, GI 6-1 and GI 6-2 of the Development Plan. The first party consider that the reason for refusal is inadequate because it does not identify the specific aspects of the relevant objectives which would allegedly be contravened by the proposed development.
- Objective GI 6-1 refers to landscape. It contains five objectives which seek to (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 land-use proposals, ensuring that a pro-active 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 first party state that they do not accept that the proposed development would contravene any of these objectives as the site is not located on a skyline or ridgeline and the development does not require the removal of any significant trees. It is considered that the only relevant objective regard to compliance with GI 6-1 is the extent to which the proposed development complies with good practice in terms of siting and design. It is noted that the Development Plan does not specify any particular architectural style and provides scope for innovative design solutions.
- Objective GI 6-2 refers to the Draft Landscape Strategy. It states that the Planning Authority will “ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimise the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.”
- It is noted that the only reference to Monkstown in the Draft Landscape Strategy is on page 12 where it is noted that the settlement is within the Type 1 City Harbour and Estuary landscape area. It states, “The narrow harbour mouth is defined by two hilltops with old military fortifications on their summits. Attractive towns such as Cobh and Passage West/Monkstown, which contain Architectural Conservation Areas, contribute hugely to the rich built heritage of the area. The orientation of these towns towards the harbour and the existence of rows of terraced house reflect their maritime heritage.”
- The assessment in the report of the Planning Officer implies that the purpose of the High Value Landscape designation at Monkstown is to maintain the layout and density and architectural character of the existing housing estate. The first party consider that there is no evidential basis for these assumptions.
- The first party submit that in refusing permission on the basis of the development being contrary to Objectives GI 6-1 and GI 6-2 the onus is on

the Planning Authority to (i) identify the particular features of the High Value Landscape that would be affected by the proposed development (ii) take a balanced approach which recognises that the landscape of urban areas must change to achieve a compact pattern of growth; and (iii) consider what measures might be available to mitigate any potential impact.

- It is stated in the report of the Planning Officer that “this housing estate is not akin to other housing estates in towns and villages having regard to its unique setting with a woodland in the demesne of Monkstown Castle and golf course. Its character is defined by detached houses on large plots which are nestled into the landscape and surrounded by pockets of wooded open space.....the subdivision of existing plots and the increase in density would fundamentally impact on the unique character of this private housing development.”
- It is submitted that this is not consistent with the landscape policy of the County or Local Area Plans. It is stated that the inclusion of Monkstown in the High Value Landscape of Cork Harbour and Estuary was not based on the character of Monkstown castle and golf course or on the layout and density of the permission granted under Reg. Ref. 89/1710.
- The refusal reason states that the proposal would contravene Objective HE 4-6 which deals with “Design and Landscaping of New Buildings”. It is stated there is no specific reference to this policy objective in the report of the Planning Officer. It is considered that Objective HE 4-6 applies more to the Planning Authority than to an applicant seeking permission as it refers to a commitment on the part of Cork County Council to encourage development and to proactively assist applicants in selecting appropriate and innovative design solutions.
- It is noted that section 4 of the report of the Planning Officer refers to the proposed development and that it did not acknowledge that the application was supported by a planning statement and architectural statement.
- It is noted that in relation to the application on the adjoining site which was also subject of an appeal under ABP 312067 & Reg. Ref. 21/6450 that the Planning Authority did not refer to permissions granted in the vicinity of the site Reg. Ref. 15/5059 and Reg. Ref. 16/4022. It is noted that in both cited

examples permission was granted for the subdivision of sites which adjoined or overlapped the permission granted under Reg. Ref. 89/1710.

- The first party submit that the precedent established by the permission granted under Reg. Ref. 15/5059 and Reg. Ref. 16/4022 undermines the position stated in the report of the Planning Officer that “the subdivision of existing plots and the increase in density would fundamentally impact on the unique character of this private housing development”.
- It is noted in the report of the Planning Officer concerning Reg. Ref. 15/5059 that the focus was on the potential effect on existing trees. In relation to the report of the Planning Officer for Reg. Ref 16/4022 the issue of potential impact on the adjoining Monkstown Castle was discussed. It is noted that the issue of the location of the Monkstown within a High Value Landscape was not specifically referenced in those reports and Objectives GI 6-1 and GI 6-2 were also not referenced.
- In relation to the matter of impact on residential amenities it is stated in the reason for refusal that the proposed dwelling “would have a poor visual relationship with adjoining dwellings and have an adverse impact on the setting and amenity of same”. In response to this the first party state that the potential impact on residential amenities is addressed in the Design Statement submitted with the appeal.
- The first party requests that the Board grant permission for the proposed development subject to conditions which the Board considers may be necessary to mitigate any impact on the general character of the surrounding area or on the residential amenities of adjacent dwellings.

## **6.2. Planning Authority Response**

- The comments/observations as outlined in the appeal are noted. Ultimately it is considered that the proposal does not meet with the requirements of the Existing Built-Up Area, particularly in relation to the character of the proposal and how it integrates with the existing character of the Demense. The Planning Authority respectfully requests that the Board consider the planners report on the file and uphold the decision to refuse permission.

### 6.3. Observations

Observation to the appeal have been submitted from the following (1) Brian & Mary Walsh (2) Simon & Jeanne Kelly (3) Fergal Lennon & Assumpta O’Kane (4) Colin Bradley (5) Andrew Gill (6) Kevin Fielding & Michele Boyle. The observations raise the following planning issues;

- The observers state that they bought their sites on the basis that planning permission was confined to 26 houses within the Demesne.
- It is submitted that the proposed development would seriously impact upon the amenities of the area.
- The observations refer to the planning history on the site and the previous refusals of permission for development on the property owned by the Halls.
- It is considered that the subdivision of the site would negatively impact upon the character of the Demesne and that it would represent overdevelopment.
- It is considered that the proposed development would set an undesirable precedent for other similar developments in the area.
- It is submitted that the proposed design fails to have regard to the character of the area and that it does not adequately integrate into the site.
- The matter of increase in traffic is raised. Concern is expressed that the proposed vehicular entrance would constitute a traffic hazard due to limited sightlines.
- Concern is expressed in relation to potential overlooking from the proposed dwelling to the observers properties.
- It is considered that the proposed dwelling due to its size, height, style and position on an elevated site would result in a dominant structure which would detract from the visual character of the area.
- The matter of the capacity of the public foul sewer to accommodate the proposed development was raised.



## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and the observations to the appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Policy context
- Design and impact on residential amenity
- Access and traffic
- Drainage issues
- Appropriate Assessment

### 7.1. Policy context

- 7.1.1. The appeal site is located in an area zoned Existing Built Up Areas under the provisions of the Ballincollig Municipal District Local Area Plan. Section 14.3.1 of the Cork County Development Plan 2014 – 2022 refers to Existing Built Up Areas. In relation to this it advises that within the development boundaries of the main towns, in areas that are not subject to specific zoning objectives, proposals for development will be considered in relation to the objectives of the County Development Plan, any general or other relevant objectives of the relevant local area plan, the character of the surrounding area and other planning and sustainable development considerations relevant to the proposal or its surroundings. Objective ZU 3-1 refers to Existing Built Up Areas and states that it is an objective to support the primary land use of the surrounding existing built up area and that development that does not support, or threatens the vitality or integrity of the primary use of these existing built up areas will be resisted.
- 7.1.2. In relation to the proposal to construction a two-storey dwelling it is in accordance with the primary land use of the surrounding existing built up area which comprises residential development. Accordingly, I am satisfied that the proposed development is appropriate to the existing zoning objective and Objective ZU 3-1 of the Development Plan.

- 7.1.3. The Cork County Development Plan 2022-2028 will come into effect on Monday 6th June 2022. Under the provisions of the new plan the site would be zoned 'Existing Residential/Mixed Residential and Other Uses'. Therefore, the proposed residential development would also be appropriate to this zoning objective when the new plan comes into effect.
- 7.1.4. I note that the issue of the subdivision of the plot of 'Rookhurst' was a matter of concern in the report of the Planning Officer in respect of the application. The first party in response to the matter referred to the relevant planning history. The first noted the original permission for the scheme of dwellings at the Demense granted under Reg. Ref. 89/1710. It was set out in the appeal that the proposed development does not involve an increase in the density permitted under Reg. Ref. 89/1710 as the footprint of the proposed dwelling does not fall within or overlap the boundary of the permission granted under Reg. Ref. 89/1710. The first party state that the proposal does not involve any reduction in the open space permitted under Reg. Ref. 89/1710 as the site of the proposed development as defined by the red line boundary does not overlap with the open space permitted under Reg. Ref. 89/1710.
- 7.1.5. In relation to the matter of the subdivision of the existing plot the first party cite the following two grants of permission Reg. Ref. 15/5059 and Reg. Ref. 16/4022. Regarding Reg. Ref. 15/5059 as cited by the first party this refers to a different location and the correct reference is Reg. Ref. 15/5099. Under Reg. Ref. 15/5099 permission was granted for the construction of single storey three-bedroom dwelling house with a new entrance gate and driveway to an existing house and associated site works at Castle Combe, The Demesne, Monkstown. Under Reg. Ref. 16/4022 permission was granted for the construction of a single-storey dwellinghouse and detached single storey store and all associated site works at "Legan Lodge", No. 8 The Demesne, Monkstown.
- 7.1.6. Furthermore, I note that under Reg. Ref. 21/6450 & ABP 312067-21 the Board recently granted permission for a two-storey dwelling on a site is situated to the east of the appeal site and is also within the plot of "Rookhurst". Accordingly, I am satisfied that the proposed subdivision of the plot is in accordance with the pattern of development in the area.

- 7.1.7. The refusal reason issued by the Planning Authority states that the proposed development would be contrary to policy objectives HE 4-6, GI 6-1 and GI 6-2 of the County Development Plan 2014. The first party sought to address this in their appeal. Firstly, in relation to objective HE 4-6 they stated that this objective deals with “Design and Landscaping of New Buildings”. The first party stated that the objective was not specifically reference in the report of the Planning Officer. It is stated in the appeal that the first party considered that Objective HE 4-6 applies more to the Planning Authority than to an applicant seeking permission as it refers to a commitment on the part of Cork County Council to encourage development and to proactively assist applicants in selecting appropriate and innovative design solutions.
- 7.1.8. Objective HE 4-6 seeks to (a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape (b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout (c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design (d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas. In relation to this objective, I would note that parts (a) and (d) would be most relevant in this case. I shall examine the matter of the design of the building in the subsequent section of the report. In relation to the matter of landscaping and planting I would note that the appeal site and surrounding area contains a significant amount of existing mature planting.
- 7.1.9. Secondly, regarding objective GI 6-1 the first party note that it refers to landscape. It contains five objectives which seek to (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 land-use proposals, ensuring that a pro-active 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. It is detailed in the appeal that the first party do not accept that the proposed development would contravene any of these objectives because the site is not located on a skyline or ridgeline and the proposed development does not require the removal of any significant trees. Having inspected the site and reviewed the proposed plans I would concur with the first party in relation to this. The first party state that only relevant objective regard to compliance with GI 6-1 is the extent to which the proposed development complies with good practice in terms of siting and design. It is noted that the Development Plan does not specify any particular architectural style and provides scope for innovative design solutions. I will examine these issues in the subsequent section of the report.

- 7.1.10. Finally, in relation to objective GI 6-2, the first party noted that the objective refers to the Draft Landscape Strategy. It states that the Planning Authority will “ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimise the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.”
- 7.1.11. In respect of this the first party stated that in refusing permission based on the development being contrary to this objective the onus is on the Planning Authority to (i) identify the particular features of the High Value Landscape that would be affected by the proposed development (ii) take a balanced approach which recognises that the landscape of urban areas must change to achieve a compact. In relation to this I would concur with the first party that the refusal issued by the Planning Authority did not specify how the proposed development would affect particular features of the High Value Landscape. In this regard I would note the existing specific zoning of the which is ‘Existing Built Up Areas’ and as such this zoning provides for development that supports in general the primary land use of the surrounding existing built up area and therefore the proposal of a dwelling within this existing built up area must be balanced against the wider landscape designation of High Value Landscape which does not specifically preclude development of this nature.

## 7.2. Design and impact on residential amenity

- 7.2.1. The refusal issued by the Planning Authority referred to the siting, design, mass and materials of the proposed development. It was considered that the proposed design of the dwelling would result in an obtrusive and overbearing structure in the streetscape which would seriously detract from the visual character of the area.
- 7.2.2. The proposed dwelling is two-storey with a ridge height of 7.295m. In relation to the siting of the dwelling it is setback a minimum distance of 8m from the western roadside boundary with the front of the dwelling addressing the road. This elevation features a gable fronted section at the northern end with a main pitched roof and also a pitched roof over the ground floor section. While I would note that this elevation contains relatively large area of roofing, I consider that the proposed vertical emphasis fenestration at ground floor level provides a balance to the extent of roof area proposed and specifically the roof to the ground floor section. Furthermore, having regard to the topography of the area I note that the finished floor level of the proposed dwelling would be circa 2.5m below that of the road to the west, therefore the siting of the dwelling relative to the road would further mitigate it in terms of visibility with the surrounding streetscape. Accordingly, I would not concur with the assessment of the Planning Authority that the design of the proposed dwelling would result in it appearing as an obtrusive structure in the streetscape which would detract from the visual character of the area.
- 7.2.3. In relation to the character of surrounding development, I note that there are a mix of house designs within the Demesne including two-storey dwellings. Regarding the design of the dwelling while I would note that the subject dwelling is relatively large with a proposed floor area of 293sq m, I would also note that a number of the existing properties within the Demense are of a similar size.
- 7.2.4. As detailed on drawing no: 20102-PLA-117 the proposed finished floor level of the dwelling is +40.45. This drawing illustrates existing and proposed site sections. I note that this provides a context for the proposed dwelling relative to the location and scale of the existing dwellings. In this regard I would note that while the finished floor level of the proposed dwelling would be circa 3.61m above that of the existing dwelling 'Rookhurst'. However, the differential in the ridge heights is less with the proposed dwelling having a ridge height 2.95m higher than 'Rookhurst'. The drawing

indicates the neighbouring dwellings to the west of the proposed dwelling which are sited at a higher elevation than the appeal site. I would note that these dwellings have ridge height levels of +53.52 and +53.53. Accordingly, I am satisfied that the proposed dwelling would not breach any existing ridgelines at this location and that it would be assimilated within the site and immediate surroundings having regard to the siting and design of the existing dwellings. Furthermore, I note that the area features mature trees and landscaping, specifically the woodland area to the north of the appeal site along with mature trees, shrubs and hedges within the overall plot of 'Rookhurst'. Therefore, I would not occur with the assessment of the Planning Authority that the dwelling would result in an obtrusive and overbearing structure in the streetscape which would seriously detract from the visual character of the area.

- 7.2.5. Observations to the appeal raised the matter of potential impact upon residential amenity specifically in respect of overlooking.
- 7.2.6. Regarding the issue of potential overlooking as detailed on Drawing no: 20102-PLA-105, I note that a separation distances well in excess of 22m is proposed between the new dwelling and the front of the closest existing dwellings to the west and north-west. Therefore, a satisfactory separation distance is provided between first floor opposing windows to the front of the properties. In relation to the existing dwelling 'Rookhurst' and the dwelling permitted within the family holding to the east I note that separation distances well in excess of 22m are provided between the new dwelling and these properties. Accordingly, having regard to the siting of the proposed dwelling relative to existing and permitted surrounding developments I am satisfied that it would not result in any undue overlooking.

### 7.3. Access and traffic

- 7.3.1. It is proposed to construct a new vehicular entrance off the roadway which serves the Demense. The observers to the appeal have stated their concerns with the proposed vehicular access arrangements and have stated that the inadequate sightlines are available at the proposed site entrance.
- 7.3.2. As indicated on the Site Plan it is proposed to locate the new vehicular entrance 13m to the north of the existing entrance serving 'Rookhurst'. Accordingly, there is an adequate separation between the existing entrances. As indicated on the Site Plan

sightlines of 50m are provided in both direction with a setback of 2.4m. The design speed of the existing private road serving the Demense is 30kph. Accordingly, the proposed sightlines are satisfactory having regard to the specific road design.

- 7.3.3. The observations to the appeal have expressed concern at the capacity of the existing roadway serving the Demesne and whether it can safely accommodate the new traffic. Construction on site will generate additional traffic however this would be for a limited period during that phase. Having regard to the limited level of additional traffic one further dwelling would generate, I consider the proposal would be acceptable in relation to roads and traffic considerations.

#### **7.4. Drainage issues**

- 7.4.1. The observations to the appeal raised the matters of foul and surface water drainage. It is proposed to connect to the mains sewer and water supply. In relation to the connection to the public sewer it is proposed to be located in a 4m wayleave through the adjacent site with connection at the road to the east. I note the report of the Area Engineer dated 23<sup>rd</sup> of November which stated that there were no objections to the proposal subject to the attachment of conditions including that the surface water shall be disposed of within the site by means of soakaways designed to BRE 365.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development consisting of the construction of a dwelling and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

### **8.0 Recommendation**

- 8.1. I recommend a grant of permission subject to the following conditions and reasons.

## 9.0 Reasons and Considerations

Having regard to the location of the proposed development in an Existing Built-up Area in accordance with the Cork County Development Plan and in the Ballincollig Carrigaline Municipal District Local Area Plan, to the planning history of the site and to the pattern of existing development in the area, and to the layout and design for this proposed infill development as submitted with the application, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would provide a satisfactory standard of residential amenity for future occupants and 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, 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. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

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



3. Water supply and drainage arrangements, including 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.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

5. 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.

6. Site development and building works shall be carried out only between the hours of 0800 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.

7. 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.

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Siobhan Carroll  
Planning Inspector

31<sup>st</sup> of May 2022