



An
Bord
Pleanála

Inspector's Report ABP.312512-22

Development	Erect a dwelling house.
Location	Adamstown, Ballinhassig, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/6375
Applicant(s)	Sean Antoin O'Muirí
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third party
Appellant(s)	William & Norma Kelleher
Observer(s)	None.
Date of Site Inspection	3 rd April 2022
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site is located in the townland of Adamstown, Ballinhassig, Co. Cork. It is situated in an area between the N71 to the west and Cork Airport to the east and is approx. 10.5km to the south of Cork City. It is a rural area which forms part of the Metropolitan Greenbelt and is located to the southeast of Spur Hill. The R613 which links the Bandon Road with Carrigaline via Fivemilebridge and Ballygarvan is located approx. 2km to the south. This is a rural area which is characterised by farmland with a considerable level of one-off houses. It is in close proximity to Cork City and seems to be one which is under considerable pressure for one-off housing, as evidenced by the extent of single houses in the overall area. Cork Airport (runway) is located approx. 1.5km to the east.
- 1.2. The site is accessed by means of Spur Hill from its junction with the N71, Bandon Road. The road serving the site is a local rural road (L64581) which runs south-eastwards from its junction with Spur Hill, i.e. Spur Cross. It is a narrow minor cul-de-sac road which is single carriageway and is characterised by several one-off houses along its route and in the vicinity of the site. There is an existing cluster of houses in the vicinity of the site. There is a sharp right-angled bend in the road approx. 50m to the south of the site and there is an existing house fronting onto the road at this point.
- 1.3. The site area is given as 0.3ha. The site has frontage to the local road to the west, and there is a row of 5 individual houses on the opposite side of the road. The site is well screened from the road by means of a sod and stone ditch with mature hedging and vegetation and some mature trees along the roadside boundary. The site is relatively level and is currently under tillage. It forms part of a larger field which is well screened by mature vegetation to the south and west. The lands to the east comprise large agricultural fields which are mainly in tillage.

2.0 Proposed Development

- 2.1. It is proposed to erect an L-shaped bungalow with a stated floor area of 123sq.m, a shed, a vehicular entrance, the installation of a septic tank and percolation area and a domestic well.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 17 conditions.

Condition 2 – Permanent occupation by applicant /family for at least 7 years.

Condition 5 – Retain and protect roadside hedgerow and trees except for entrance.

Condition 8 - Sight distances of 80 m to be achieved.

Condition 10 – Area between road and new wall to be hard surfaced and graded away from road at 1:10

Condition 11 – Front wall not to exceed 1 metre in height over adjoining road.

Condition 12 – All utility poles within roadside boundary to be set back at applicant's costs

Condition 15 - Provide a rigid drainpipe under entrance (225mm diameter).

Condition 17 - Financial contribution of €2,032.67 – GDCS.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report (20/10/21) stated that the location of the site is within the Cork Metropolitan Greenbelt in the Cork CDP, which is the area that is under the greatest pressure for commuter housing and which has been designated in order to prevent urban sprawl and to preserve it for agriculture, open space, recreation and biodiversity. It was also noted that it is an area under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities. It is also located within the Draft Airport Safety Zone Noise Contour, as the site is situated 1.5km to the west of the main runway at Cork Airport. The Area Planner expressed concern regarding the very high concentration of individual houses in the area, including a strong pattern of ribbon development, with 15 houses within 250 metres of the site, to the south, west and north. It was also noted that it is not sited within any defined settlement boundary, being 1.36km from Fivemilebridge, 2.15km from Ballinhassig and 2.85km from Ballygarvan. The planning history of the

surrounding lands is set out in the report which shows the high number of permissions but also several refusals in the vicinity of the site.

Notwithstanding the concerns regarding the extreme pressures for housing very high density of development in the local area, the Area Planner considered that the applicant had demonstrated an exceptional housing need (RCI 4-1) and that as the site was located opposite a ribbon of development, it would not extend the ribbon of development. However, FI was required in terms of his agreement to restrict occupancy to applicant/family for 7 years. The design was generally considered to be acceptable, but concern was expressed regarding the proposal to remove a substantial part of the roadside boundary and the mature vegetation along both the western and southern boundaries. Revised landscaping plans were required.

The observations regarding impact on residential amenity were noted but were not considered to be sustained due to the distance and design of the proposed dwelling. Site services were considered to be satisfactory.

FI was requested on the basis of revised landscaping and permanent occupancy. The FI submitted on 22/11/21 addressed these issues to the satisfaction of the Area Planner in that the existing boundaries to the west and south were largely to be retained, new native boundaries were proposed to the north and east and confirmation was given regarding occupancy. Permission was recommended.

3.2.2. Other Technical Reports

Area Engineer – The Area Engineer was satisfied that the 90m sightlines could be achieved but recommended a condition to ensure 80 m sight distances from 3m behind road entrance. The proposal to provide a new private bored well was acceptable. Although the site suitability assessment submitted with the application was undertaken in relation to the previous EPA Code of Practice (2009), the proposals to provide a septic tank and percolation area were considered to be acceptable. However, given that all applications submitted after 07/06/21 must comply with the new Code of Practice 2021, a condition was recommended. A revised site layout is required in relation to wastewater treatment as the percolation area is not drawn to an accurate scale.

3.3. Prescribed Bodies

Cork Airport (06/10/21) – no observations.

3.4. Third Party Observations

Observations were received from the appellants which are largely as stated in the grounds of appeal and are summarised below.

4.0 Planning History

4.1.1. **Subject site** - No planning history on site.

4.1.2. **Planning history to West of site**

18/4753 – permission granted on site on opposite side of road (southern end of ribbon of development) and slightly to the south for a single dwelling house with domestic wastewater treatment system. It is noted that the Area Planner's report for the current application/appeal states that the decision was contrary to the recommendation of the case planner and the Senior Planner. However, the planning and technical reports are not available on the P.A. website. The submitted documentation indicated that the applicant had connections with the area from the past but did not have an economic or social need to live in the local area.

21/4756 – permission granted for a single dwelling on a site further to the west within a separate cluster of development. The application documents indicate that the applicant was the son of the farmer and lived and worked on the family farm, which is immediately adjacent to the site.

4.1.3. **Planning history to South of site**

17/6483 – planning permission refused for a single dwelling on site to the south, around the corner from the application (beyond the sharp bend). Permission refused for 3 reasons

1. Contravenes rural settlement policy – Metropolitan Cork Greenbelt and Area Under Strong Urban Pressure – failure to demonstrate exceptional rural housing need and hence did not come within scope of rural housing need criteria as set out in RCI 4-1.

2. Having regard to policy RCI 5-3 which sets out the purpose of the greenbelt, the proposal would consolidate an unwarranted and excessive concentration and density of suburban type development which would undermine the specific purpose and character of the greenbelt lands and would militate against the preservation of the rural environment and lead to demands for further public services and community facilities. The proposal would therefore materially contravene the stated objectives of the CDP to control urban sprawl and would be contrary to the proper planning and sustainable development of the area.
3. Injury to visual amenities due to design, scale and siting of dwelling in the landscape, which would be contrary to RCI 6-1.

18/6319 – permission granted for a single dwelling. This is a repeat application on same site as 17/6483. It is noted that the Area Planner's report for the current application/appeal states that the decision was contrary to the recommendation of the case planner and the Senior Planner. However, the planning and technical reports are not available on the P.A. website. The submitted documentation indicated that the applicant had connections with the area from the past but did not have an economic or social need to live in the local rural area.

4.1.4. **Planning history to North of site**

18/7009 – Permission refused for a dwelling house on a site at the northern end of the ribbon of development directly across the road from the site. The reasons for refusal were similar to 17/6483 and can be summarised as follows:

1. Contrary to Objective RCI 5-3 which sets out the purpose of the Metropolitan Greenbelt including the prevention of urban sprawl – unwarranted and excessive concentration of development etc.
2. Taken in conjunction with existing and permitted development to the south would contribute to and exacerbate ribbon development at this location and contrary to RCI 6-3.
3. Failure to demonstrate exceptional rural housing need in accordance with policy for metropolitan greenbelt RCI 4-1

19/6463 – repeat application for a single house withdrawn prior to determination.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. **National Policy Objective 15** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.1.2. **National Policy Objective 19** makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.3. Cork County Development Plan 2014

5.3.1. In terms of Rural Settlement Policy, the site is located within the Metropolitan Cork Greenbelt which is described as one which is within easy commuting distance of Cork City and Environs and is experiencing the strongest pressure from the development of urban generated housing in the countryside. It is stated (4.3.5) that there is evidence of considerable pressure from the development of urban generated housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

Policy RCI 2-1 – Urban generated housing – discourage urban generated housing in rural areas which should normally take place within the larger urban centres or towns, villages and other settlements identified in the settlement network.

Policy RCI 2-2 – Rural generated housing – sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their rural community.

Policy RCI 4-1 Metropolitan Cork Greenbelt – applicants must satisfy the P.A. 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 must demonstrate compliance with one of the following categories of housing need

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over ownership and running of a farm on a full-time 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 full time 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 occupation.
- 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 addition, consideration made be given to construction of a house on a nearby landholding where a family landholding is not suitable for the construction of a house and where it would not conflict with Obj. GI 8-1 and other policy objectives of the plan. Furthermore, a limit of two houses per landholding within the greenbelt area is applied under this policy objective.

Policy RCI 6-1 Design and Landscaping of New Dwelling Houses in Rural Areas –

- a) Encourage new dwelling house designs 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 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.

Policy RCI 6-3 Ribbon Development – Presumption against development which would contribute to or exacerbate ribbon development.

Policy objectives RCI 5-1 to 5-7 inclusive relate to development within the **metropolitan greenbelt**. These include the purpose of the greenbelt (5-2) which is essentially to maintain a clear distinction between urban and rural landscapes, to prevent urban sprawl and to focus attention on the settlements which are zoned for development. It is intended **(5-2 and 5-3)** to preserve the character of the greenbelt and to reserve it generally for use as agriculture, open space, recreation uses and protection/enhancement of biodiversity. It is recognised **(5-2(b) and 5-4)** that in order to strengthen existing rural communities, applicants will have to meet exceptional individual rural housing needs and that granting of regular exceptions to the overall policy will give rise to incremental erosion of much of the greenbelt over time.

Objective 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 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.

Objective GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection – Protect those open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt Map (Fig. 13.3) and it is an objective to preserve them from development.

5.4. **Natural Heritage Designations**

There are no European Sites in the vicinity of the site.

5.5. **Grounds of Appeal**

The third-party appeal was submitted by neighbouring residents of a site on the opposite side of the road. The main points raised may be summarised as follows:

1. **House directly opposite appellants' house** -The site is located directly opposite their home where they have lived for 25 years. It will ruin their views of the valley which is the main attraction of the location. It is noted that the house will not be opposite the applicant's parents' house, which is next door, and that their views will remain intact.
2. **Loss of privacy** – the applicant has 4 windows facing the appellant's house, which will result in loss of privacy.
3. **Pattern of development** – The proposed development would introduce a new house on the eastern side of the road, where there are none at present. There is a row of five houses on the western side of the road. A grant of permission on the eastern side will devalue the appellant's house.
4. **Traffic hazard** – the local road is narrow minor country road which is a cul-de-sac leading to a large farm with small working units. Currently two cars cannot pass and large vehicles including tractors and lorries pass up and down the road regularly. The road is in poor condition and the additional traffic will pose a

hazard to pedestrians and other road users and exacerbate the condition of the surface of the road.

5. **Precedent** – the proposed development will create a precedent for additional houses on the eastern side of the road which will further erode views, add to traffic congestion and pedestrian hazard, road disintegration and devaluation of existing houses.
6. **Other alternatives available** – The applicant has several other sites to choose from (approx. 20 acres), which would not have had the same impacts on the amenities of the existing houses on the opposite side of the road.

5.6. **Planning Authority Response**

The P.A. has responded to the grounds of appeal by confirming its decision to grant permission.

6.0 **Planning Assessment**

- 6.1. Although the appellant did not raise the issue of rural settlement policy, the fact that the site is located within the metropolitan greenbelt area where the most restrictive rural housing policies apply and that there is already a very high concentration of individual houses in the area, including an existing ribbon of development directly opposite the site, it is considered that this issue should be addressed. It is further noted that the planning authority had raised this issue in its reports and in a further information request to the applicant. It is considered, therefore, that the main issues are as follows: -

- Rural Settlement Policy
- Density of development in area
- Landscape and visual amenity
- Residential amenity
- Traffic hazard

6.2. Compliance with Rural Settlement Policy

- 6.2.1. The site is located in the commuter belt for Cork City which is an area designated as Metropolitan Cork Greenbelt Area. This is a rural area which is designated because of the considerable demand for individual housing and hence is an area under the strongest urban influence, due to its proximity to Cork City and Environs. Such areas have been identified in the CDP due to the intense pressure that they have sustained for urban generated development in a rural area. It is evident from the pattern of development in the area that it is one which has experienced intense pressure for one-off housing, as evidenced by the proliferation of such development throughout the area, including a ribbon of 5 houses and an additional permitted development on the opposite side of the road.
- 6.2.2. The CDP rural housing policies (Chapter 4) seek to facilitate housing need requirements of rural communities, particularly for immediate family members on family farms/landholdings, while directing urban generated housing into towns and villages. The policy in Metropolitan Greenbelt Areas (RCI 4-1) is the most restrictive of the area types in that the applicant must show an 'exceptional rural housing need' in the area. This can be demonstrated if the applicant is the farmer (or son/daughter); or the owner of a landholding/taking over ownership and running of the farm, on a full time basis; or the applicant is engaged full-time in working in farming, forestry or in essential rural activities for at least 7 years in the local area where they work, or has spent a substantial period (7 years) of their lives living in the particular rural area; and in each of these cases intend to build their first home for their permanent occupation. The final criterion is where the application is being made by a landowner (or son/daughter) who wish to build their first home on the landholding associated with their family residence for a min. 7 years prior to the date of the planning application.
- 6.2.3. The Sustainable Rural Housing Guidelines (2005) state that development driven by urban areas should take place within the built-up areas, and that a distinction should be drawn between development that is needed to sustain rural communities and that which tends to take place in the environs of towns, which should be more appropriately take place within urban areas. The Guidelines also state that urban generated housing can give rise to haphazard and piecemeal development with problems such as disorderly and inefficient patterns of development, obstruction of

alignment of future infrastructure projects, undermining of investment in infrastructure and higher public expenditure. Such development is clearly unsustainable and is likely to create additional and unnecessary problems for the supply of infrastructure and services and to increase car dependency and high energy use.

6.2.4. The policies set out in the Sustainable Rural Housing Guidelines have been reinforced in the more recently published National Framework Plan (2018). Relevant policies include National Policy Objective 15, which seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities. National Policy Objective 19 seeks to ensure that 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 elsewhere. In rural areas under strong urban influence, it is the policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic and social need to live in a rural area, having regard to the viability of small towns and rural settings. Thus, it continues to be necessary to demonstrate a functional economic or social requirement for housing need in these areas that are under intense pressure.

6.2.5. It is clear therefore, that the overall settlement strategy, which is consistently expressed in the hierarchy of national and local policies and plans, is to seek to prevent urban sprawl and to ensure that development takes place in appropriate locations in a sustainable manner which protects the vibrancy of rural communities, but in such a way that it does not give rise to long term problems for both the urban centres and for the rural environment. It is equally clear that the area in which the site is located is one which has been subjected to very intense pressure in the recent past.

6.2.6. The applicant's housing need does not accord with any of the criteria set out in RCI 4-1. He is not the farmer or the owner/operator of the landholding, is not engaged full-time in either farming, forestry, or other rural-based activities and is not a son/daughter of the landowner. It is acknowledged that he has spent a considerable period of his life in this local area and has familial links with the area, but he has not demonstrated that he has an economic or social need to live in this local area. The

submissions indicate that the applicant is an architect and that he has set up a studio in his parents' home, which is within the ribbon of development on the opposite side of the road.

- 6.2.7. It is clear from the evidence provided that the applicant has lived in the local rural area and that he has strong connections with the local community. However, he does not have occupational or employment-related ties to the rural area in question and there is no 'work reason' for him to live in the local area. On the basis of the information provided, it is considered that the applicant has not demonstrated an exceptional rural generated housing need or any economic or social need to live in this particular area, as required for such development within the Metropolitan Greenbelt. It is further considered that the housing need could easily be accommodated either within the city, (which is just 10 km away) or within one of the nearby settlements, such as Ballinhassig, Ballygarvan or Fivemilebridge or in an existing house on the market within the overall area. The area has come under sustained pressure in recent times for this type of housing, such that the vibrancy of the rural community is not likely to be under any threat of decline. The applicant has not, therefore, demonstrated that he can meet the requirements of the settlement policy for 'exceptional rural housing need' as set out in RCI 4-1.
- 6.2.8. In addition to RCI 4-1, there are a range of policy objectives ((RCI 5-1, RCI 5-2, RCI 5-3, RCI 5-4, RCI 5-5, RCI 5-6 and RCI 5-7), which are specifically designed to guide development within the Metropolitan Greenbelt, due to the recognised need to maintain the distinction between the urban areas and the countryside and to the extreme pressures for development within the hinterland of the city. These policies seek to prevent urban sprawl, to focus attention on zoned lands within settlements in such areas, and to preserve the character of the greenbelt areas and to reserve them primarily for agricultural use, for open space and recreation and for the protection/enhancement of biodiversity. Objective RCI 5-4 recognises that the granting of regular exceptions to the policy within such areas is likely to give rise over the years to incremental erosion of much of the greenbelt. It is considered that the current proposal, which would involve the development of part of a large agricultural field which is currently under tillage, would represent an intrusion into unspoilt, good quality agricultural land, and as such, would seriously conflict with the overall objectives and purpose of the greenbelt to retain such farmland in active use.

6.2.9. Thus, in conclusion, the proposed development of part of an agricultural field which is being actively farmed for residential purposes would materially contravene the CDP policies for the maintenance of the metropolitan greenbelt. It is considered that the applicant does not have an exceptional or any genuine rural housing need to reside within this local rural area and that his housing needs could be met within an existing settlement within the overall area. It is further considered that the established rural settlement policies for the area, which seek to avoid the overdevelopment of rural areas under strong urban influence, and to direct such development to towns and villages, would be contravened. The proposed development would, therefore, be in conflict with the provisions of the National Framework Plan (2018), the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and the Cork County Development Plan 2014 and should therefore be refused.

6.3. Density of Development in Area

6.3.1. The appeal site is located directly opposite and to the east of a continuous ribbon of five existing, and one permitted, dwelling houses on the western side of the road. There are further extensive ribbons of development in the vicinity of the site, particularly to the west and to the north. Notwithstanding this high density cluster of single houses in a rural area, these houses are located outside of any village or defined settlement. The existing excessively high level of individual houses in this unserviced rural area was highlighted in 2017/2018, when planning permission was previously sought for a house on a site to the south (17/6483) and on another site to the north (18/7009) of the appeal site, (details summarised at 4.0 above). In the reasons for refusal, the serious concern regarding the density and concentration of development that already existed was clearly stated, which it was considered would

‘consolidate an unwarranted and excessive concentration and density of suburban type development which would undermine the special purpose and character of greenbelt lands, would militate against the preservation of the rural environment and lead to demands for further public services and community facilities’.

6.3.2. The greenbelt area in which the site is located is, therefore, one where a very high density of development has been problematic for some time and the situation has

worsened in the intervening period. National and local policy, (in terms of the Sustainable Rural Housing Guidelines and the CDP policy RCI 6-2), recommend against ribbon development for several reasons. These include undermining the investment in public infrastructure such as roads, while simultaneously creating additional demand for the supply of infrastructure, (including electricity supply, postal services, water and sewerage services). In addition, environmental problems arise from high density of development of individual houses served by septic tanks, as well as issues such as creating traffic hazards and the erosion of the rural character of an area and its landscape. Furthermore, such development tends to increase car dependency and high energy use which result in unsustainable patterns of development.

6.3.3. The P.A. took the view that the proposed development would not extend an existing ribbon of development, as it is located opposite the existing row of houses. Although this is technically correct, it is still located directly opposite the existing ribbon of development. It is clear, however, that the proposal will consolidate this cluster of housing by extending development across the road into what can be described as good quality, unspoilt agricultural land, which is being actively farmed. The proposed development, given the high concentration and density of development in the area, would extend and consolidate the existing pattern of development in this area which would contravene the rural settlement policies for both Areas Under Strong Urban Pressure and for the maintenance of greenbelt lands. I can see no justification for effectively extending the ribbon of development into the unspoilt agricultural lands across the road, which would militate against the preservation of the rural character of the area and undermine the over-arching policies to maintain the greenbelt and to prevent urban sprawl. The road serving the site is of poor quality and substandard width, there is an excessive number of houses served by private wastewater treatment plants, and by increasing the high density of development at this location, it would erode the rural character of the area. The proposal would also lead to increasing demands for public facilities and services which would result in unsustainable patterns of development. The proposal should therefore be refused.

6.4. Landscape and visual amenity

6.4.1. The landscape in which the site is located is an attractive rural area characterised by rich agricultural lands with mature hedgerows and trees lining the narrow roads. The

lands on the eastern side of the road form part of a ridge with large expanses of agricultural fields on either side of a valley, with views across the valley towards Lios Cross and Cork Airport beyond. The road frontage within which the site is located includes several mature trees, some of which are on the boundary of the appeal site. As stated above, in response to a request for further information, the originally submitted plans were revised such that the proposal no longer includes the removal of a significant portion of the mature boundary and potential loss of trees. In addition, the vegetative boundary on the southern side will be retained and it is proposed to provide new vegetative boundaries along the northern and western boundaries, which are currently open. It is considered that the retention of this mature vegetation which currently contributes positively to the attractive rural character of the area would help to minimise the impact on the visual amenity of the area. However, the proposed development which intrudes into an agricultural field which forms part of a large expanse of unspoilt agricultural lands that are widely visible from the open countryside surrounding the site, would have a detrimental impact on the attractive rural landscape and would militate against the preservation of the rural environment.

6.4.2. The appellants have raised concerns regarding the impact of the proposed dwelling on their views of the valley. However, views from individual properties are not protected by planning legislation and this would not amount to a reason for refusal. However, I would agree that the proposed dwelling would be sited on a ridge which would have the effect of bringing the cluster of residential development into view from the east, where the character of the landscape is still relatively unspoilt. It would also, therefore, result in an unduly obtrusive feature in the rural landscape due to the siting and scale of the proposed dwelling on a ridge which is currently free from such development, by extending the existing suburban pattern of development into the open countryside.

6.4.3. In conclusion, given the siting and scale of the development on an elevated ridge at the edge of an existing concentration of residential development along the roadside, together with the perpetuation of the suburban pattern of development in the vicinity, would erode the open character of the greenbelt and countryside at this location and would militate against the preservation of the rural environment. It would also result in serious injury to the visual amenities of the area.

6.5. Residential amenity

- 6.5.1. The appellants have expressed concern that the proposed development would overlook their house and result in a loss of privacy. They have also expressed concern regarding the loss of views and the overall impact on the amenity of their property including devaluation. The planning authority did not accept these arguments and considered that there would be no loss of privacy due to the distances (over 40 metres) involved and the single-story nature of the development.
- 6.5.2. I would agree that the proposed development would not give rise to any significant levels of overlooking that would amount to an undue loss of privacy given the distances involved, the design of the proposed dwelling and the proposal to retain the roadside boundary, apart from the area required to create the new entrance. The loss of views has been addressed above. It is considered that the proposed development would not give rise to a serious injury to the residential amenities of the appellants' property.

6.6. Traffic hazard

- 6.6.1. The local road serving the site is seriously sub-standard in terms width and alignment and in respect of the forward visibility from both the northern and southern approaches to the site. The road is moderately trafficked, given that it is within commuting distance of Cork City and any additional traffic movements at this location would put further pressure on it and would contribute to a traffic hazard.
- 6.6.2. The applicant proposes to retain most of the roadside boundary and to create an entrance which would be set back from the roadside boundary, with the required sightlines. The Area Engineer indicated that 90m sightlines would be required but considered that this could be achieved. It is considered that the required sightlines could be achieved by means of the proposed new entrance.
- 6.6.3. The entrance is located on a short stretch of road between two bends with limited visibility in a northerly and southerly direction, and where there are several existing residential and agricultural entrances, including a row of at least five entrances opposite the site. The site entrance would be within 100m of the sharp right-angled bend to the south. The appellants have advised that there is a busy working farm at the end of the cul-de-sac which generates traffic associated with this use including

heavy goods vehicles and tractors. These factors, together with the narrow width and winding nature of the road as well as the moderate level of traffic flow on this rural road arising from commuters, combine to create a significant traffic hazard in my view. It is considered, therefore, that the additional turning movements generated by the proposed development at this location would endanger public safety by reason of traffic hazard, notwithstanding the proposed improvements to the sightlines.

7.0 Environmental Impact Assessment

7.1.1. The proposed development is for the construction of a single dwelling house, a garage and a private wastewater treatment system on a greenfield site in a rural area. Having regard to the nature, size and location of the proposed development, and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Appropriate Assessment

8.1.1. The P.A. reports screened out appropriate assessment. It is noted that the closest European sites are Great Island Channel SAC (Site Code 001058) and Cork Harbour SPA (004030), which are located c.8km and 13km to the east respectively. There is no known hydrological link to the SPA or the SAC. Given the small scale of the development, the distances involved, and the absence of any indication of a hydrological link to the European sites, it is considered that Appropriate Assessment issues can be ruled out at this stage.

9.0 Recommendation

9.1. It is recommended that planning permission be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the location of the site within the Metropolitan Cork Greenbelt, which is an area under significant pressure for rural housing as identified in the current Cork County Development Plan 2014, within an Area Under Strong Urban Influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government (2005), and to the National Policy Objective 19 of the National Planning Framework, which aims to facilitate the provision of single housing in rural areas under urban influence are provided based on the core consideration of demonstrable economic or social need to live in a rural area, and to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated sufficient justification for a house at this locations consistent with national and local policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site on an elevated ridge in an attractive rural setting comprising of expansive undeveloped farmlands, and to the high concentration and density of development to the west of the site, the proposed development would consolidate and extend the existing cluster of development into an unspoilt agricultural field which create a discordant feature and would erode the open character of the countryside at this location and militate against the preservation of the rural character of the area. The proposed development would, therefore, undermine the policy objectives set out in the current Cork County Development Plan to maintain the open rural character of the greenbelt and to prevent urban sprawl and would be inconsistent with the policies contained in the National Framework Plan (2018) and in the Sustainable Rural Housing Guidelines (2005), and would be contrary to the proper planning and sustainable development of the area.

3. The site is located on a minor local road which is substandard in terms of width and alignment with a multiplicity of entrances on the western side of the road opposite the site and where sightlines are poor in a northerly and a southerly direction. Having regard to the location of the site adjacent to a sharp bend in the road to the south, it is considered that notwithstanding the proposal to improve the sightlines at the entrance, the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on this poorly aligned and substandard road network.

Mary Kennelly

Senior Planning Inspector

10th April 2022