



An
Bord
Pleanála

Inspector's Report ABP-312994-22

Development	Construction of 2 detached dwelling houses and all associated site works.
Location	Seafield, Bantry, Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	2100332
Applicant(s)	Caislean Properties Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Lynda & Mike O'Donoghue
Date of Site Inspection	25 th May 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The appeal site is located within the urban area of Bantry, towards the southwestern part of the built-up area on the Scart Road. The site is currently greenfield with an agricultural access. There is a partial ruin of a building towards the front of the site. There is a c.1.8m high stone wall along the eastern site boundary. The western site boundary is comprised of hedgerow and some fencing. The rear / north site boundary is open. An electricity line with associated poles runs along the eastern boundary of the site and a telephone wire with two associated timber poles crosses the centre of the site.
- 1.2. The site is located approximately 600m to the southwest of the town centre area. The wider area comprises of primarily residential uses. There are single storey dwellings immediately adjacent to the east and west of the site and a row of single storey dwellings to the south, opposite the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 2 no. detached two-storey houses with vehicular entrance, connections to public water supply and sewer, and new boundary treatments.

3.0 Planning Authority Decision

3.1. Request for further information

- 3.1.1. Prior to its notification of decision, the Planning Authority issued a further information request on 13th July 2021 requiring details of sightlines, surface water disposal, and a revised site layout plan indicating the provision of 1 no. single storey house only.
- 3.1.2. In response, the first party submitted a revised site layout plan demonstrating 50m sightlines, the installation of a soak pit and 1 no. single storey house on the site.

3.2. **Decision**

By order dated 17th February 2022 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 14 no. conditions. Of note are the following conditions:

Condition No.2: Only one dwelling house shall be constructed.

Condition No.3: Requirement for legal agreement for the provision and maintenance of sightlines.

3.3. **Planning Authority Reports**

3.3.1. **Planning Reports**

- 3.3.2. The initial report of the Planning Officer outlines the relevant planning policy under the West Cork Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014, notes the objections received and raises concerns regarding the overbearing presence, scale and height of the proposed development. The Planning Officer also noted the submission of unsolicited further information by the First Party on the 29th June 2021 in the form of a CoF from Irish Water regarding connections to public services. Further information was recommended requiring a revised site layout plan indicating the provision of 1 no. single storey house only, demonstration of sightlines and details regarding the disposal of surface water.

Appropriate Assessment Screening was carried out and concluded that there was no likely potential for significant effects to any Natura 2000 site.

A second report, subsequent to the submission of a response to further information, recommends a grant of permission consistent with the notification of decision which issued.

3.3.3. **Other Technical Reports**

Area Engineer: The initial report dated 8th July 2021 raises concerns regarding the indicated sightlines and the disposal of surface water. The second report dated 23rd December 2021 recommends conditions to be attached to a grant of permission.

3.4. Prescribed Bodies

Irish Water: The report advised that the applicant should liaise with IW through the submission of a pre-connection enquiry to determine the feasibility of connection to the IW network. The First Party submitted a CoF from IW as unsolicited information to the Planning Authority on 29th June 2021.

3.5. Third Party Observations

- 3.5.1. Submissions were received from David Brady, Lynda & Mike O'Donoghue, Aidan O'Donoghue, Brendan O'Donoghue, and Michael & Pauline O'Donovan. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding overlooking, height of dwellings, lack of car parking, impact on traffic, and overshadowing / overbearing nature of the proposed development.
- 3.5.2. Further submissions on the significant RFI were received from David Brady, Lynda & Mike O'Donoghue, Aidan O'Donoghue, Brendan O'Donoghue, and Michael & Pauline O'Donovan. The issues raised are generally reiterated from the original submissions and a request is submitted by the appellants to this appeal that any vegetation on the boundary with their property be limited in height to 1.8m.

4.0 Planning History

There is no planning history on the appeal site referenced in the report of the Planning Officer.

5.0 Policy Context

I draw the Board's attention to the adoption of the Cork County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.

5.1. **Cork County Development Plan 2022-2028**

- 5.1.1. Under Section 2.9 Sustainable Settlement Framework for County Cork, Bantry is designated as a County Town within 'Towns and Key Villages > 1500'.¹ This category includes: "Main Towns and Villages which provide a housing, employment or service function. The category is broad and ranges from large commuter towns to more remote towns and villages."

5.1.2. **Objective ZU 18-9:** Existing Residential/Mixed Residential and Other Uses

"The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area."

5.2. **West Cork Municipal District Plan 2022-2028**

- 5.2.1. Bantry is designated as a main town.

Section 2.7.1 - The overall strategy aims to develop Bantry as the primary urban centre and gateway for the western part of Cork. The plan will promote a significant expansion of the population based on an important marine related role, including aquaculture, and key employment functions in the service and tourism industries.

- 5.2.2. The site is within an area which is afforded the 'Existing Residential / Mixed Residential and Other Uses'.

5.3. **Natural Heritage Designations**

- 5.3.1. The site is not located within any designated site. The closest Natura 2000 site is Glengarriff Harbour and Woodland SAC (Site Code: 000090)) which is located approximately 8km to the northwest of the appeal site.
- 5.3.2. The Cusroe, Whiddy Island pNHA (Site Code: 000110) is located approximately 2.5km to the west of the site.

¹ P.29, Table 2.6: RSES Settlement Typology, Cork County Development Plan 2022-2028

5.4. EIA Screening

Having regard to the nature and scale of the proposed development and separation from sensitive environmental receptors, I am satisfied that no likely significant impacts on the environment arise from the proposed development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Lynda & Mike O'Donoghue, Greystones, Dromleigh North, Bantry, P75 WV72, residents of the house immediately to the east of the appeal site. The main points made can be summarised as follows:

- Contends that sightlines cannot be achieved, in particular to the town side of the proposed development.
- Concerned that any trees planted on the shared eastern boundary of the appeal site could cause serious harm to their property or occupants if allowed to grow above 1.8m.

6.2. Applicant Response

The First Party has not responded to the grounds of the appeal.

6.3. Planning Authority Response

The Planning Authority reaffirms its decision to grant permission for the development of 1 no. house on the appeal site, subject to conditions. The Planning Authority confirms that 50m sightlines have been demonstrated and can be achieved from the proposed access to the site. The Planning Authority advises that no condition limiting the height of trees on the site to 1.8m was attached to the grant of permission because such a condition would be unenforceable.

7.0 **Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of the development
- Design and layout
- Traffic safety
- Residential amenity
- Appropriate Assessment

7.1. **Principle of the development**

- 7.1.1. The site is in an area zoned 'Existing Residential / Mixed Residential and Other Uses' under the Cork County Development Plan 2022-2028. Residential development is considered appropriate under this land use zoning. It is stated in the County Development Plan that:

"The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties."

- 7.1.2. The site of the proposed development is part of a small field within an established residential area in Bantry and as such can be considered an infill site. As a result of this, the site is restricted in area and is additionally constrained by the nature of development in the immediate vicinity as would be considered normal for an infill site of this nature. However, on the basis of the above, I consider that the principle of the development of a residential unit(s) is acceptable at this location.

7.2. **Design and layout**

- 7.2.1. I note the planning authority's decision to grant permission for one dwelling only on the site. I also note that neither party to the appeal queries the planning authority's decision in this respect.

- 7.2.2. The proposed development, as amended by the First Party's response to the RFI on 17th December 2021, seeks to accommodate a three-bedroom, single storey house, on a site stated to be 0.081 hectares in area. The proposed house would have a floor area of 114.23m². The height of the proposed house would be 5.064m above finished floor level. The finished floor level of the house would be 43.19m, compared to 44.09m and 41.7m for the dwellings to the west and east of the site, respectively. I consider the overall scale and height of the proposed house would sit comfortably within this streetscape. Similarly, I consider the design of the fenestration and proposed finishes to be compatible with its suburban context. The proposed area of private open space is 258m², which is well in excess of Development Plan standards.
- 7.2.3. On the basis of the above, I consider that the proposed house would be an acceptable form of infill housing at this location, and I am satisfied that the proposed house has been specifically designed to address both the constraints of the site, the concerns of the third parties and the standards set out in the Cork County Development Plan.

7.3. Traffic safety

- 7.3.1. The appellants contend that sightlines cannot be achieved, in particular to the town (east) side of the proposed development. I note the Area Engineer's initial report dated 8th July 2021 raising concerns about the availability of sightlines to the west. I also note that the Area Engineer was satisfied with the response to the RFI in this regard and how 50m sightlines were demonstrated in both directions from the proposed entrance.
- 7.3.2. On the day of my site inspection, I noted that the appeal site abuts a relatively straight section of the road / street with a slightly concave front / southern boundary. I have examined the proposed works to achieve 50m sightlines, which are demonstrated on Drawing No.012 Rev. P02 submitted to the Planning Authority on 17th December 2021. These works include reducing the height of the neighbouring wall to the front of the house to the west, and the relevant associated consents. This wall would be reduced to 1.0m above the public road and maintained at this height.

7.3.3. On the basis of the above and my observations, I do not consider that the form and scale of development proposed would lead to a traffic safety issue at this location and, in conclusion, having regard to the limited number of additional vehicular movements arising from a single dwelling, the details submitted regarding the provision of sightlines and the nature of the proposed site access, I consider that the proposed development would not result in a traffic hazard.

7.4. Residential amenity

7.4.1. The main area of concern for the appellants is that any trees planted on the shared eastern boundary of the appeal site could cause serious harm to their property or occupants if allowed to grow above 1.8m. The First Party has indicated that the existing stone wall along their shared boundary will be renewed to 2.0m in height. However, some planting is proposed along the eastern boundary of the site which is demonstrated as 8 no. mixed plants of native deciduous trees (5-10 years old birch, cherry, or rowan) – please refer to Drawing No.5 Rev. P01 submitted to the Planning Authority on 17th December 2021 for this.

7.4.2. The boundary treatments proposed throughout the site are proposed as follows:

- a) Eastern – Existing 2.0m high stone wall to be renewed,
- b) Northern – 2.0m high concrete post and concrete panel fence,
- c) Western - 2.0m high concrete post and concrete panel fence, and
- d) Southern – two-part:
 - i. Existing 2.0m high stone wall to be renewed to the rear of the adjacent dwelling to the west, and
 - ii. Post and rail fence to the side of the adjacent dwelling to the west (height not specified).

7.4.3. Overall, I am satisfied that the boundary treatments are well considered and appropriate. I consider that it may reasonably be concluded that the proposed development would not have any detrimental impact on the visual amenity of the area and would cause no significant adverse impacts on the residential amenities of neighbouring properties. I also consider that the appellants' request that planting along their shall boundary not be allowed to grow above 1.8m to be reasonable. In

this regard, given the restricted width of the site, I consider that the proposed boundary treatment of a 2.0m high stone wall is sufficient at this location and any proposed planting can be excluded by means of a condition.

- 7.4.4. In conclusion, I am satisfied that the proposed development will not adversely impact on the residential amenity of appellant's dwelling or any of the adjoining dwellings.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the design, scale and layout of the proposed development, its relationship to surrounding properties, to the residential zoning objective for the area and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of December 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission is for one dwelling only in accordance with the site layout plan and drawings submitted to the Planning Authority on the 17th day of December 2021.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The footpath shall be dished at road junction in accordance with the requirements of the planning authority.</p> <p>Reason: In the interest of pedestrian safety.</p>
6.	<p>The developer shall submit for the written agreement of the Planning Authority details of the height and finishes of the boundary walls on the site, prior to commencement of development. This shall include no planting along or inside of the eastern site boundary and precise details of the</p>

	<p>proposed post and rail fence on the shared boundary with the house to the west of the site.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>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</p>

	<p>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.</p> <p>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.</p>
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Liam Bowe
Planning Inspector

16th June 2022