



An
Bord
Pleanála

Inspector's Report

ABP-313231-22

Development	Construction of a house
Location	Ardagh, Union Hall, Co Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	21592
Applicant(s)	Regina Daly
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Condition
Appellant(s)	Regina Daly
Date of Site Inspection	26 th May 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The site is located on rising land that is within and overlooking the village of Union Hall in west County Cork. The site is presently under grassland and in agricultural use for grazing cattle. The surrounding slopes have been partially developed, typically by one-off dwelling houses set within their own grounds. Immediately to the south of the site, there is a traditional two-storey farmhouse with a single storey side extension and sheds / out buildings to the rear. There is a row of two-storey houses to the southwest of the site and a newly constructed 1 ½ storey dwelling to the west. The site is accessed from the public road (L-4226-0) to the south via a partially developed access road. This local road runs east-west along the waterfront in the village of Union Hall and overlooks Glandore Harbour.
- 1.2. The site itself is of regular shape and it extends over parts of two agricultural fields. This site slopes upwards from its south-western corner (7m OD) to its north-western corner (23.75m OD) and it has an area of 0.135 hectares. The site is presently accessed from the partially developed access road by means of a field entrance at its south-western corner. The site boundaries are open on all sides and a hedgerow dissects the site on a southeast-northwest axis. There is a small agricultural shed at the south-eastern boundary of the site that was in use on the day of my site inspection.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached dwelling house on the site at Ardagh, Union Hall, Co. Cork. The house would form part of an informal row of 4 houses at this location and each house would be of an individual design.
- 2.2. The proposed house is primarily two-storey in design with a single storey part to the rear at first floor level facilitated by the slope on the site. The proposed house has a floor area of 232.74m² and a ridge height of 8m, with render finish and black slates / tiles. A landscaping plan is proposed and part of this involves the planting of a fuchsia hedge along all site boundaries.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to notification of decision, the Planning Authority issued a further information request on 8th October 2021 requiring a revised design showing the removal of a first floor balcony, a detailed landscaping plan, and an east / west cross section through the site. The First Party submitted revised drawings demonstrating a screen for and reduction in size of the balcony, a detailed landscaping plan, and a cross section showing contiguous elevations for this and adjoining sites.

3.2. Decision

- 3.2.1. By order dated 10th March 2022 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 20 no. conditions. Of note is the following condition:

Condition No.2: The design of the dwelling shall be amended in the following respects:

The balcony area to the front elevation shall be omitted and, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

Reason: In the interests of residential and visual amenity.

3.3. Planning Authority Reports

3.3.1. Planning Reports

There are two Planning Reports on file dated 8th October 2021 and 7th March 2022, respectively. The Planning Officer in the initial report stated the principle of a dwelling house was acceptable within the village boundary but raised concerns about a first floor balcony and the height of the house. The report recommended further information be requested regarding the removal of the first floor balcony, a

detailed landscaping plan and the provision of a cross section through the site showing floor and ridge levels.

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

A second Planner's Report (dated 7th March 2022) refers to the further information submitted and considered that, having regard to the additional information, permission should be granted subject to 20 No. conditions.

3.3.2. **Other Technical Reports**

Area Engineer: No objection. Conditions recommended.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

A submission was received from Aidebbie ULC. The issues raised are generally similar to those referenced in the grounds of appeal. They advised that they have no objection to the principle of the proposed development but are concerned that a first floor balcony would cause overlooking to their property.

4.0 **Planning History**

4.1. **Appeal site:**

P.A. Ref. No. 17103: Outline permission granted for 3 no. houses on this and adjoining sites.

4.2. **Adjacent sites to the southwest:**

PL88.243253 (P.A. Ref. No. 13655): Permission refused for the construction of a house.

PL88.245977 (P.A. Ref. No. 15597): Permission granted for a two-storey house.

P.A. Ref. No. 21583: Permission granted for a house.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

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.

- 5.1.1. Union Hall is designated as a Key Village under the Settlement Strategy for County Cork. Under Section 2.21 of Volume 5, West Cork it is stated:

“The strategic aims for Union Hall are to encourage the consolidation of the village within its coastal setting, preserve the unique architectural character and landscape setting of the settlement and to promote sympathetic development in tandem with the provision of services.”

- 5.1.2. The plan makes provision for the development of an additional 31 dwelling units within the village. It states that new developments should be well integrated with the existing village and allow for easy and safe access to the centre and main facilities by foot and bicycle. It further states that development which utilises brownfield sites should be prioritised, and all development should be sympathetic to the character of the area.

- 5.1.3. **Objective RP 5-22:** Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas

- a) Encourage new dwelling house design that respects 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 design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- 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 retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominantly indigenous/local trees and plant species and groupings.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 sites are Myross Wood SAC (Site Code: 001070) and Castletownsend SAC (Site Code: 001547) which are located approximately 1.2km to the north and 2.8km to the southwest of the appeal site, respectively.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, its location within a serviced village setting, 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

The grounds of appeal are submitted by the First Party: Regina Daly, Ardagh, Union Hall, Co. Cork. The main points made can be summarised as follows:

- Requests that condition no.2 be omitted on the grounds that the balcony does not detract from the residential and visual amenity of the area.
- Highlight that a separation distance of 39m between houses was acceptable under a previous appeal on a neighbouring site and that the nearest house to the proposed house herein is 55m.
- Contend that the proposed balcony will be constructed 100mm lower than the terrace associated with the permitted house on the observers' site. State that,

in response to the RFI from the Planning Authority, they have proposed a solid external wall that fully screens their proposed balcony.

- Highlight that the proposed house design is consistent with Cork County Council's Rural Design Guide and where their house 'runs with the slope' and that photographic examples in the Rural Design Guide include houses with balconies.
- Identifies examples of new and old houses with balconies in the neighbouring village of Glandore and some similar examples in Kinsale.

6.2. Planning Authority Response

The Planning Authority reiterate and expand on their reasons for attaching condition no.2 to the grant of permission, which are as follows:

- State that the First Party and other prospective applicants on neighbouring sites were advised at pre-planning stage that a contemporary approach to house design with the inclusion of balconies would not be considered due to the location on high ground and overlooking the rear of a number of properties.
- Contends that the inclusion of external balconies would not only cause precedent for further structures but would undermine the overall character of the village.
- States that as the appeal site is located within an area identified as a High Value Landscape and on a scenic route every effort should be made to maintain the unique and important village setting.
- Contends that the use of a contemporary house in Glandore as a comparator is not reasonable as that site has different characteristics and does not overlook the core of the village.
- Notes that the public submission raised concerns regarding impact on residential amenity.

7.0 Assessment

7.1. Principle of the development

- 7.1.1. The appeal site is located within the development boundary of the village of Union Hall per the Cork County Development Plan 2022-2028. As stated earlier in this report, the plan makes provision for the development of an additional 31 dwelling units within the village. The site is fully serviced with connections to both public sewer and public water supply feasible. I also consider that the scale, siting and design of the proposed house complies with Objective RP5-22 of the county Development Plan and, therefore, I consider that the principle of development is acceptable on this site.
- 7.1.2. This is a first-party appeal only against Condition no.2 attached to the planning authority's decision to grant permission. This condition relates to the removal of a first floor balcony from the front elevation of their proposed house.
- 7.1.3. Having regard to the nature and scale of the proposed development and the nature of Condition no.2 it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not needed, and that a de novo assessment would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition No.2

- 7.2.1. As stated earlier in this report, the proposed house is primarily two-storey in design with a single storey part to the rear where a split-level is facilitated at first floor level by the slope on the site. The proposed house has a floor area of 232.74m² and a ridge height of 8m, with render finish and black slates / tiles. Condition No.2 requires the removal of a balcony at first floor level from the front elevation of the proposed house. This balcony is 18m² in area and is proposed to be surrounded by a glass railing. The Board should note the revised drawings submitted to the Planning Authority on 22nd February 2022 in response to the RFI where a floor to ceiling height timber screen is proposed on the western side of the balcony.

7.2.2. The Planning Authority's reason for attaching condition No.2 to their notification of a decision to grant permission is stated as 'in the interests of residential and visual amenity'. Within the Planning Officer's report, it is stated that:

"The applicant has reduced the overall size of the proposal. Previous applications and preplanning queries on these lands have discouraged balconies due to overlooking and privacy issues. The site is quite elevated over the village and the general remit has been a traditional design approach as opposed to contemporary.

The inclusion of a balcony is not acceptable and could compromise future development in the area. I therefore recommend permission with a condition relating to the omission of the balcony area."

7.2.3. In relation to residential amenity, I particularly note the revised drawings submitted as a response to the RFI which demonstrate a screen on the western elevation of the proposed balcony. I am satisfied that the inclusion of a screen on the western side of the balcony would remove any possibility of overlooking to / from the proposed house and the house proposed on the site to the west.

7.2.4. At present, there is no permission for a house on the site immediately to the west of the appeal. However, I consider that the screen on the western elevation of the proposed balcony will also protect the residential amenities of the occupants of any house developed on that site.

7.2.5. Following my site inspection, I can confirm that the farmhouse to the south of the appeal site is wholly below the level of the proposed house. In this regard, I noted the presence of sheds / outbuildings in the yard of and to the rear of this farmhouse which I consider will screen the private open space to the rear of the farmhouse from any significant overlooking from the proposed house. Further to this, I note the letter of support submitted with the planning application from the occupant of the farmhouse and landowner confirming that, having reviewed the house design, he is satisfied that there will be no negative impact upon his dwelling.

7.2.6. In relation to visual amenity, it is important to note from the outset that the house will be sited at an elevated and highly visible location overlooking the village of Union Hall and Glandore Harbour. The appeal site and the overall area is located within an area designated as a 'High Value Landscape' under the County Development Plan. While I consider that a house of the height, design and scale is acceptable at this

location, I consider the issue to be addressed here is whether the inclusion of the balcony on the front elevation of the proposed house will have any negative impact on the visual amenity of the area.

- 7.2.7. The drawings submitted to the Planning Authority in response to the RFI are relevant here. I consider the overall scale and form of the proposed house to be traditional as well as some of the architectural features namely, gables and slate roof. I also consider that a contemporary element is introduced to the design in the form of large opes i.e., significantly more 'void' is present on the front elevation than would be associated with a traditional rural house.
- 7.2.8. Following my inspection of the site and having observed the site from a number of locations within the village, the closest view to the proposed house will be from the local road (L-4226-0) to the south which is approximately 80m from the proposed house. Other views from the south (village) and southeast (causeway) are more distant i.e., approximately 200m, and the viewer's ability to differentiate between a glass balcony and glass opes to the rear diminishes. Any view of the proposed house from Glandore Harbour would be more distant and I consider that it would be imperceptible whether a balcony is present or not as the elevation presents as glazed behind the balcony area.
- 7.2.9. In addition, the First Party has proposed an appropriate landscaping scheme for the site which I consider will, when the planting has established, assist in assimilating the proposed house into this sensitive landscape in a significant way.
- 7.2.10. On the above basis, I consider that the proposed balcony, as amended by the revised drawings submitted to the Planning Authority on 22nd February 2022, would not have any significant impact on either the visual or residential amenities of the area or property in the vicinity. I therefore recommend to the Board that Condition No.2 be omitted.

8.0 Recommendation

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the

reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

REMOVE condition number 2.

9.0 **Reasons and Considerations**

Having regard to the location of the site within the development boundary for the village of Union Hall, the design of the proposed house and the screen on the western side of the proposed balcony, as well as the proposed development's overall compliance with Objective RP 5-22 in the Cork County Development Plan 2022-2028, it is considered that the development as proposed would not have a significant negative impact on residential or visual amenities of the area and that the planning authority's Condition 2 requiring the omission of the balcony is not, therefore, warranted.

Liam Bowe
Planning Inspector

1st July 2021