



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313285-22

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<b>Development</b>	Retention for change of use from garage to granny flat and extension to same.
<b>Location</b>	Flaxfort, Lisheenaleen, Kilbrittain, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21/5931
<b>Applicant(s)</b>	Alan Sedgwick
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alan Sedgwick
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 July 2023
<b>Inspector</b>	Cáit Ryan

## 1.0 Site Location and Description

1.1. The site is located at Flaxfort, Lisheenaleen, approximately 3.4km southwest of Kilbrittain village. It is a rural area, located approximately 12km south of Bandon. Courtmacsherry Bay is located a short distance to the south. The site is located at a bend on the R600, and has very limited frontage to this road. There are three detached houses to the west of the site, fronting R600.

The site is accessed from local road L61001. There is a detached dwelling on the opposite side of this road, which is well screened from both the local road along its north western boundary, and the R600 to its western boundary.

1.2. The site area is given as 0.2ha. The subject site is well screened along all its site boundaries, and is elevated above the adjoining public roads. There is a gradual incline on the L61001 along the roadside boundary of the site.

There is a dormer bungalow on site. A separate detached structure, the subject of the application, comprises ancillary residential accommodation.

The ancillary accommodation unit/granny flat is located approximately 3m to east of the dormer bungalow. The front building line of the detached structure is approximately 5m forward of the front building line of the main dwelling house.

This detached structure comprises of 2 floor levels, with the first floor level contained within the roofspace. The overall height of the structure is approximately 6.3m. On the southern elevation at first floor level, there is a set of double doors with a Juliette balcony.

A partially built single storey extension wraps around most of the east elevation and part of the south elevation of the detached structure. The rear (south) building line of the extension extends approximately 1.75m beyond the rear building line of the existing detached structure.

The single storey extension is of modest height. Its metal-clad, mono-pitch roof ranges from 2.35m to 2.94m in height.

## 2.0 Proposed Development

### 2.1. Planning permission is sought for

- Retention of change of use of the existing detached garage structure to an ancillary family dwelling unit/granny flat; and
- Retention and completion of a single storey extension to the same granny flat and ancillary works.

A cover letter submitted by the applicant's agent states that the existing house and a detached garage structure were granted planning permission in 1995 under Ref. S/95/2091. The detached structure was constructed as a habitable dwelling unit in place of the garage, with the layout shown in the attached drawings being unmodified in any way.

The applicant's family, and in particular the applicant's son, have used this structure as additional family living accommodation for the main house since the time of its construction. The ancillary dwelling unit is intended for family use only and is not intended for letting purposes. The applicant is prepared to make this agreement in writing.

The main house and detached ancillary unit are served by a traditional septic tank and percolation area. The proposed extension would not increase the loading on the existing wastewater treatment facilities.

The Further Information submission includes a proposal to decommission the existing septic tank, and to provide a new wastewater treatment plant with tertiary treatment system.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused permission for 1 no. reason:

The application site is located in a 'Rural Area under Strong Urban Influence' as identified in the Cork County Development Plan 2014 wherein it is the policy of the Planning Authority under Objective RCI 4-2 to restrict rural housing development to

certain categories of rural generated housing need. The site is adjacent to a scenic route where there is a significant density level at present. The proposal would read as subdivision of the plot and would set an undesirable precedent in this designated 'high value landscape'. Based on the information submitted with the application, the Planning Authority is not satisfied that there is sufficient justification for the ancillary accommodation and extension to same having regard to the policy provisions in Section's 5.7.12 and 5.7.13 of the Cork County Development Plan 2014. The proposed development would, therefore, contravene materially stated objectives with regard to the provision of sustainable rural housing, would seriously injure the amenities and set an undesirable precedent for development in this scenic rural area and would contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (dated 3 September 2021 and 15 March 2022)

The basis for the planning authority's decision include:

- Noted that, following a Further Information submission, the applicant states that he, his wife and daughter are living in the main house at present. The applicant's son will live in the main house when he returns from abroad, and the applicant and his wife will live in the granny flat. The dwelling and ancillary unit were on Airbnb in the past. It is stated that the main house is listed on the RTB Residential Tenancies Board website.
- Noted, also following Further Information, that the applicant now proposes to upgrade the existing septic tank.
- The report screened out appropriate assessment.

#### 3.2.2. Other Technical Reports

**Area Engineer** – (dated 23 August 2021 and 15 March 2022) include:

- Further Information request, requiring an independent assessment of the existing septic tank and percolation area, and possible need for an upgrade.
- Noted that the location of the proposed new, upgraded sewage treatment and percolation area is not fully compliant with the EPA Code of Practice in

relation to separation distances but that this proposal is a best fit solution for the existing dwelling.

- Recommends 7 no. standard conditions.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

One no. third party submission was received by the planning authority, from the resident of the dwelling to the southeast of the subject site. The matters raised are summarised as follows:

- The site faces directly onto the Wild Atlantic Way designated scenic route.
- The application is misleading. The building described as detached garage structure has never been used as a garage, and was never in compliance with planning permission S/95/2091. The main house and separate apartment have been advertised and let out on Airbnb.
- The extension will virtually double the size of the apartment's footprint and potentially overlook the observer's home.
- Enforcement Ref. EF/20/178 required that works on site cease immediately.
- Permission is sought for extension to have bituminous roof. A metal cladded roof has been fitted.
- Substantial ditch has been built across the site.
- Neither the applicant nor any of his family have lived in the main house or apartment for some time.
- Any further building is overdevelopment. There is a proliferation of septic tanks and boreholes.
- There should be some form of prohibition of both the proposed extension and the existing dwelling house being used as Airbnb facilities if this was to be considered.

## 4.0 Planning History

### Planning Applications

P.A. Ref. 2091/95: Permission granted in 1995 for a dwelling and garage subject to 14 no. conditions. This is the planning permission under which the existing dwelling, and detached garage subject of the current appeal, was approved.

### Planning Enforcement

P.A. Ref. EF20/178: Alleged unauthorised development relating to single storey extension to garage cited.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Cork County Development Plan 2014

The operative development plan at the time of the planning authority's decision on the application was Cork County Development Plan 2014.

Section 5.7.12 and 5.7.13 of the Cork County Development Plan 2014 state the following:

#### ***Provision of Ancillary Family Accommodation in Granny Flats***

*5.7.12 Consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for a family member. This would include circumstances where a member of the family requires separate living space which is on the same property as the main dwelling. Such units can be established in conjunction with a dwelling house, either within or attached to the house but within the bounds of that site.*

5.7.13 *This provision allows families to provide accommodation for older or disabled relatives/persons. These units should be permitted where the following criteria can be met:*

- *There is only one dwelling and one ancillary accommodation unit on the same site.*
- *The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.*
- *The property and site should not be subdivided.*
- *The unit should be integrated visually with the existing dwelling.*
- *Additional parking, sewage treatment units or private amenity space is not required.*
- *The unit should not be sold off separately from the existing dwelling and a Section 47 agreement should be entered into by the property owner to ensure that any physically separate unit be retained as part of the existing property in perpetuity as a burden on the title.*

#### 5.1.2. **Cork County Development Plan 2022-2028**

The current development plan is Cork County Development Plan 2022-2028, which came into effect on 6 June 2022.

The subject site is located within a High Value Landscape.

The most south westerly extent of the site's roadside frontage L61001 bounds the junction with R600. The R600 is a Scenic Route, described as Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View; S67 refers.

**Provision of Ancillary Accommodation** is set out in Section 6.6.23 and Section 6.6.24 as follows:

**6.6.23** Ancillary accommodation units provide a step down residential accommodation model option for older or disabled persons and consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for an older or disabled family member. This would include circumstances where a member of the family requires separate living space which is on the same property as the main dwelling. Such units can be established in conjunction with a dwelling house either within or attached to the house but within the bounds of the site.

**6.6.24** This provision allows families to provide accommodation for older or disabled relatives. These units should be permitted where the following criteria can be met:

- There is only one dwelling and one ancillary accommodation unit on the same site.
- The ancillary accommodation should not exceed 80sqm in floor area.
- Normally the ancillary accommodation should be single storey only. However, in exceptional circumstances, i.e. where the curtilage is too small or too restricted, consideration may be given to the provision of a two storey ancillary accommodation having regard to the design, scale and form of the existing dwelling and the impact on its residential amenity.
- Provision for shared vehicular entrance only.
- The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The property and ancillary accommodation unit should not be subdivided.
- Additional parking, sewage treatment units or private amenity space is not required.
- The unit should not be sold off separately from the existing dwelling and a Section 47 agreement should be entered into by the property owner to ensure that any



physically separate unit be retained as part of the existing property in perpetuity as a burden on the title.

**Objective SC 6-11: Accommodation for Older Persons** Support the provision of residential care, assisted living, group/community housing and other forms of accommodation for older persons.

**Objective SC 6-12: Age Friendly Policies** To implement Age Friendly policies in the refurbishment/adaptation of existing housing stock, and to consider the needs of the older generation in terms of design and lifelong living.

**Objective GI 14-9: 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 protecting 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.

**5.2. Natural Heritage Designations**

Courtmacsherry Estuary Special Area of Conservation (SAC): Site Code 001230.  
This site is located approximately 90m from the southern most extent of appeal site.

Courtmacsherry Bay Special Protection Area (SPA): Site Code 004219. This site is located approximately 193m south of the appeal site.

A Proposed Natural Heritage Area (pNHA) is located approximately 92m south of the subject site, and would largely comprise of the above-referenced Courtmacsherry Estuary SAC and the Courtmacsherry Bay SPA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. This is a first party appeal against the planning authority's decision to refuse permission to retain and complete the subject development.

The main points raised may be summarised as follows:

- The planning authority erred in their decision to refuse planning permission, in stating that the applicant failed to justify their need of an ancillary accommodation.
- The building concerned has been in place for approximately 23 years as habitable accommodation and provided additional accommodation for the main house. The applicant's son resided in it throughout his teens and early 20s before moving away from home.
- Planning permission was granted to the previous property owner in 1995 (Ref. 2091/95). The applicant purchased the site in 1999 and completed the build in 2000. The planning permission included the construction of a detached garage building. This building was built to a similar style, location and dimension of the garage. It consisted of a self-contained ancillary dwelling unit, comprising of a kitchen/dining room and a bedroom.
- In around 2001, the planning authority raised the matter that this ancillary unit required planning permission. The applicant was of the opinion that this matter had been resolved at the time.

- In 2020, the applicant commenced the extension of the ancillary dwelling. The planning authority instructed the applicant to remove the extension. No further works were carried out after the instruction of the planning authority.
- The applicant's son intends to return to the area with his family. It is intended that he and his family will reside in the original family home, which will give support to the applicant and his wife in later years. The applicant and his wife will move to the smaller ancillary unit. The applicant and his wife are in their mid-60s and are approaching retirement.
- In recent years, the ancillary unit was used for short term letting. This ceased some years ago. The proposed ancillary unit would be used solely by the applicant and would not be rented or leased in any way.
- The site does not bound the R600 road. It is located off a small local road extending from a junction with a regional road at its southwestern corner. The site is elevated above the level of R600 route. The existing ancillary unit is located 50m from the road edge and hidden from view behind the structure of the main house. The attached photographs show that the proposed extension cannot be seen at any point from the R600.
- The existing ancillary unit complies with paragraphs 5.7.12 and 5.7.13 of the County Development Plan 2014.
- The applicant is prepared to enter into a Section 47 Agreement.
- The site is located in an area considered 'Rural Area under Strong Urban Influence'. The proposed kitchen extension does not constitute any increase in the housing density of the area. The extension in no way changes the occupancy of the dwelling.

With regard to applicant seeking to construct new houses in the area, the applicant and his wife comply with Category D. The applicant's son complies with Category E.

- It was found that the septic tank had been constructed defectively. The applicant sought to upgrade the existing wastewater treatment system to a modern equivalent and under modern guidance documents. Such an upgrade would prevent any risk to ground water in the area. It is intended that both the

house and ancillary unit will discharge into the same wastewater treatment system. The proposed treatment plant is to be located on the eastern side of the ancillary unit and remote from the main house. It would not be possible to facilitate a separate treatment system for the main house in the future.

- The proposed development does not cause any impact on the residential amenity of adjoining properties.

## 6.2. **Planning Authority Response**

The Planning Authority has confirmed that it has no further comment to make in response to this appeal.

## 6.3. **Observations**

None

## 7.0 **Assessment**

I consider that the main issues arising from this appeal can be assessed under the following headings:

- Compliance with Development Plan in Relation to Ancillary Accommodation
- Domestic wastewater treatment proposals
- Visual impact
- Other Matters
- Appropriate Assessment

### 7.1. **Compliance with Development Plan in Relation to Ancillary Accommodation**

- 7.1.1. The subject appeal seeks to retain the change of use of a detached garage structure to an ancillary family dwelling unit/granny flat, and to retain and complete a single storey extension to this structure, located in close proximity to the main dwelling house on site. Combined with the extension proposed to be retained and completed, the detached structure would, if permitted, result in an overall floor area of 86sq.m.

7.1.2. The information provided in the application and appeal indicates that the applicant and his wife are both in full time employment, and that they are in their 60s. It is further stated that the applicant's son and his partner plan to return to Ireland and set up a physiotherapist practice in the Munster area, that the applicant intends to vacate the main dwelling on his son's return, and to start living in the ancillary family unit.

7.1.3. It is stated that nobody has been or is living in the ancillary family unit/granny flat. However, it is also stated that the subject structure had been used as habitable accommodation, in particular by the applicant's son, over a number of years. The appeal submission states also that the ancillary unit had been used for short term letting in recent years.

Sections 6.6.23 and 6.6.24 of the Cork County Development Plan 2022-2028 relates to the provision of ancillary family accommodation, whereby accommodation may be provided for older or disabled relatives. Based on the information on the file, it is clear that the subject structure was occupied by persons other than 'older or disabled relatives' in the past.

However, the stated future occupiers of the detached, extended structure are the applicant and his wife. The stated future occupier of the main dwelling house on site is the applicant's son. On the basis of the information received on this application and appeal, I consider that the applicant meets the criterion of 'older' relatives, as set out in the County Development Plan.

I note that the information on file indicates that the applicant does not currently occupy the detached structure, and that the applicant's son does not currently occupy the main dwelling house. In the particular circumstances of this case, I consider it appropriate, in the event of a grant of retention permission, that a condition is attached, which requires a Section 47 Agreement to be entered into, which restricts the occupancy of the detached structure. I note also that the entering into of a Section 47 Agreement is a requirement of Section 6.6.24 of the County Development Plan, in order to ensure that any physically separate unit be retained as part of the existing property.

Subject to the attachment of such a condition, I consider that the subject development would be in compliance with the occupancy criterion of Section 6.6.23 and 6.6.24 of the Cork County Development Plan 2022-2028.

7.1.4. The assessment of compliance with Section 6.6.24 of the Development Plan is set out as follows:

- ***There is only one dwelling and one ancillary accommodation unit on the same site***

Based on the plans and particulars on file, and as noted on site inspection, there is an existing dormer bungalow and a separate detached ancillary accommodation unit on site.

- ***The ancillary accommodation should not exceed 80sqm in floor area.***

The floor area of the existing unit is stated as 53sqm, and the extension proposed to be retained and completed as 33sqm, thereby resulting in an overall floor area of 86sqm. The resulting overall floor area would exceed the maximum 80sqm criterion stated in the Development Plan, albeit by a relatively limited extent.

I consider that the exceedance of 6sqm, while in excess of the County Development Plan standard, may be considered acceptable in this case. The single storey extension proposed to be retained comprises a large kitchen. No additional bedrooms/bedspaces are indicated on the ground or first floor plan. In the context of the overall site configuration, I do not consider that an additional 6sqm over the 80sqm permissible in the County Development Plan would adversely impact on the residential amenities of the subject site, or on the residential amenities of the area.

If however the Board consider that the 6sqm exceedance would not be acceptable, it is considered that a condition may be attached to reduce the floor area of the extension. Such a condition may stipulate that rear (south) building line of the single storey extension be set back by 1.2m, which would have the effect of reducing the floor area by approximately 6.2sqm. The inclusion of such a condition would have implications for the set of glazed doors/windows on the east elevation, which could be repositioned, or reduced in extent, on this elevation.

- ***Normally the ancillary accommodation should be single storey only. However, in exceptional circumstances, i.e. where the curtilage is too***

***small or too restricted, consideration may be given to the provision of a two storey ancillary accommodation having regard to the design, scale and form of the existing dwelling and the impact on its residential amenity.***

- ***Provision for shared vehicular entrance only.***
- ***The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.***

The existing floor plan shows accommodation over two levels, comprising living room, kitchen and hall at ground floor level, and bedroom, bathroom and hot press at first floor level. The first floor level bedroom is served by a set of glazed doors on the southern elevation, with a 'juliette' type guardrail.

The single storey extension comprises a kitchen. A smooth render finish is proposed. Having regard to the scale of the existing detached structure and extension, and its location on the site, I consider that the ancillary family accommodation/granny flat would not adversely impact on the residential amenities of the main house on site.

With regard to potential impacts on the neighbouring house to the southeast, it is noted that the tall glazed windows on the southern gable of the existing detached structure are located approximately 22m from the site boundary of this neighbouring property. I consider that this would not adversely impact on the residential amenities of the neighbouring property to the south east in terms of overlooking.

The single storey extension proposed to be retained and completed is located approximately 11m from the roadside boundary to L61001, and approximately 24.5m from the dwelling on the opposite (south eastern) side of this road. Having regard to its single-storey scale, its location on the site and distance from site boundaries, I consider that the extension to the detached structure would not adversely impact on the residential amenities of this nearby property in terms of overlooking, visual overbearance or overshadowing. With regard to the neighbouring properties to the east of the appeal site, along the R600, I consider that the development proposed to be retained and completed would not adversely impact on the residential amenities of those properties.

No amendments to the existing single vehicular entrance are proposed in this case.

- ***The property and ancillary accommodation unit should not be subdivided.***
- ***Additional parking, sewage treatment units or private amenity space is not required.***

The main dwelling house and the separate detached structure are located within the 0.2ha site. On site inspection I noted a low-rise berm to the rear of the detached structure and the main dwelling house on site, with a small gap at its southern end. Having regard to the low-rise nature of this feature, I would not consider that it represents subdivision of the overall site.

No additional parking areas are proposed.

Matters relating to proposed upgrade of the existing septic tank to waste water treatment system with tertiary treatment are discussed elsewhere in this report.

- ***The unit should not be sold off separately from the existing dwelling and a Section 47 agreement should be entered into by the property owner to ensure that any physically separate unit be retained as part of the existing property in perpetuity as a burden on the title.***

In addition to the above, it is noted that Section 6.6.23 of the County Development Plan states that ancillary accommodation units can be established in conjunction with a dwelling house either within or attached to the house but within the bounds of the site. The applicant states that he is prepared to enter into a Section 47 Agreement. Having regard to the detached nature of the structure subject of this appeal, it is considered appropriate that in the event of a grant of permission, that a condition is attached requiring a Section 47 Agreement be entered into.

7.1.5. Having regard to the foregoing, I consider that the subject development complies with a number of criteria set out in Section 6.6.24 of the County Development Plan.

I note that the overall size of the extended detached structure would exceed County Development Plan standards by 6sqm, and I consider that the overall quantum of floor area is acceptable in this case. As outlined above, in the event that the Board considers that the overall floor area of 86sqm is excessive, this matter can be addressed by way of condition.



Accordingly, it is considered that subject development adequately addresses the relevant criteria in the Section 6.6.24 of the County Development Plan.

## 7.2. Domestic Waste Water Treatment Proposals

As indicated in the Further Information submission to the planning authority, it is proposed to decommission the existing septic tank and to provide a new wastewater treatment plant with tertiary treatment system and low pressure distribution area. An Ireland Waste Water Site Specific Proposal contains details of the 'Euro – Bio 6', which is to serve a maximum of 6 residents.

- 7.2.1. The Ireland Waste Water document submitted as Further Information states that setback distances are not achieved as per Table 6.2 of EPA Code of Practice (for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )), due to restricted site size, but that the 45sqm infiltration area does fit.

No revised site plan, showing the location of the proposed wastewater treatment system, was submitted with the Further Information.

Separately, the Ireland Waste Water document, lodged as Further Information, contains a 'Site Sketch' drawing which shows the proposed wastewater treatment plant and tertiary treatment system. A scale of 1:200 is stated. However, this drawing does not scale at 1:200.

This drawing shows that the existing septic tank is to be decommissioned.

The scale on the 'Well Locations' drawing contained in the Ireland Waste Water document does not appear to be stated. While the location of the well serving the dwelling house on the opposite (south eastern) side of the local road is shown, at a distance of 31.6m from the proposed infiltration area on the appeal site, some annotations on this drawing are unclear.

- 7.2.2. I note that the second Area Engineer's report dated 15 March 2022 states that the separation distance from the proposed extension to the treatment plant and percolation area are not meeting Table 6.2 requirements, that separation distances to existing wells appear to be achieved, and that the Area Engineer agrees that this is a best fit solution for the existing dwelling. I note also that the proposed wastewater treatment system is to serve both the main dwelling house on site, which is shown to contain 2 bedrooms, and the detached ancillary family accommodation

building, which contains 1 no. bedroom. As the site specific wastewater treatment system is indicated to serve a maximum of 6 residents, I consider that this is acceptable.

- 7.2.3. Section 1.3 of the EPA Code of Practice states that if existing DWWTSs are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment.

Having regard to the Section 1.3 of the EPA Code of Practice, I consider that an upgraded waste water treatment system may be provided at the subject site, in lieu of the existing septic tank and percolation area, subject to adequate plans, particulars and specifications being provided.

- 7.2.4. I consider that it would be appropriate in this particular case to attach a condition, which requires the submission of a revised site plan to an appropriate scale, showing the location of the proposed waste treatment system, with all principal dimensions to be indicated thereon, for the written agreement of the planning authority. The rationale for such a condition is in the interests of clarity, such that all relevant details are clearly shown on a site layout plan.

### 7.3. **Visual Impact**

- 7.3.1. I note that the planning authority's reason to refuse permission included that the site is adjacent to a scenic route where there is a significant density level at present, that the proposal would read as subdivision of the plot and would set an undesirable precedent in this 'high value landscape'.

- 7.3.2. The R600 is a designated scenic route along this stretch of roadway.

The appeal site is elevated above the level of the adjoining public roads. While the southwestern extent of the roadside frontage along the minor local road bounds the junction with R600, I noted on site inspection that the appeal site was not visually prominent on the approaches from the R600.

- 7.3.3. On date of site inspection, trees were in full leaf, which provides substantial screening of the site. Mature planting along the roadside boundaries of the neighbouring properties to the west and on the opposite (south eastern) side of the minor local road L61001 also screen the appeal site, as viewed on the approaches to

the site along the R600. I consider that while the absence of such screening at other times of the year may result in the ancillary family dwelling unit/granny flat being more visible from the R600, such views would be limited. This detached structure is also partially obscured from view by the main dwelling house on site.

Notwithstanding the elevated nature of the appeal site, and having regard to the position of the ancillary family dwelling unit/granny flat on site, and to the single storey nature of the extension proposed to be retained and completed, I consider that the extension to this structure would not adversely impact on the visual amenities of the R600 Scenic Route (S67), nor on the visual amenities of this 'high value landscape'.

#### **7.4. Other Matters**

- 7.4.1. I note that the grounds of appeal include that the applicant and his wife comply with Category D, and that the applicant's son complies with Category E (of Policy RCI 4-2 of Cork County Development Plan 2014).

The planning authority's decision to refuse permission includes reference to the site being located within 'Rural Area under Strong Urban Influence', wherein it is policy under Objective RCI 4-2 of Cork County Development Plan 2014 to restrict rural housing development to certain categories of rural housing need.

Under the Cork County Development Plan 2022-2028, Rural Areas under Strong Urban Influence are under significant pressure for rural housing, and there are strict controls on rural housing in such areas, as set out under Objective RP 5-4.

I note also that Sections 6.6.23 and 6.6.24 of the Cork County Development Plan 2022-2028 do not specifically reference the rural settlement policy. Accordingly, as the subject appeal relates to retention of change of use of ancillary family accommodation/granny flat and extension to same, the matter of the rural settlement policy is not considered relevant in this instance.

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

- 7.5.1. Having regard to the nature and scale of the subject development, which comprises retention of change of use of garage to ancillary family accommodation/granny flat,

the retention and completion of extension to same, and proposed wastewater treatment system, the absence of a direct hydrological link to any European sites, and on the basis of information on the file, it is considered that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the subject development, the location of the subject site, and the provisions of the Cork County Development Plan 2022-2028, in particular Sections 6.6.23 and 6.6.34, it is considered that the development proposed to be retained and completed would 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, and the Further Information submitted on 22 February 2022, 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 and the development shall be retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Within one month of the final grant of planning permission, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall enter into a legal</p>

	<p>agreement with the Planning Authority under the provisions of Section 47 of the Planning and Development Act, 2000, as amended, in which an undertaking is given to:</p> <p>(a) retain the development subject of the application and the existing dwelling in single ownership and that the ancillary unit shall not be sold, let independently of the main dwelling or otherwise transferred or conveyed;</p> <p>(b) restrict the use and occupation of the ancillary unit as ancillary residential accommodation to the main dwelling on site only and not as a separate residential unit or holiday accommodation, and that it shall be occupied solely by a member of the immediate family of the occupier of the main dwelling,</p> <p>(c) operate the development as a single, integrated entity, with the developer/owner retaining responsibility for the maintenance of all services and facilities,</p> <p>(d) no subdivision of the curtilage and private amenity space and that the private amenity space shall be shared,</p> <p>(e) in the event that the ancillary unit is no longer required by a member of the immediate family of the occupier of the main dwelling, the ancillary unit shall revert to a domestic garage/storage use ancillary to the main dwelling on site.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>(a) Within 3 months of final grant of permission, a revised site layout plan, to an appropriate scale, and with measured dimensions to be indicated thereon, shall be submitted to and agreed in writing by the Planning Authority. The revised site layout plan shall show the location of the</p>

	<p>wastewater treatment system and infiltration area, in accordance with the details submitted as Further Information on 22 February 2022.</p> <p>(b) The proposed wastewater treatment system and percolation area shall be designed, constructed, laid out and maintained to conform with the provisions of the EPA – Code of Practice, Domestic Waste Water Treatment Systems (Population Equivalent <math>\leq 10</math>), 2021, except where otherwise stated in the Further Information response submitted on 22 February 2022.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Drainage arrangements, including the attenuation and 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>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 within three months of the date of this Order 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</p>

	<p>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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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Cáit Ryan  
Senior Planning Inspector

15 August 2023