



An  
Bord  
Pleanála

## Inspector's Report ABP-313573-22

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<b>Development</b>	Demolish ruined coastguard building and construct 2 no. domestic dwellings, 2 no. domestic garages and associated works
<b>Location</b>	Ballinacolla, Union Hall, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	22/114
<b>Applicant(s)</b>	Ealine Pound and Brian Denvir
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First party against refusal
<b>Appellant(s)</b>	Elaine Pound and Brian Denvir
<b>Date of Site Inspection</b>	24 <sup>th</sup> January, 2023
<b>Inspector</b>	Mary Kennelly

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located in the village of Union Hall, approx. 10km to the south-west of Skibbereen Town, in West Cork. The village is located on the western side of the scenic Glandore Harbour. It is a small fishing village with a population of 270. It can be accessed from the N71 (main route from Cork to Skibbereen) directly by means of a local road network or alternatively, via the R597 which leads southwards along the eastern side of the harbour from Leap and by means of a narrow bridge over the harbour.
- 1.2. The site is located at the eastern end of the village near Keelbeg Pier and is on elevated ground overlooking the harbour to the north. The site is accessed by means of a narrow private lane which is unsurfaced and runs southwards and steeply uphill towards elevated farmland. There is a cluster of houses at the northern end of the lane, close to the pier and carpark associated with the fishing industry. The site is located on the eastern side of the lane and there are at least two residential properties between the site and the public road.
- 1.3. The site area is given as approx. 0.9ha. It is overgrown and difficult to access. It contains a ruined coastguard cottage/station which is also significantly overgrown with trees, brambles, bushes and weeds. The coastguard station is a Recorded Monument (RPM No. CO 142-059), which is rectangular in shape and has a stated floor area of 730sq.m. The site is elevated with extensive views over the harbour. The ground levels vary within the site, with a general fall towards the sea, but due to the overgrown conditions, it was difficult to get an accurate sense of the gradient within the site.

## 2.0 Proposed Development

- 2.1. It is proposed to demolish the existing coastguard station and to erect 2 no. two-storey dwellings, each with a stated floor area of 320sq.m. The units would be linked by an interconnecting archway. The proposed FFLs are 105.4 for the dwellings and 105.6 for the garages. The ridge height of the proposed dwellings is 9.2m. The structures would comprise a number of different materials including natural stone, brick and smooth plaster finish. The front façade would be primarily of stone with red brick proposed for details such as window opes, plinths and chimneys.

- 2.2. The proposed development includes the construction of two detached domestic garages with stated floor areas of 47.6sq.m each, which would be located to the rear of the houses. Access would be gained from the existing entrance which is located in the north-western corner of the site, but would be redesigned with a recessed entrance and stone walls and pillars. The driveway would be looped through the front of the site and travel under the arch to the garages at the rear. A pedestrian entrance is shown with a small lane to the north. It is proposed to retain the existing boundaries and tree/hedge growth.
- 2.3. The submitted drawings indicate that the applicant has a right of way over the section of the laneway leading from the public road to the entrance to the site. It is also stated that the road is to be upgraded with a concrete surface, with road drainage and new foul sewer as detailed and agreed under permission nos. W02/4150 and W96/3995. It is proposed to connect to the public wastewater facilities and to the public water supply in the village. Drainage from the site is to be captured by means of soakaways and a drainage grating at the entrance.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The P.A. decided to refuse permission for two reasons, which were based firstly, on the negative impact on the Recorded Monument to be demolished, which would materially contravene the CDP, and secondly, on the visual impact of the proposal on the High Value Landscape and on the character of the village, by reason of excessive scale and inappropriate design and materials. The reasons are as follows:
1. Having regard to the nature and location of the proposed development, it is considered that it would have a detrimental impact on the Recorded Monument CO 142-059 and would therefore materially contravene Planning Policy Objective HE 3-1 and HE 3-4 as set down in the Cork County Development Plan, 2014. These policies seek to safeguard sites, features and objects of archaeological interest and to protect and preserve Post Medieval buildings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the location of the proposal within the village development boundary, as indicated in the Cork County Development Plan 2014, it is the planning authority's stated policy under objectives HE 4-6 and GI 6-1 to encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. Policy Objective DB-04 of the current 2017 Local Area Plan seeks to protect the setting of the village, the coastline and its immediate surrounds, particularly the lands adjoining the harbour and ensure that development is to a high standard to enhance the architectural character of the area and should be of an appropriate scale, form and material finish. Having regard to the overbearing excessive scale, height, materials and inappropriate design, it is considered that the proposed development would form an unduly prominent feature on the landscape, would impact negatively on the village setting and surrounding designated 'High Value Landscape' and as such would contravene materially Planning Policy Objectives HE 4-6 and GI 6-1 as set down in the cork County Development Plan 2014, and would materially contravene DB04 in the current Local Area Plan. The proposed development would seriously injure the visual and scenic amenities of the area and therefore be contrary to the proper planning and sustainable development of the area.

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

#### **Planning Reports**

- 3.2.1. The Planner's report (11/04/22) noted that the site is located within the development boundary for the village (CDP 2014). Reference was made to the extensive planning history on the site, to the highly sensitive location of the site due to the High Value Landscape designation, the elevated location and relationship with the village setting and to the fact that the coastguard cottage is a Recorded Monument. It was considered that the design and scale of the building would be totally out of keeping with the traditional nature and building vernacular of the small fishing village and that its elevated position would render it impossible to integrate into the scenic village setting.

- 3.2.2. It was further considered that the proposal to demolish the ruined cottage and replace it with the proposed structures would be completely unacceptable. It was pointed out that Recorded Monuments are subject to statutory protection under section 12 of the National Monuments (Amendment) Act 1994. The concerns raised by the County Archaeologist in relation to the proposal to demolish the Recorded Monument and to the lack of an Archaeological Assessment were also noted.
- 3.2.3. Refusal of permission was recommended by the Area Planner on these grounds. The SEP concurred with the Area Planner's assessment and considered that the scale and design of the proposal was inappropriate in this sensitive coastal landscape and would seriously injure the scenic and visual amenities of the area. It was further agreed that the proposal would have a profound direct negative impact on the Recorded National Monument.

### **Other Technical Reports**

- 3.2.4. The Archaeologist (07/04/22) considered that the proposal was wholly unacceptable and would have a seriously negative impact on the Recorded Monument, which should not be allowed to be demolished. Reference was made to the relevant policies of the CDP and it was concluded that if permitted, the proposal would have a profound direct negative impact on a Recorded monument and would be contrary to Objectives HE 3-1 and 3-4 of the Cork CDP 2014. It was therefore recommended that permission should be refused.
- 3.2.5. The Area Engineer (29/03/22) noted that it was a repeat application. No objection was raised subject to conditions.
- 3.2.6. The Environment Officer (29/03/22) was generally satisfied with the proposal subject to conditions.

### **3.3. Prescribed bodies**

- 3.3.1. None.

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

- 3.4.1. None

## 4.0 Planning History

**PL04.126501 – (PA Ref. 01/406)** – Permission granted to construct 2 no. dwellings, 2 no. domestic garages and associated site works on the site. A third-party appeal against the decision by the P.A. to grant was dismissed on the grounds of being vexatious. There is no Inspector's Report.

**PA Ref. 06/1913** – Permission granted to demolish a coastguard cottage and to construct two dwellings and two domestic garages.

**PA Ref. 11/633** – Extension of duration of permission for 06/1913.

**PA Ref. 16/756** – Permission granted to demolish ruined coastguard building and construct 2 no. dwellings, 2 no. domestic garages and associated site works.

## 5.0 Policy Context

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

- 5.1.1. **Introduction:** - The planning application was considered and determined by the planning authority under the previous development plan for the area, namely the Cork County Development Plan 2014. However, a new Development Plan was adopted on the 25<sup>th</sup> of April 2022 and came into effect on the 6<sup>th</sup> of June 2022. The new County Development Plan incorporates the plans for each of the Municipal Districts. The site is located within the West Cork Municipal District which is contained within Volume 5 of the CDP.
- 5.1.2. The site is located within the development boundary for Union Hall, (Section 2.21 of the West Cork section of the Plan (Vol 5)). Union Hall is designated as a Key Village. 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. The Plan makes provision for an additional 31 dwelling units within the village.
- 5.1.3. The site is located on lands which have not been specifically zoned. **Objective ZU18-4** (Chapter 18, Vol 1) states that in such cases, the zoning shall be deemed to

be that of the existing use of the lands, or if unauthorised, that of the most recent authorised use. It is located within an area designated as High Value Landscape.

5.1.4. Relevant policies include

**DB-01** Within the Development Boundary encourage the development of up to 31 additional dwelling units during the plan period.

**DB-02** Protect and enhance the attractive coastal setting and landscape character of the village.

5.1.5. Other relevant chapters and policies of the main CDP (Volume 1) are as follows:

**Chapter 16 – Built and Cultural Heritage**

**HE 16-2 National, Regional and Local Road Network**

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

**HE 16-6 Industrial and post-medieval Archaeology**

Protect and preserve industrial and post-medieval archaeology and long-term management of heritage features such as mills, limekilns, forges, bridges, piers and harbours, water related engineering works and buildings, penal chapels, dwellings, walls and boundaries, farm buildings, estate features, military and coastal installations. There is a general presumption in favour of retention of these structures and features. Proposals for appropriate redevelopment including conversion should be subject to an appropriate assessment and record by a suitably qualified specialist/s.

## **HE 16-10 Management of monuments within development sites**

Where archaeological sites are accommodated within a development, it shall be appropriately conservation/protection with provision for a suitable buffer zone and long-term management plan put in place all to be agreed in advance with the County Archaeologist.

**Chapter 14 - Landscape** sets out the objectives for landscape protection. **Appendix F** contains the **Landscape Character Assessment for County Cork**. The site is located within the **Indented Estuarine Coastline**. This Landscape Type has a 'Very High Landscape Value' and a 'Very High Landscape Sensitivity' and is of 'National Landscape Importance'. The most relevant Landscape policies are :-

**GI 14-9 Landscape** (a) Protect the visual and scenic amenities of County Cork's built and natural heritage; (c) Ensure that new development meets high standards of siting and design; (d) Protect skylines and ridgelines from development; and (e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

**GI 14-10 Draft Landscape Strategy** – ensure the management of development throughout the county will have regard to the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations in order to minimise the visual and environmental impact of development, particularly in those areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

**GI 14-12 General Views and Prospects** – preserve the character of all important views and prospects, particularly sea views, river or lake views of unspoilt mountains, upland or coastal landscape, views of historical or cultural significance ... and view of natural beauty as recognised in the Draft Landscape Strategy.

5.2. **Cork County Rural Design Guide** – provides Guidance on the siting, layout and design of development in rural and coastal areas.

**Siting** - The aim of site selection is to ensure that development appears visually integrated and sympathetic with its surrounding landscape rather than imposed upon



it. It is important to avoid exposure and prominence and to seek shelter and integration with the landscape. The advice is to avoid building on prominent, unsheltered hillside locations and avoid building on ridges.

**Layout** – Use layout to minimise visual impact by avoiding prominence. Orientate the building with the contours to give an integrated appearance.

**Design** – proportion, form, scale and massing - simple vernacular style is generally single-storey with a rectilinear plan, usually no more than one room deep, with gable-end or hipped end details.

- Proportion – traditional houses maintain a balance between the height, the walls and openings. There should be a high solid-to-void ratio with vertical emphasis of openings.
- Scale – extremely important to ensure that the building's size is relative to its surroundings.
- Form – should be simple, narrow width, steep roof, vertically proportioned windows, low eaves, central chimney at gable and natural local finishes.
- Colour – choice of colour and materials should blend in with local traditions and surrounding buildings. Contrast between roof and walls provides relief and lighter coloured walls with darker roofs are traditional.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- **Planning history** – the proposed development has been permitted on several occasions in the past, notwithstanding the adoption of new development plans during that time. The proposed development does not deviate significantly from that permitted under 16/756.
- **Compliance with policy** – the proposed development had been deemed to be compliant with the Cork County Development Plan 2014 previously (16/756) and this Plan was in force at the time that the current application was submitted and when the decision was made by the P.A. The proposal

complies with the policies for Union Hall as set out in the West Cork Municipal District LAP 2017, including DB-01 and U-01.

- **High Value Landscape** – This designation was in place when the previous application 16/756 was considered. The design, scale and location of the proposed development was not considered to be unacceptable in terms of the High Value Landscape designation in 2016, and there has been no change since then.
- **Design and scale of development** – The proposed development complies with the guidance for the design of new dwellings in the CDP (2014), including the following: -

RCI 6-1 New Dwelling Design,

HE 4-6 Design and Landscaping of New Dwellings and

GI 6-1 Landscape.

It respects the character, pattern and tradition of existing places, materials and built forms and fits appropriately into the landscape. The design was previously approved by the Council (16/756.) A series of photographs accompanies the grounds of appeal, together with a commentary of the individual photos. The main thrust of the argument is that there are many buildings and structures in the vicinity of the site which are equally as large or even larger than the proposed development and which do not detract from the High Value Landscape.

- **Residential amenity** – it is noted that the Area Planner has expressed concern regarding the height of the proposed dwellings (9.2m) and the fact that the site overlooks dwellings to the north with a consequent loss of amenity. This is disputed as the proposed dwelling would be 45 metres from the closest dwelling. There are no overlooking issues as the neighbouring houses are at a lower level, which only the roof being visible from the appeal site.
- **Architectural Monument** – The perilous and ruinous condition of the monument is not taken into account in the planning authority's reports. The County Archaeologist has only recommended refusal because it is a recorded

monument. However, the poor condition does not justify a refusal of permission.

- **Procedural issues** – reference is made in the reports by the Area Planner to the previous permission expiring on 02/02/22, but it did not expire until 13/3/22. It is claimed that the Area Planner had previously stated that he had a conflict of interest in respect of any development in Union Hall.

## 6.2. Planning Authority Response

- 6.2.1. The planning authority responded on the 2<sup>nd</sup> June 2022.
- 6.2.2. The Area Planner stated that the applicant was not known to him, and that the application was dealt with as per normal and based on proper planning and sustainable development principles.
- 6.2.3. It was further stated that the design of the proposed development and the demolition of the recorded monument were considered to be highly inappropriate.

## 7.0 Planning Assessment

### 7.1. Introduction

- 7.1.1. I consider that the principal planning issues arising from the appeal are the impact of the proposed development on the archaeology and cultural heritage of the area and the visual impact of the proposed development on the character of Union Hall and its surrounding landscape.

### 7.2. Impact on Archaeology and Cultural Heritage

- 7.2.1. The proposed development involves the demolition of a Recorded Monument (RMP No. CO142-059). The first reason for refusal is based on the detrimental impact that the proposal would have on the Recorded Monument, which it was considered would materially contravene Objectives HE 3-1 (Protection of Archaeological sites) and HE 3-4 (Industrial and Post Medieval Archaeology) of the 2014 CDP. These policy objectives have been replaced by similar objectives in the current CDP (2022), i.e. HE 16-2 and HE 16-6. In addition, a new policy objective has been introduced, HE

16-10 Management of monuments within development sites. The policy framework is based on national policy regarding the protection of known and unknown archaeological features and the avoidance of negative impacts on same. As the Coastguard Station is a Recorded Monument, there is a statutory objective to protect it under Section 12 of the National Monuments (Amendment) Act 1994.

7.2.2. In line with this requirement, Policy Objective HE16-2 seeks to preserve all archaeological monuments and their settings *in situ*, and only in exceptional circumstances, is it likely that monuments would be permitted to be demolished and preserved by record. In securing such preservation, HE16-2 states that the P.A. will have regard to the advice and recommendations of the Dept. of Housing, Local Government and Heritage. The same advice was included in HE 3-1 of CDP 2014 (albeit to the Dept. of Arts, Heritage and Gaeltacht, which was the relevant Government Department at the time). The proposed development which proposes to demolish the Recorded Monument is clearly contrary to this policy objective.

7.2.3. It is noted that the policy regarding the protection of industrial archaeology has also been strengthened in the new CPD (HE 16-6). This objective seeks to protect items such as 'coastal installations' and it is stated that : -

“There is a general presumption for retention of these structures and features.

Proposals for appropriate redevelopment including conversion should be subject to an appropriate assessment and record by a suitably qualified specialist”

7.2.4. A further policy was introduced regarding development sites containing a Recorded Monument (HE 16-10). This policy objective essentially seeks the conservation/protection of any such monument within a site, together with the provision of a buffer zone and long-term management plan which is required to be agreed with the County Archaeologist in advance.

7.2.5. It is clear from the above that the proposal to demolish the Recorded Monument on the site and to replace it with a new building is contrary to the policy objectives of the current County Development Plan, with particular reference to Objectives HE 16-2, HE 16-6 and HE 16-10. The policy framework on which the decision is based has not altered in terms of being weakened, and if anything, has been strengthened in respect of preservation of such monuments. It is considered that these policy objectives are in accordance with best practice.

- 7.2.6. There does not appear to be any correspondence on file with the Dept. of Housing, Local Government and Heritage. There is no evidence of any archaeological impact assessment having been carried out or any report from any archaeological specialist. The only expert advice on file is from the P.A.'s Archaeologist, who considers that the proposed development would have a profound direct impact on the Recorded Monument and should therefore be refused. In these circumstances, it is difficult to justify any deviation from the planning authority's position on this matter.
- 7.2.7. It is acknowledged that the concept of demolition of the Recorded Monument has been accepted in the past, in terms of previous decisions by the planning authority. The only details of previous permissions that have been forwarded to the Board are those relating to the most recent permission, PA Ref. 16/756. It is noted that the Archaeologist had also recommended refusal in this instance, but the planning authority had decided to grant permission subject to a condition requiring site investigations to be carried out. Condition 19 had required the developer to engage the services of a suitably qualified archaeologist to carry out pre-development testing of the site, to notify Duchas at least 4 weeks in advance and to submit a report of the testing to the National Monuments Service and to the P.A. outlining the results of the investigation and any mitigation measures required, including the prospect of avoidance and preservation in situ.
- 7.2.8. Archaeological heritage provides an irreplaceable link with the past and the principal mechanism for the protection of archaeological sites and monuments is through the Record of Monuments and Places (RMP). Protection of a Recorded Monument, as required by Section 12 of the National Monuments (Amendment) Act 1994, requires an owner/occupier to give notice in writing to the relevant Government Department and may not commence work for two months after giving notice. This is to allow the National Monuments Service time to consider the proposed works and how best to further protect the monument. The demolition, excavation or interference with a monument could result in irreversible damage or loss of archaeological material, which is likely to have a profound direct impact on the archaeology of the area. Thus, the demolition of the recorded monument in the absence of any archaeological impact assessment would not be in accordance with the established policy framework that is in place or with best practice to protect such archaeological heritage.

7.2.9. I would, therefore, concur with the planning authority's decision to refuse permission on the grounds that that the proposed development would materially contravene objectives HE 3-1 and HE 3-4 of the 2014 CDP, which have been replaced by Objectives HE 16-2, HE 16-6, of the current Cork County Development Plan 2022, and would also contravene HE 16-10 of the current Plan, which objectives are consistent with the national policy and guidance relating to the protection of Recorded Monuments and archaeological heritage.

### **7.3. Visual Amenity**

7.3.1. The site is shown in Appendix F of the current CDP as being within the Landscape Character Area 'Indented Estuarine Coastline', which is classified as 'Very High Landscape Value', 'Very High Landscape Sensitivity' and of 'National Landscape Importance'. These classifications mean that the site is designated as a 'High Value Landscape', which was also the case under the previous CDP. The policy objectives relating to Union Hall also emphasise the need to protect and enhance the attractive coastal setting and landscape character of the village (DB-02).

7.3.2. The site is in a highly scenic and prominent location on an exposed hillside overlooking the Glandore Harbour, which is in the heart of the highly valued West Cork tourist coastal area. Union Hall is a picturesque village with established development generally nestled around the harbour and on the lower slopes overlooking the sea. Although, within the village development boundary, the site is at the eastern end on elevated ground above the established building line. Thus, it is reasonably prominent and exposed in terms of its setting.

7.3.3. The High Value Landscape designation reflects its significance in landscape terms, and as an important tourist asset. There is a suite of policy objectives throughout various chapters of the CDP which emphasise that considerable care will be needed to successfully locate development in such locations, and that higher standards of development will be required in order to minimise visual and environmental impact and to protect the visual and scenic amenities of the county.

7.3.4. The most relevant policy objectives are set out in Chapter 14 – Landscape and 16 – Built and cultural Heritage, (some of which are summarised in 5.1 above). These policies seek to ensure that development will have regard to the value of the

landscape, its character, distinctiveness and sensitivity as set out in the Draft Landscape Strategy (GI 14-10) as well as the buildings set within the landscape (16-21). Policy GI 14-9 seeks to protect these visual and scenic amenities, and in particular skylines and ridgelines, and to ensure that new development meets the high standards of siting and design. These policy objectives are similar to HE 4-6 and GI 6-1 of the 2014 CDP, respectively, upon which the PA's second reason for refusal was based, and the basis for which the proposed development was considered to have been in material contravention.

- 7.3.5. The second reason for refusal considered that the proposed development, by reason of its overbearing, excessive scale, height, materials and inappropriate design would form an unduly prominent feature on the landscape and impact negatively on both the village setting and the surrounding High Value Landscape. Guidance in terms of siting, layout and design is provided in the Cork County Rural Design Guide (2010), which although primarily intended as guidance for building a house in the Cork countryside, is also considered relevant to the current proposal. This seeks to ensure that new development is sited and designed such that it is visually integrated and sympathetic to the character of the surrounding landscape and the vernacular architecture. In brief, therefore, prominent, exposed locations should be avoided, and simple vernacular styles are generally most appropriate. These include use of narrow widths, steep roofs, high solid-to-void ratios and vertically proportioned windows, low eaves with clear contrasts between roofs and walls, symmetrical gables and choices of colours and materials that blend in with local traditions.
- 7.3.6. As stated above, the location is reasonably prominent, being sited above the level of the established development on the hillside. However, it is acknowledged that the proposal is generally sited on the footprint of the original coastguard station that it is intended to replace, which for obvious reasons would have had a prominent location. Although little information is provided regarding the original building, it can be seen from the submitted plans and documents that it was a single, long, narrow building, with a gable end roof, and is likely to have been 2-storeys in height. References are made to the building housing 6 men and the coastguard.
- 7.3.7. The proposed structure comprises two attached dwelling houses, (two storeys in height), with a deep-plan layout and substantial floor areas (320sq.m each), linked together by a first-floor level archway, with a conservatory at either end. The

accommodation within each house includes a large lounge, study, kitchen and dining room with four bedrooms and four bathrooms. The front elevation (facing the harbour) is clad in natural stone, and the side and rear elevations are of smooth render. The roof is gable-ended and of blue/black fibre slate. The window surrounds and chimneys are of red brick. The glazing pattern and style of windows seems to be based on Edwardian, multi-pane casement windows, with arched openings, with a number of tall narrow windows at the rear. There is a balcony at either end of the structure, just to the front of the proposed conservatories.

- 7.3.8. It is considered that the height, scale, mass and bulk of the building combine to create an excessively large structure on the hillside. In addition, the layout and design, with an overall length of c. 45 metres, results in a monolithic and very imposing appearance, which is considered inappropriate for such a sensitive and exposed setting. The modern floor plan together with the arched link and the additional details such as the conservatories and balconies result in a confused design approach, which would be more suited to an urban location. It is considered that the Edwardian type windows combined with the natural stone and the excessively long frontage would result in quite a foreboding structure which would seem out of place in this location and would be an unduly prominent feature in the picturesque landscape.
- 7.3.9. The architectural design of the proposal may have been influenced to some extent by the characteristic 'coastguard station' typically found along the coasts of Ireland and Britain, which were often grandiose buildings with an Edwardian style. However, no information has been provided regarding the design approach or justification for same, apart from photographs of large buildings elsewhere within the village. As the original building is to be demolished, there is no justification for following the footprint or design characteristics of a typical coastguard station, particularly as the proposal imposes a larger bulkier footprint than the original. It is acknowledged that the design has not changed in any material way from that permitted under 16/756, but this does not seem to be sufficient justification for accepting a poor-quality design in such a sensitive landscape.
- 7.3.10. In conclusion, I would concur with the PA's second reason for refusal as the proposed development would seriously injure the visual and scenic amenities of the



area and would contravene the policies of the Development Plan. It is considered that the proposed development should be refused on these grounds.

#### **7.4. Other matters**

- 7.4.1. The planning authority reports referred to the potential for overlooking and loss of amenity to residential properties to the north (downslope). The appellant however pointed out that the distances involved and the nature of the gradient is such that no overlooking issues would arise. I note that there were no third party observations in this regard and this did not form part of the PA decision to refuse permission. Although I would agree that no significant overlooking issued are likely to arise, the design and location of the balconies may need to be reviewed, should the Board be minded to grant permission.
- 7.4.2. The appellant refers to previous planning permissions and considers that the opportunity to extend the duration of permission was not given. I note that in terms of the most recent permission (16/756) the decision to grant was issued on the 6<sup>th</sup> February 2017, and the final grant on the 13<sup>th</sup> March 2017. It therefore expired in March 2022. As such, the appellant believes that the opportunity to extend the permission should have been given.
- 7.4.3. Correspondence has been submitted which indicates that a letter seeking such an extension was submitted to the P.A. on the 28<sup>th</sup> January 2022. However, the P.A. responded as follows:
- With effect from the 9<sup>th</sup> of September 2021, Section 42(1)(a)(ii), which allows for extensions of the appropriate period of a planning permission where commercial, economic or technical considerations beyond the applicant's control substantially militated against either commencement or substantial works in respect of the development has been deleted.
- 7.4.4. In light of the above, it would appear that the application for an extension of duration could not be considered by the planning authority as this provision, which had been introduced during the Covid 19 pandemic, had ceased to have effect.
- 7.4.5. The appellant also claimed that during a telephone conversation with the Area Planner, the said planning official had stated that he had a conflict of interest and would not be able to dela with the case. However, in the response to the grounds of

appeal from the planning authority, the Area Planner confirms that he did not have a conflict of interest in this case.

## 8.0 Appropriate Assessment

8.1.1. The site does not lie within or immediately proximate to any designated European site. There are four European sites within 15km of the site as follows

- Moyross Wood SAC (001070) – located c. 2.km to the north-west.
- Castletownshend SAC (001547) – approx. 2.5km to the southwest.
- Sheeps Head to Toe Head SPA (004156) located approx.12km to the southwest.
- Lough Hyne Nature Reserve and environs SAC (000097) – located approx. 14km to the southwest.

8.1.2. The closest European sites are Moyross wood SCA and Castletownshend SAC, which are located approx. 3km away. The Qualifying Interest for each of these sites is the Killarney Fern. There is no evidence of any hydrological link to these SACs and they can be screened out.

8.1.3. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites. Each of the European sites in the vicinity can therefore be screened out.

## 9.0 Environmental Impact Assessment

9.1.1. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

## 10.0 Recommendation

10.1. I recommend that permission is **refused** in accordance with the following reasons and considerations.

## 11.0 Reasons and Considerations

1. The proposed development, which would result in the demolition of a Recorded Archaeological Monument RMP Ref. CO142-059 would have a detrimental and irreversible impact on the Recorded Monument and would have a profound negative impact on the archaeological and cultural heritage of the area. The proposed development would, therefore, materially contravene policy objectives HE 16-2, HE 16-6 and HE 16-10 of the current Cork County Development Plan 2022, which seek to safeguard sites, features and objects of archaeological interest, to protect and preserve Recorded Monuments in situ and to retain industrial and post-medieval structures and features. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site within Union Hall village overlooking Glandore Harbour, which is designated as a High Value Landscape in the current Cork County Development Plan 2022-2028, wherein it is required that new development is designed to a high standard and visually integrates into the landscape and that the character of vernacular buildings is maintained, it is considered that by reason of the excessive scale and massing of the proposed structure, to its insensitive design and use of materials and to its failure to adequately relate to the character and setting of the village, the proposed development would result in an visually obtrusive element in this scenic coastal landscape which fails to respect the character of the landscape and the vernacular heritage of the area. The proposal would, therefore, seriously injure the visual amenities of the area, would be contrary to policy objectives GI 14-9 and HE 16-21 in the current Cork County Development Plan 2022-2028 and would not be in accordance with the proper planning and sustainable development of the area.

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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Mary Kennelly  
Senior Planning Inspector

21<sup>st</sup> June 2023