



An
Bord
Pleanála

Inspector's Report

ABP-314384-22

Development	Refurbishment and extension of a derelict house.
Location	Glanlough Td, Bantry, Co. Cork,
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/200
Applicant(s)	Siobhan and Brendan Collins
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Charles and Julia McCarthy Ian Stretch and Jeannie Stretch
Observer(s)	None
Date of Site Inspection	28 September 2023
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The appeal site is located on Sheep's Head peninsula in West Cork. It is a rural area, approximately 12km south east of Bantry. Bantry Bay is approximately 145m north of the site. The site is accessed from a narrow local road to the north which terminates in a cul-de-sac a short distance north east of the site. Five houses are accessed from this road, two of which are located to the northeast of the site on the opposite side of the road. 'Seamount' operates a B&B and the more north easterly dwelling, 'Loughananish', is stated to run an AirBnB. To the east of the site is a narrow landscaped area, which bounds a private road at a much lower level. This route is gated near the public road to the south. It connects the public road to the south with the cul-de-sac road to the north.
- 1.2. The site has a stated area of 0.21ha. and is of irregular shape. It is approximately 75m wide on an east/west axis at its widest point, and its roadside frontage to the north is approximately 29m. The roadside boundary comprises mainly timber and wire fencing, and a wide agricultural entrance. There are three no. small stone sheds in the vicinity of the northern site boundary, two of which bound the site, and one is located approximately 2m north of the site's northernmost corner. A larger, dilapidated agricultural-type shed is approximately 9m to the south west of the site. A lightweight fence partially bounds the adjoining land to the south west which contains rock outcrop and is largely overgrown.
- 1.3. The site slopes from south to north. There is an existing small stone building on site, with a stated area of 21.94sqm, located on the ridge approximately 10m from the southern site boundary. This is the building subject of the appeal which is proposed to be refurbished and extended. It is visible from local roads to north and south. The field directly to the south/south east is at a substantially lower level. A significant amount of rock outcrop is visible in parts of the site and its immediate surrounds.

2.0 Proposed Development

- 2.1. Permission is sought for refurbishment of a ruined dwelling including extension to same for use as a dwelling, installation of wastewater treatment system and all associated site works. The gross floor area of the proposed extension is stated as 34.5sqm. The extension is proposed to the north east (side) of the existing structure.

The vehicular entrance is located at the northeastern end of the site's roadside frontage.

- 2.2. The Further Information (FI) response modified the proposed extension and site layout, whereby a revised 34.5sqm extension is proposed to the north of the existing structure.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority granted permission for the proposed development subject to 15 no. conditions including:

Condition 1: Development to be carried out in accordance with lodged application, as amended by FI response, save as amended by conditions.

Condition 6: Provide 50m sight distances to west and east from centre point of entrance 2.4m back from public road edge. No vegetation/structure exceeding 1m height within sight distance triangle.

Condition 7: Surface water disposal to be within site, and not flow onto public road.

Condition 13: Provide adequate parking within site during construction.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports (dated 16 May 2022 and 25 July 2022)

The basis for the planning authority's decision include:

- **First Area Planner's** report
- Notes information submitted at pre-planning stage and with the application, states planning authority is satisfied that the derelict structure was previously used as a dwelling, and that proposal is assessed under policy RCI 8-1 of the County Development Plan 2014. Refers to internal photographs submitted at pre-planning stage, showing existing fireplace and flagstone flooring.
- Considered structural report required.

- Considered that extension should be constructed at lower position on slope to north of ruined dwelling house to address visual impact concerns.

Further Information recommended concerning these and other matters relating to sight distances and details of proposed wastewater treatment system raised in the Area Engineer's report.

- **Second Area Planner's** report considered the revised extension, landscaping plan and engineer's report referencing a structural survey, to be acceptable, and noted Area Engineer's report on FI response to 7 no. items. Grant of permission subject to conditions was recommended.

3.2.2. Other Technical Reports

Area Engineer Reports (dated 9 May 2022 and 15 July 2022)

- **First Area Engineer's** report notes the public road is a local tertiary cul-de-sac, requests Further Information including revised site layout showing 50m sight distances in both directions, separation distances of percolation area to the bored well and soakaway, interceptor drainage grating at site entrance, location of culvert (near entrance), neighbouring wells and wastewater treatment systems, and 4 additional trial holes to be provided for inspection.
- **Second Area Engineer's** report notes responses to 7 items of Further Information, including FI drawing showing provision of 53.9m sight visibility to west and 50.0m sight visibility to east, confirms that 3 of the 4 trial holes inspected were substantially in agreement with details of site suitability report, and the proposed recommendation for a secondary treatment system and soil polishing filter is satisfactory. Grant of permission subject to 12 no. conditions was recommended.

3.3. Prescribed Bodies

None.

3.4. Observations to Planning Authority

3 no. submissions were received by the planning authority, two of which are from/on behalf of Charlie and Julia McCarthy, and one from Ian Stretch and Jeannie Stretch.

The issues raised in the observations are similar to those raised in the grounds of appeal and are summarised within the grounds of appeal set out below.

4.0 Planning History

Subject Site

I have no record of any planning application or appeal relating to this site.

Sites in the Vicinity

P.A. Ref. 21/648 and ABP-313406-22: Permission was granted in 2023 for retention of dwelling and domestic shed as constructed. Part of the roadside boundary of this large site is located opposite the current appeal site.

P.A. Ref. No. 04/6597: Permission granted in 2005 for a house approximately 100m to the west of the subject site, on a smaller site area than subsequent planning application **P.A. Ref. 21/648.**

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The appeal site is located within an area of West Cork designated as High Value Landscape.

The building on site is visible from Scenic Route S110, which is located approximately 25m to the south of the site, described as Roads from Bantry via Gerahies to Kilcrohane.

The site is within Flood Zone C.

Sustainable Rural Housing

Objective RP 5-1: Urban Generated Housing Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual housing in the open countryside.

Objective RP 5-2: Rural Generated Housing includes Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Rural Area Type

In terms of rural settlement policy, the site is located within Tourism and Rural Diversification Area. The Development Plan states (Section 5.4.5) that these rural and coastal parts of the county exhibit characteristics such as evidence of considerable pressure for rural housing, particularly for holiday and second home development. They are more distant from the major urban areas and associated pressure from urban generated housing, have higher housing vacancy rates and evidence of a relatively stable population compared to weaker parts of the county. They have higher levels of environmental and landscape sensitivity and a weaker economic structure with significant opportunities for tourism and rural diversification.

Objective RP 5-5: Tourism and Rural Diversification Area This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of a number of categories of housing need.

Renovation or Replacement of an Uninhabitable or Ruinous Dwellings

Section 5.12.1 states that in the case of uninhabitable or ruinous dwellings, where the existing dwelling structure is substantially in place, the renovation/redevelopment or replacement of same for use as a dwelling will be considered on a case-by-case basis, having regard to an appropriate scale and design of building, normal planning considerations and the requirements of other relevant policies and objectives in this plan. It is not the intention of the settlement policy objectives generally to prevent such development. A ruinous dwelling still in place is defined as a structure formerly

used as a dwelling, with the main walls substantially intact. This section also refers to Chapter 16 Built and Cultural Heritage regarding protection of vernacular heritage.

Section 5.12.2 states that the provisions of Objective RP 5-2 (i.e. the 'Rural Generated Housing Need' requirement) and Objective RP 5-25 (i.e. Occupancy Clause) will not apply to development that comes within the terms of RP 5-30.

Objective RP 5-30: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- The original walls of the dwelling structure must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.
- Existing mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by protected wildlife.
- Proposals must be acceptable in terms of public health and traffic safety.

Vernacular Buildings

Section 16.3.22 Vernacular buildings are perhaps the most vulnerable part of our built heritage. Some of those documented in the Archaeological Survey of County Cork are now either in total ruin or have been removed entirely. In order to prevent further loss or destruction of this important heritage asset, there is a presumption against the demolition of vernacular buildings which appear on historic maps (i.e. 1st, 2nd and 3rd edition Ordnance Survey). The Plan supports the appropriate re-use and sympathetic extension to these structures within the County to meet sustainability goals and to respect their important heritage value. Any development works to vernacular buildings should be informed by an assessment of their heritage value by an accredited historic building professional/professionals.

Objective HE 16-19: Vernacular Heritage

- a) Protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.
- b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant.
- c) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

Landscape

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. Sustainable Rural Housing Guidelines for Planning Authorities

- 5.2.1. These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and

lands zoned for such development. A number of rural area types are identified including Stronger Rural Areas, which are defined as those in which population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity tends to be relatively low and confined to certain areas.

- 5.2.2. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Examples of rural generated housing need outline 'persons who are an intrinsic part of the rural community' to include people who have lived most of their lives in rural areas and are building their first homes, and 'persons working full-time or part-time in rural areas'.

5.3. **National Planning Framework**

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

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

5.4. **Natural Heritage Designations**

- The nearest part of Sheep's Head SAC (Site Code 000102) is approximately 30m to the south and covers an extensive part of this peninsula.
- Sheep's Head to Toe Head SPA (Site Code 004156) is approximately 11km southwest of the site.

- The nearest part of Sheep's Head Proposed Natural Heritage Area (Site Code 000102) is located approximately 30m to the south.

5.5. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two no. third party submissions have been received from

- Charles and Julia McCarthy, who run 'Seamount' B&B, located north east of the subject site, on the opposite side of the road.
- Ian Stretch and Jeannie Stretch, who live at 'Loughaninish', situated to the north east of the 'Seamount' property.

The grounds of appeal from Charles and Julia McCarthy can be summarised as follows:

- Concern that B&B business will be seriously affected.
- Location of their 300 year old well is not shown. It is 27m from proposed wastewater treatment system and 2m lower with an aquifer layer of rock. Percolation area will not comply with EPA Code of Practice. There is HSE requirement to test the well every 24 months. There is contamination risk. Tourists take spring water from this well.
- Main well for their home/business is 49m from proposed wastewater treatment system and 6.5m lower, and has aquifer layer of rock.

- Planning authority indicated that 3 of 4 test holes 'substantially' complied with EPA requirements. Adequate subsoil depth for percolation area not shown.
- No natural attenuation available on site for surface water or wastewater.
- Southern section of site is subject to flooding. Photographs indicate recent flooding. Field drains/floodwater from the site run into their property.
- An existing council surface water drain goes from proposed site to within 2m of their bored well. Concern that surface water will carry foul water.
- Sightline is 15m only when measured 2.4m from road edge, blocked by old stone building.
- Overlooking.
- The building was never a dwellinghouse. It was a smoke house for fish. No photographs on file to support use as dwelling. Application does not comply with Development Plan housing policy. It will have to be considered a greenfield site. Applicants are required to set out housing need.
- Development will lead to obtrusive structure on skyline, on a scenic route.
- Internet content shows site is for sale. This appears to be speculative development. No residency condition included.

The grounds of appeal from Ian Stretch and Jeannie Stretch can be summarised as follows:

- Access road was inadequate for the 3 original houses, and 2 further houses were constructed. Road is 6ft 4 inches wide at site entrance. More traffic and heavy construction vehicles would further degrade it. All traffic has to use this road including tourists and essential deliveries.
- Detrimental visual impact – it will be visible on skyline and from scenic route.
- Concern about contamination of well which is positioned downhill, approximately 100m east of the site. Water shortage in the area due to demand from existing residences.
- Concern about water run off. There has been flooding in the past.

6.2. Applicant Response

The response to the grounds of appeal can be summarised as follows:

- Signed statement from Christy O’Sullivan (89 years), father of Siobhan (Collins), submitted, who briefly lived with the last occupant of the building. This concurs with census documents and general construction of the building. Suggestion of it being a smoke-house is incorrect.
- Third party appeal (Charles and Julia McCarthy) has new information about 300 year old well. Applicant did not refer to this as it was a surface spring. The circular stone garden feature simply marks the location. It is doubted anyone would drink from same.
- Location of third party’s well is indicated on the FI submission, the only well in the vicinity.
- The proposed secondary treatment system and polishing feature can cater for a higher loading than will be provided with this two-bedroom development.
- With regard to flooding of the site and third party’s (‘Seamount’) yard, the blocking of a large bore hole culvert near the site entrance in lands owned by the third party is one of the main contributory factors. Bantry area engineer’s office is in the process of organising remedial works to deal with same. Applicant met with Council’s area supervisor and area engineer, and told them water build up is not causing any issues even after heavy rain. It was decided that if an issue arises again or planning is granted they (Council) will dig the road and re-pipe the culvert.
- Applicant has employed experienced professional to carry out testing to ensure that there will be no problem with surface water and percolation area.
- One of the applicants (Siobhan Collins) is from the immediate area. Applicants do not own their own home and are currently renting in Drimoleague. Submitted auctioneer’s letter states that site was part of a larger plot listed for sale 2015 for Christopher O’Sullivan and was later withdrawn.
- Proposal is in keeping with County Development Plan.

- Private road built by third party into their B&B. Traffic on public road passing the site has greatly reduced in recent years.
- Privacy can be easily achieved between site and third party's B&B with landscaping plan.

6.3. **Planning Authority Response**

The planning authority has not responded to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

7.1. Key issues for assessment

- Compliance with Rural Settlement Policy
- Visual Impact and Vernacular Heritage
- Site Suitability – Wastewater Treatment System and Surface Water
- Traffic Safety
- Speculative Development
- Residential Amenities – Overlooking
- Residential Amenities: Internal Layout - New Issue
- Appropriate Assessment

7.2. **Compliance with Rural Settlement Policy**

- 7.2.1. The site is located within the Tourism and Rural Diversification Area, an area where a housing need is required to be demonstrated. The planning authority's standard supplementary form relating to local housing need was not included with the application.

- 7.2.2. I consider that one of the key issues to be addressed is whether the proposed development may be assessed with reference to **Objective RP 5-30: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling**, whereby the provisions of Objective RP 5-2 (i.e. the 'Rural Generated Housing Need' requirement) would not apply. It is therefore necessary to ascertain as to whether the structure on site was previously used as a dwelling.
- 7.2.3. The floor area of this stone structure is limited at 21.9sqm. It has a ridge height of 3.24m, and the roof has a shallow pitch. Roofing material comprises corrugated metal. A chimney is not discernible on the structure. There is a door to the front (north west) of the building. No windows are visible on the structure, although there is a small ope on the rear elevation, and corrugated metal approximating to a door shape is in place on the north eastern gable.
- 7.2.4. The applicants state that the structure was previously occupied as a dwelling, that the old flagstone floor is there and that the fireplace still works. The planner's report refers to internal photographs submitted to the planning authority at pre-planning stage. No photographs of the interior are on file. I note that two of the observations submitted to the planning authority include an image showing the subject building without a roof. The FI response includes a screenshot from Google Street View, stated to be dated 2009, showing part of the southern roof slope of the structure in place, with vegetation evident.
- 7.2.5. The absence of any photographs of the building's interior on the file, to demonstrate the building's previous use as a dwelling, is significant in this case. Having regard to the information on file and to current external appearance of the building on site, I consider that it has not been adequately demonstrated that this structure was previously used as a dwelling.
- 7.2.6. Documentation on file includes photocopies of extracts of the 1901 and 1911 censuses, some details of which are not easily discernible. It is stated that the building on site is building 'No.10' in these censuses, was occupied, and a separate letter is included relating to previous occupiers of the property. However, on the basis of this submitted documentation, I do not consider that it has been adequately demonstrated that the subject building was previously used as a dwelling.

7.2.7. Accordingly, having regard to the information on file, it is considered that the criterion which requires that the structure was previously in use as a dwelling has not been complied with, and I consider that the proposed development would therefore not be in accordance with Objective RP 5-30. Refusal of permission is recommended on this basis.

7.3. Visual Impact and Vernacular Heritage

7.3.1. The existing structure is located on a ridge, and is visually prominent as viewed from Scenic Route S110 to the south. The proposed extension would also be visually prominent as viewed from the local road to the north. I consider that the design concept of the proposed extension, as amended by way of FI, would be generally acceptable, insofar as the modified extension is located to the north of the existing structure on site, is of limited scale and height, and is positioned at a slightly lower level to the existing structure on this sloping site. However, I consider that the detailed design of the proposed development has not taken adequate account of the requirements of Objective HE 16-19 Vernacular Heritage and Section 16.3.22 of the Development Plan, and this matter is discussed further below.

7.3.2. Objective HE 16-19 Vernacular Heritage includes the aim to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings and the contribution they make to local character, and states that there will generally be a presumption in favour of retention of vernacular buildings and the re-use of same is encouraged, subject to normal planning considerations. I am of the view that the subject building can be considered a vernacular building, and as such the proposal comprising the retention and re-use of a vernacular building would comply with this aspect of Objective HE 16-19.

7.3.3. However, Objective HE 16-19 also states that Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings through the use of specialist conservation professionals and craft persons, and that proposals shall be accompanied by appropriate documentation compiled by an experienced conservation consultant. In addition, Section 16.3.22 of the Development Plan states that any development works to vernacular buildings should

be informed by an assessment of their heritage value by an accredited historic building professional.

- 7.3.4. A report titled 'Planning Permission – Restoration and extension of building' prepared by Crocon Engineers Ltd. was included with the lodged application. It sets out under Limitations of this Study (Para. 2) that it is not intended to be a comprehensive historic building record, which would require a more detailed exploration of the building's design, construction, evolution, function and context, and that it was not within their remit to undertake historic research or establish a chronology of the building.
- 7.3.5. I note that the Crocon Engineers Ltd. report expressly states that it is not intended to be a comprehensive historic building record. Having regard to the stated limitations of that report, and to the absence of any other reports on file prepared by conservation consultants or accredited building professionals, I consider therefore that the proposed development would not be in compliance in this regard with the requirements of Objective HE 16-19 nor with Section 16.3.22 of the Development Plan.
- 7.3.6. I highlight for the Board's information that in terms of the existing structure on site, the Crocon Engineers Ltd. report states that the building appears to be in fair condition. While it is stated that the roof is modern corrugated iron and requires global replacement, elsewhere the detailed specification outlines that it is intended to strip all roof slates and ridge tiles. In this regard I note however that no roof slates are apparent on the building. The FI response letter from Crocon Engineers Ltd. includes stating that walls need re-pointing but are otherwise in good condition, and that the existing structure is physically capable of undergoing renovation/conversion without demolition.
- 7.3.7. In terms of detailed design, I note that no proposed roof plan has been submitted. External finishes of the existing structure and proposed extension are not easily discernible on the lodged drawings, and it would appear that the existing structure comprises stonework.
- 7.3.8. Having regard to the lack of a roof plan and insufficient details submitted relating to external finishes for the proposed development, in addition to the absence of appropriate documentation compiled by a conservation consultant and of any

assessment of the building's heritage value by an accredited building professional, as previously set out in this report, I consider that the detailed design of the proposed development is seriously inadequate in terms of demonstrating that the proposal would be in accordance with best conservation practice. Furthermore, the lack of a roof plan and associated external finishes is considered significant in the context of the building's prominent location on the landscape and its visibility to Scenic Route S110 in particular. It is considered therefore that on the basis of the information on file that it has not been adequately demonstrated that the proposed development would not adversely impact on the visual amenities of the area and on the scenic route. Refusal of permission on this basis is recommended.

7.4. Site Suitability - Wastewater Treatment System and Surface Water

- 7.4.1. A large amount of rock outcrop is visible on site, particularly in the area to the northwest of the proposed extension, and the area directly to the rear (south and south east) of the existing structure on site. There is also a large area of rock outcrop north of the site, particularly between the stone shed approximately 2m north of the site and the stone shed approximately 16m south west of same. A large amount of rushes are visible on site, although to a lesser extent at the location of the proposed infiltration/treatment area near the northern corner of the site.
- 7.4.2. The FI Site Suitability Assessment states that no outcropping is evident within the proposed percolation area, all minimum distances are met and a secondary treatment system and soil polishing filter are recommended. The T-value is indicated as 15. The depth of ground surface to bedrock is stated as 1.2m. The FI site layout shows an existing culvert (partially blocked) near the site entrance, and the third party's well (at 'Seamount' B&B) to be 49.2m from the proposed infiltration/treatment area. A soakaway is proposed to the south west of the vehicular entrance.
- 7.4.3. The second Area Engineer's report considered the proposed secondary treatment system and soil polishing filter to be satisfactory.
- 7.4.4. I note that the third party's well at 'Seamount' B&B is down-gradient of the subject site. Separately, the third party at more north easterly property 'Loughananish' (Ian Stretch and Jeannie Stretch) state that their well is positioned approximately 100m east and downhill of the subject site, and which they indicate on an aerial image.

- 7.4.5. The EPA Code of Practice – Domestic Waste Water Treatment Systems sets out at Table 6.2 that a down-gradient domestic well is required to be minimum 45m distance from wastewater treatment system, where the percolation value is between 10 and 30, and the depth of soil/subsoil is 1.2m-8m between invert level and bedrock. Having regard to the findings of the submitted FI Site Suitability Assessment, and the location of the nearest neighbouring well shown at 49.2m from the proposed infiltration/treatment area, which exceeds the minimum 45m distance stated in the CoP, I consider this separation distance to be in accordance with the CoP and to be acceptable. As the separation distance to the well serving 'Loughananish' is further distant to north east, this is also considered acceptable.
- 7.4.6. The third party (Charles and Julia McCarthy) raise concerns regarding a 300 year old well on their property, located 27m from the proposed wastewater treatment system and 2m lower than same with an aquifer layer of rock. The applicants' response to grounds of appeal state that the location of the third party's well is that which is shown on the FI site layout, and that the circular stone garden feature marks the location of a small surface water spring in the rock.
- 7.4.7. The CoP states that the number and situation of wells and the presence of any springs should be noted, and that minimum distances of wells and springs from DWWTs (including infiltration areas) are set out in Table 6.2. This table specifies minimum distances for domestic wells and public/group water supply abstraction points/wells, although a minimum separation distance specifically for springs is not stated. As noted previously in this report, the separation distance between the proposed infiltration/treatment area and the third party's main well complies with the CoP. Accordingly, I consider that the proposed wastewater treatment system, in the context of the separation distance to the third party's main well at 'Seamount', has been adequately addressed.
- 7.4.8. On site inspection I noted that an existing open drain flows from the subject site northwards between the two small stone sheds. It continues in a north east direction towards a partially exposed pipe, located close to road edge. This drain is not shown on FI site layout. Based on the lodged drawings, it is estimated that this open drain is approximately 8.5m from the proposed infiltration/treatment area, which is below the 10m minimum separation distance required in Table 6.2. Having regard to the overall proposed site layout, I consider that in the event that the Board was minded to grant

planning permission for the proposed development, that this matter could be adequately addressed by way of condition, requiring the treatment plant and polishing filter to be provided in accordance with the CoP. However, as outlined elsewhere in this report, refusal of permission is recommended on separate grounds. The matter of surface water disposal and flooding is discussed separately below.

- 7.4.9. A soakaway is proposed within the site, to the southwest of the vehicular entrance. It is considered that the provision of same would ensure that surface water is disposed of within the site. In addition, the FI site layout shows 'existing culvert (partially blocked)'. The FI response states that the applicant has cleared the culvert from his side, it remains blocked on the third party's (Charles and Julia McCarthy) side, and that he has engaged with the council's engineering department, as the culvert travels under the public road. The applicant's response to grounds of appeal state that the Bantry area engineer's office is in the process of organising remedial works to deal with same. On site inspection it was noted that the culvert is informally cordoned off at the applicants' side of road. Based on all documentation on file, I consider that the disposal of surface water can be adequately addressed within the site.
- 7.4.10. With regard to flooding generally, I note that photographs submitted with the grounds of appeal show flooding in the general area of the cul-de-sac, including a photograph annotated Flood Water/Spring 2020 submitted by the third party at 'Loughananish'. The subject site was inspected on 28 September 2023, the day after a storm. Save for very minor isolated areas of surface water at road edge in the vicinity of the site, no flooding of the public road was evident at time of inspection. I consider that having inspected the site and having regard to all documentation on file that the proposed development would not give rise to concerns relating to flooding.

7.5. **Traffic Safety**

- 7.5.1. The Area Engineer's initial report notes that the site is accessed from a local tertiary road, which is a cul-de-sac, states that the required sight distance is 70m, although 50m in both directions would be satisfactory given the road type.
- 7.5.2. The 1:500 scale FI site layout annotates 50m sight distances to north east, and 53.9m sight distance to south west. The point at which the sight distances are

measured relative to the edge of public road is not annotated. Based on this plan, it is estimated that this measurement is from a point approximately 2m from road edge.

- 7.5.3. I note Condition 6 of the planning authority's decision requires 50m sight distances in both directions, from a point measured 2.4m back from road edge. There is a stone shed approximately 8m north east of the site entrance, and a separate shed is annotated as 22.7m south west of the entrance. An existing utility pole to the south west of the entrance is not shown on site layout. The local road on the approach to the site slopes gradually from south west to north east.
- 7.5.4. Two no. properties only ('Seamount' and 'Loughananish') are located to the north east of the subject site, at the cul-de-sac. Documentation on file indicates that the private road to the north east is used to serve 'Seamount', although I note that this property can also be accessed from the public road. Notwithstanding that the public road serves two no. properties only to the north east, I consider it reasonable that 50m sight distances be provided, in the interests of traffic safety.
- 7.5.5. In the absence of fully annotated drawings, I would have concerns that the existing stone building to the north east of the vehicular entrance may impact on the achievement of a 50m sightline in a north east direction, based from a point 2.4m from edge of public road. In addition, I would have concerns regarding an obstruction to sight distances in a south west direction, having regard to the existing utility pole. The FI site layout does not show this existing pole, nor does it contain any reference to its removal/re-positioning.
- 7.5.6. However, although I have concerns regarding the adequacy of sightlines at the vehicular entrance, I do not recommend including it as a reason for refusal due to the substantive issue highlighted earlier in this report.

7.6. **Speculative Development**

- 7.6.1. The grounds of appeal state that the proposed development appears to be a speculative development, with no occupancy condition included, and refers to the property being for sale.

7.6.2. The response to the grounds of appeal states that this was the applicants' only chance to get a site on the family farm, that it is not speculative development, and documentation is included stating that the building made up part of a larger plot which was placed on the market by Christopher O'Sullivan (brother of one of the applicants') in 2015, and later withdrawn.

7.6.3. I note that the matter of compliance with rural generated housing need and occupancy conditions do not apply to development proposals which comply with Objective RP 5-30, as stated in Section 5.12.2 of the Development Plan. Notwithstanding this, as set out elsewhere in this report, it is considered that the proposed development is not in compliance with Objective RP 5-30 in this case, as it has not been demonstrated that the subject building was previously used as a dwelling. However, as the recommendation of this report is to refuse permission for the proposed development, the matter of speculative development would not arise.

7.7. Residential Amenities: Overlooking

7.7.1. With regard to concerns raised that the proposed development would result in overlooking of and loss of privacy at 'Seamount' B&B, I note that part of the front and side garden of 'Seamount' are visible from the public road. The separation distance between the proposed extension and the front of the 'Seamount' building is 52.1m, and the extension would be positioned on a more elevated site. The proposed development would result in some overlooking of the front and side garden areas of the main 'Seamount' property.

7.7.2. However, having regard to the distance of the proposed extension to the front of the Seamount property, which is located on the opposite side of a road, and notwithstanding the more elevated position of the proposed extension, I consider that overlooking this property would not give rise to a serious injury to the residential amenities of the 'Seamount' dwelling and its B&B use.

7.8. Residential Amenities: Internal Layout - New Issue

7.8.1. The proposed internal layout shows that the existing structure is to be converted to Bedroom 2. This room would be served by two no. windows only, one of which is a

very small ope positioned at a high level on the southern elevation. The window proposed on the north eastern gable is somewhat larger (at approximately 0.5m W x 1m H). However, given that the overall floor area of Bedroom 2 is approximately 22sqm, light to this room from these two windows only would be very limited. I consider that the provision of windows to Bedroom 2, as shown on the plans and particulars submitted as FI, would result in substandard residential amenities for future occupiers of the extended structure.

- 7.8.2. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue this matter.

7.9. **Appropriate Assessment**

The site's separation distance at approximately 30m to the nearest European site (Sheep's Head SAC; Site Code 000102) is noted. Having regard to the nature and scale of the development proposed, including the location of proposed development to the north of the existing structure on site, and the absence of any direct or indirect pathway between the appeal site and any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. It is recommended that permission be refused for the reason set out below.

9.0 **Reasons and Considerations**

1. Having regard to the nature and scale of the proposed development, and to the existing structure on site, the Board is not satisfied on the basis of the information submitted with the application that it has been demonstrated that the existing structure on site was previously used as a dwelling, and accordingly, the proposed development would not be in compliance with

Objective RP 5-30 of the Cork County Development Plan 2022-2028. The proposed development would therefore be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.

2. Having regard to the proposal to refurbish and extend the existing structure on site, which is considered to be a vernacular building, and to the absence of appropriate documentation and any assessment of the building's heritage value by an accredited historic building professional on file, the proposed development would not be in compliance with Objective HE 16-19 and Section 16.3.22 of the Cork County Development Plan 2022-2028. Furthermore, having regard to the limited information on plans and particulars submitted regarding the proposed works and extension to the existing structure, and to the visually prominent location of this structure, the Board is not satisfied on the basis of the information on file that the proposed development would not adversely impact on the visual amenities of the area, including on Scenic Route S110. The proposed development would, therefore, be contrary to the provisions of the current County Development Plan and to 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.

Cáit Ryan
Senior Planning Inspector

2 November 2023