



An
Bord
Pleanála

Inspector's Report

ABP-314850-22

Development	Construct a Dwelling House
Location	Toorgarriff, Glenville, Co Cork,
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	224981
Applicant(s)	Emer Dorgan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Michael and Eleanor Foley
Observer(s)	None
Date of Site Inspection	23 December 2023
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, of a stated 0.309 ha, is located in the townland of Toorgarriff approximately 3km north west from Glenville and within approximately 13km from south west of Fermoy. The subject site is an existing agricultural field with sod wall/hedgerow boundary and ditch, with some post and wire fencing within it, to the western boundary running alongside the local road L1501 (Chimney Field). To the southern boundary of the field a post and wire fence delineates the boundary with the neighbouring property (Appellants property) with some trees along the western side of this boundary. The neighbouring property is a dormer bungalow with half hipped roof profile, with large detached garage and smaller outbuilding. The appellants property fronts onto the adjoining local road L5753 and its rear elevation faces the subject site's southern boundary. To the eastern and northern edges of the larger agricultural field are mature trees and hedgerow, adjoining a dense area of forestry.
- 1.2. The topography of the site falls gradually from north to south and the land falls more significantly to the adjoining site. There are open views of the site from the local road (L1501) and I note that ESB overhead lines traverse the southwestern corner of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey detached four-bedroom house (203.77 sq. m) with attic storage space (94.31 sq. m). A new vehicular access, driveway and hardstanding is proposed up to the front entrance and around the northern side of the house to the rear entrance.
- 2.2. It is proposed to install a septic tank system with percolation area, discharging to ground water. Water supply is proposed via a new bored well located in the northeastern corner of the subject site.

3.0 Planning Authority Decision

3.1. Decision

On the 19 September 2022, the planning authority decided to grant permission subject to 30 conditions. The conditions are generally of a standard type. The following are of note:

- Cond. 1 The development to be carried out in accordance with the plans and particulars as amended by the documents/drawings received on 22 August 2022.
- Cond. 2 Occupancy Clause – 7 years
- Cond. 3 Development contribution
- Cond. 4 All windows on the southwest elevation of the dwelling shall be removed or redesigned to ensure the windows start a minim of 1.8m above the internal floor level.
- Cond. 5-7 Materials and finishes
- Cond. 8 Landscaping to be completed prior to first occupation
- Cond. 9-18 Entrance recessed, inward opening gates, no utility poles within sightlines, drainage channel under entrance and drainage gating.
- Cond. 20 Potable water supply shall be from a private well which shall meet the requirements of The European Communities (Quality of Water Intended for Human Consumption) (amendment) Regulations 2000.
- Cond. 21 Wastewater treatment
- Cond. 22-26 Construction mitigation, dust, parking spillages etc.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's initial report (20/06/22) identified that pre-planning had been undertaken by the applicant and summarises the key advice provided. The advice included, amongst the standard planning advice with respect to wastewater system,

surface water and vehicular sight lines, that a single storey dwelling is likely most appropriate for the relatively open nature of the site and that any dwelling should be designed to minimise the impact on the residential amenity of the adjoining property. In addition, the potential applicant was advised to contact ESB networks regarding the power lines that cross part of the site.

Key points in the planning assessment:

- The site is located within a rural area under strong urban influence.
- The applicant is considered a qualifying applicant under RP 5-4
- The impact of the proposed dwelling on the residential amenity of the adjoining property is a key consideration.
- The site is located adjacent to a cluster of three dwellings and on balance is considered acceptable in terms of impact on density.
- Noting alternative sites considered as part of the pre-application consultation. The house design is acceptable, however, some concerns about the type of stone proposed and the large window to the south western elevation is considered inappropriate.
- The proposed development is located, in part, under an overhead power line and confirmation requested from ESB networks that this is acceptable in terms of their required buffer zones.
- Screens out the need for Appropriate Assessment.
- Further details on the proposed stone, confirmation from ESB networks and a redesign of the windows to the southern elevation are requested by further information on 20 June 2022. Further information response submitted on 22 August 2022.
- Planner's report 14 September 2022 notes the removal of the large window on the south western elevation but considers that the three other proposed windows require a condition to be imposed to either remove these windows in entirety or that the windows start a minimum of 1.8m above the internal floor level.

- Issues relating to the proposed stone (a Kilkenny limestone), landscaping proposals and confirmation of ESB networks to relocate overhead powerline all considered acceptable.

3.2.2. Other Technical Reports

The Area Engineer notes that the proposed entrance appears to have adequate sight distance available, noting the letter from the landowner to the north with approval to maintain the roadside hedges to mains sight distance. In terms of wastewater the Area Engineer notes that the new septic tank and percolation area, soakpit and water supply via a private well appear acceptable and standard conditions recommended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One letter of objection received from existing residents of adjoining site, Michael and Eleanor Foley. The key points of objection includes:

- The location of the proposed dwelling house on the site is too close to their existing dwelling house, just 17m separation. The adjacent land to the proposed site is owned by the applicant's family and allows for more site location options for the applicant.
- The proposed south western elevation, and large gable window would overlook the dwelling house, patio amenity and gardens. Resulting in a loss of privacy.
- The proposed raising of the ground levels on the south western side of the proposed dwelling would increase overlooking impacts on the existing property. The proposed FFL at 50.20 would be 2.7m above our FFL of 47.50. Concerns about additional water run off into the property from the adjoining site due to the raised levels proposed and the poor drainage of the soil in the area.

- The proposed bored well upstream of the existing bored well could have a serious effect on the flow of water.
- The height of the dwelling house would in effect end up 9m above our first-floor level. The 25.5m elongated and imposing design is not very suitable for this narrow site and somewhat out of character with the locality.

A submission from local councillor in support of the planning application submitted on file.

4.0 Planning History

Application Site

None

Other relevant planning history

235136 Planning permission granted at Toorgarriff, Glenville, Co Cork for the construction of a new dwelling house (December 2023) Applicant Gerard Dorgan (appears to be sibling of applicant).

5.0 Policy Context

5.1. Development Plan

The applicable development plan for the appeal site is the Cork County Development Plan 2022-2028 (development plan). The relevant development plan policy, objectives and requirements include the following:

RP 5-2: Rural Generated Housing

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Encourage the provision of a mix of house types in town and villages to provide an alternative to individual rural housing in the countryside.

The subject site is in a designated Rural Area Under Strong Urban Influence policy **RP 5-4** applies:

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to

Cork, provided they can show that they genuinely intend taking up permanent residence.

Section 5.6 Environmental and Site Suitability Requirements provides guidance on the general planning and sustainable development criteria. All planning applications regardless of the personal circumstances of the applicant must be tested against a range of site-specific criteria as set out in section 5.6.3.

Section 5.6.5 advises that those intended to build houses in rural areas should consult Cork County Council's Rural Housing Design Guide.

RP 5-22: Design and Landscaping of new dwelling Houses and Replacement Dwellings in Rural Areas

- a. Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b. Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regards to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- c. Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d. Require the appropriate landscaping and screen planting of proposed developments by retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominately indigenous/local trees and plant species and groupings.

RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas

note the use of permeable paving is encouraged to reduce surface water run-off.

BE 15-6: Biodiversity and New Development under 15-6 (b) encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments and under 15-6 (c) requiring the incorporation

of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments.

Included within this objective is reference to the advice note 'Biodiversity and the Planning Process – Guidance for development on the management of biodiversity issues during the planning process'.

The subject site is located within the 'Valleyed Marginal Middle Ground' landscape type as identified in the Landscape Character Assessment of County Cork.

5.2. National Planning Framework

5.2.1. **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.

5.2.2. **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.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.3.1. These guidelines outline a key objective for the local planning system to deliver sustainable rural settlements. The guidelines differentiate between Urban Generated Housing and Rural Generated Housing. This distinction acknowledges the fact that demands for housing in rural areas arise in different circumstances and also differentiates between the development needed on rural areas to sustain rural communities and development tending to take place in the environs of villages, towns and cities which would be more appropriately located in these places.

5.3.2. For applications in areas under significant urban influence section 4.1 of the guidelines sets out how applicants should outline how their proposal is consistent with the rural settlement approach in the development plan and should supply supporting information where appropriate.

5.3.3. Relevant sections of the **Sustainable Residential Developments in Urban Area – Guidelines for Planning Authorities (2009)** now revoked and replaced by **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)** in respect to separation distances.

5.4. **Natural Heritage Designations**

The subject site is within approximately 230m from the Blackwater River SAC Site Code 002170 (note referral to heritage council by ABP) and within 950m of the pNHA Bride/Bunaglanna Valley (Site Code 000079).

5.5. **Environmental Impact Assessment (EIA) Preliminary 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**

A third-party appeal has been received from the residents of the property immediately south of the site. The grounds of appeal can be summarised as follows:

- Concerns relating to the proposed separation distance (16.9m) between the third-party appellants dwelling house and amenity areas from the proposed new dwelling. The proposed dwelling is too close to the existing dwelling, and the required separation distance of 22m is not demonstrated on the plans submitted.
- The difference in ground levels between our site and the applicants is substantial, the proposed 2.7m FFL would amount to an overall height of the proposed dwelling being 8.9m above our FFL.

- Impact of overlooking on our privacy and enjoyment of third-party appellant's property. Notes that the request for further information from the planning authority in relation to the fenestration and design of the southern elevation is testament to the shortcomings of the overall design of the proposed dwelling house on this higher-level sloping site. Condition no. 4 of the grant of permission is further evidence of serious flaws in the design of the proposed dwelling situated on this sloping site. Previously enjoyed excellent privacy to the rear, where the patio is located, and sides of the property for a long number of years. This proposal will encroach on this amenity and is unfair when there are so many alternative sites available to the applicant.
- Design of the proposed dwelling in relation to the proposed site – the proposed elongated type that runs parallel to the slope and required raising of ground levels would facilitate even greater overlooking into our rear amenity spaces. A T-shape design is more suitable where a structure runs counter to the slope of the site.
- Alternative sites available to the applicant would not present these problematic and costly issues associated with this proposed site, including the relocation of overhead powerlines. Availability of alternative sites on lands owned by the applicant's family. Pages 5-7 include a number of maps indicating suggested alternative sites which do not require the creation of a new access onto the roadway.
- Concerns about impact of the proposed new bored well on the capacity of water supply to the existing bored well. The potential for the proposed well to drain and weaken our water supply is great and a very serious worry for us given its location. Concerns raised about increased surface water run off from compacted driveways and footpaths to our property, and also the potential for contamination of bored well over time.
- Concerns that the proposed planting schedule does not specify any planting of native evergreen screening along the southwestern boundary. All the proposed trees are of a deciduous nature. Carpinus Betulus – Hornbeam 2.5 to 3 m tall are suggested to provide privacy.

The appellant has submitted supporting photographs, maps, and superimposed images to illustrate points made.

6.2. Applicant Response

A report has been submitted responding directly to the issues raised in the appellants grounds of appeal. A summary of the responses can be summarised as follows:

- There is currently a separation of 17.1m from the southwestern façade of the proposed living room side annex to the north eastern façade of the neighbouring property and 22.2 m from the south western façade of the proposed main gable of the dwelling house to the north-eastern façade of the neighbouring property.
- The proposed fenestration to southwestern elevation has been revised to accord with the further information request by the planning authority which sought to remove the large window on this elevation and a redesign of all the windows on the southwest elevation to start a minimum of 1.8m above the internal floor level, as per condition no.4 of the decision to grant permission.
- The applicant had undertaken an exercise in looking at all alternative sites on land owned by the applicant as part of the pre-planning meeting with the planning authority.
- The planning authority have deemed the location of the bored well to be satisfactory.
- The planning authority have deemed the landscaping scheme satisfactory.

The report concludes that the applicant has endeavoured to adhere to all the concerns raised by both the planning authority and the objections noted by her neighbours and has modified the design by (a) removing the large sections of the glazing from the south western elevation of the house, and (b) lowering the FFL of the south west living room annex of the house by 450mm to maximise the use of the existing contours and levels to the south west boundaries.

It is highlighted that many of the images used in the appellant's submission depict the initial design and do not reference or take into account the redesigned dwelling

house as submitted as further information and do not have taken into account the additional changes required by condition no.4, as referred to above.

6.3. **Planning Authority Response**

- No further comment to make on the submitted grounds of appeal. The assessment of the proposed development is contained with my two reports on the file.

7.0 **Assessment**

- 7.1. In the interests of clarity for the Board, I confirm that the assessment included in section 7.0 of this report is based on the amended design received by the planning authority in response to their further information request on the 22 August 2022.
- 7.2. The subject site is located within a designated area Rural Under Strong Urban Influence. The development plan notes an important element of the rural settlement strategy is to improve the connection between where people live and work recognising the unsustainable nature of commuting patterns and detrimental impact on climate and the environment (17.7.23) and this is integrated directly within the Climate Action Strategy (Table 17.2). I note that the applicant works as a teacher within a school in Cork City Centre, an approximate 30mins commute from the subject site by car. Given the rural nature of the site and limited public transport options available nearby the proposed development will be heavily car dependant for this commute.
- 7.3. The development plan supports the renewal and development of rural settlements. The closest village to the subject site is Glenville, approximately 3km from the subject site. Glenville is a designated Key Village in the Fermoy Municipal District. The development plan notes the capacity constraints within the current water supply to the village and the village wastewater infrastructure has a small treatment unit which is currently at capacity. Within the development boundary of Glenville, the plan does make provision for an additional 10 dwelling units subject to satisfactory servicing arrangements (Objective DB-01).

7.4. I note the national policy as set out in the National Planning Framework (2018) makes a distinction between areas under urban influence and elsewhere (NPO 19), which states that:

‘In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.’

The planning authority considered on the basis of the submitted Supplementary Planning Application Form (SF1 Form) that the applicant met the qualifying criteria for rural generated housing need under RP 5-4 of the Cork County Development Plan.

The ‘Sustainable Rural Housing’ Guidelines for Planning Authorities (2005) clearly set out that applicants should outline how their proposal is consistent with the rural settlement approach in the development plan and should supply supporting information where appropriate, see section 4.1 of the guidelines. No documentary evidence has been submitted in line with the guidelines. I note that the applicant has not submitted supporting documentary evidence such as a birth certificate or bank statements to evidence their age and current home address.

Acknowledging that such evidence is not specified as being required in the form, and given that the bona fides of the information submitted is not one of the grounds of the appeal, I consider that the applicant has sufficiently demonstrated their social need to live in a rural area taking into account the applicant’s family home and applicant’s stated present address is identified on drawing no. (SL102 Rev A) adjacent to the entrance to the family farm entrance and within approximately a 250m walk from the subject site, the letter from the applicant’s father, the letter from the principal of Glenville National School and supplementary letter of the applicant, and that they are in compliance with objective RP 5-4 of the Cork County Development Plan, having lived on the family landholding for 25 years. The subject site forms part of a larger landholding (stated as 53.82 hectares) owned by the applicant’s father. Separately, I note as already set out in section 4.0 that planning permission was granted for a

dwelling house (to Gerard Dorgan – appears to be the applicant’s sibling) on a site north of the subject site in December 2023.

Accepting the principle of development in this context given the local development plan policy applicable and acknowledging the stated capacity constraints of Glenville, the proposed development is, I consider, not unreasonable in terms of its limited potential impact on the viability of this settlement. Therefore, I consider the main issues for the appeal to be as follows:

- Siting and design of the proposed dwelling
- Overlooking, privacy and residential amenity (including consideration of landscaping screening proposals)
- Water supply

7.5. Siting and design of the proposed dwelling

- 7.5.1. The siting and design for the proposed dwelling is a key consideration in this assessment. In my opinion, whether the siting and design approach can be considered appropriate is determined by extent of compliance with local development plan policy and the degree of impact on the established residential and visual amenities of the area.
- 7.5.2. The subject site forms part of a larger agricultural field which extends northwards to an area of forestry. From the submitted application documentation this field forms part of the applicant’s family farm. I am of the opinion that the proposed sub-division of this agricultural field appears to be reasonable having regard to the configuration of the remaining field, its adjoining boundaries and retaining its connectivity to the adjoining farmlands and associated farm buildings.
- 7.5.3. The appellant has raised concerns in respect to the proposed siting of the dwelling near their property. I note that the existing property (the third-party appellants property) is already positioned close to the shared boundary, within approximately 6 metres from the shared boundary (referring to Ordnance Survey Planning Pack Map at 1:2,500 submitted 29 April 2022). The proposed dwelling is positioned just over 11m (11376mm) from the shared boundary. The topography of the subject site is slightly sloping from north to south with the adjoining site ground level dropping

significantly from the shared boundary (as evidenced in the drone survey carried out images 01, 02 and 03 illustrate (Drawing no. SS01).

- 7.5.4. I acknowledge and agree with the appellant that the variance in ground level of the proposed subject site and the existing property will result in a perception that the proposed single storey dwelling is higher than it actually is. Following requests by the planning authority for a revised design to address the 'limited distance between the dwellings and the ground level concerns' the applicant has redesigned the proposed southwestern living room annex, lowering its FFL by 450mm and in addition removing the large glazed feature window on this elevation, issues relating to overlooking shall be addressed separately in section 7.6. Comparing the revised site section A-A, as submitted 22 August 2022, with the original site section A-A (Drawing No. SL101 Rev. A) I am of the view that the proposed amendments to step down the living room annex and would make better use the contours of the site and would reduce the perception of the height of the structure from the adjoining appellant site.
- 7.5.5. The third-party appellant makes reference to a required separation distance of 22m. The separation distance of 22m is referred to in section 4.9.9 'Approach to density within lands zoned existing residential/mixed residential and other uses' of the development plan, for clarity it is my understanding that this separation distance generally relates to a requirement for a minimum separation of 22 metres between opposing upper floor windows in a suburban/urban context, as per the now revoked Sustainable Residential Developments in Urban Area – Guidelines for Planning Authorities (2009). I note the replacement guidelines 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' issued under Section 28 of the Planning and Development Act 2000 (as amended) in January 2024 include a specific planning policy requirement (SPPR 1 – Separation Distances) whereby statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.
- 7.5.6. Notwithstanding the above, given that the subject lands are located outside the rural town and village settlements on unzoned lands the appropriate national guidelines applicable are the Sustainable Rural Housing Guidelines for Planning Authorities

(2005) and these guidelines recommend that planning authorities should put in place a design guide at a local level. As such, in terms of the proposed developed, I shall assess how successfully or not the proposed siting and design of the dwelling meets with the guidance contained in the Cork Rural Design Guide (2003) ('the design guide').

7.5.7. By way of introduction the design guide emphasises that advice "...on siting and layout will be dominated by the age-old considerations of shelter and blending with the landscape, with some practical thoughts on planning for privacy, play space, sewage treatment, access and respect for one's neighbours". The design guide illustrates these considerations through an example of a possible good site and presents three responses. I consider that the proposed siting of the dwelling corresponds with the preferred response contained in the design guide, with respect to being located within the most sheltered part of the site selected and that the proposed house is orientated to maximise daylight and solar gain. The proposed house, as revised by further information, would set down into the landscape at the southern portion of the site. The massing of the proposed house is broken down into smaller elements with the proposed staggered front building line and proposed stone elements and the proposal steps down, as revised, to follow the contour of the landform more closely (refer to Contextual Site Sections Drawing No. SS101 Rev B submitted to the planning authority on 22 August 2022). I would agree with the assessment of the planning authority, having regard to the site selection guide contained within Cork County Council Rural Design Guide: Building a New House in the Countryside, that the proposed location of the dwelling will benefit from the backdrop the mature woodland existing trees to the north and east when viewed from the south. In addition, I am of the view that the proposed dwelling located within the most sheltered part of the site, when viewed from the north the proposed dwelling sitting within the cluster of existing dwellings would appropriately assimilate within this built form and demarcate the junction of both the local roads (L1501 and the L5753).

7.5.8. I acknowledge that the proposed dwelling sited within approximately 11 metres from the shared boundary with the rear of existing residential property will result in a significant change in outlook for the existing dwelling (third party appellant's property) which presently has open views onto the agricultural field. The proposed

dwelling will present a stepped down stone finished gable end with side and rear garden abutting the rear garden/amenity space of the existing dwelling. I note that the revised site layout plan includes landscaping proposals. On balance I consider that the proposed dwelling design and siting as revised, drawing submitted on the 22 August 2022, in conjunction with the landscaping proposals along the shared boundary and the strategic planting placement within the proposed side and rear garden will sufficiently ameliorate any potential negative impact on privacy and residential amenity.

- 7.5.9. The third-party appellants are concerned that the proposed planting schedule and landscaping plan does not specify any planting of native evergreen screening along the southwestern boundary. I have reviewed the proposed planting schedule against the design guide list of suitable trees and shrubs and note that some evergreen holly is included within the southeastern corner of the proposed garden to act as a buffer, along with proposed planting of willow which I note the listed advantages include that it is fast growing, provides good shelter and screening. I am of the opinion that the landscaping proposals appear to include for appropriate species and have made provision to appropriately screen the proposed new development from the existing adjoining dwelling.
- 7.5.10. However, I note that the revised site layout plan including landscaping proposals do not include for the retention of the hedgerow and ditch to the front boundary. I would recommend that if the Board is minded to grant permission that a condition be attached to request for a revised landscaping plan to be submitted to and agreed in writing by the planning authority to (a) retain and supplement the existing front hedgerow boundary to better integrate the new structure within the existing landscape and (b) having regard to the guidance contained in the design guide to plant the garden close to the house and to reduce/minimise the hard landscape zone around the front of the house to avoid the 'platform effect'.
- 7.5.11. In conclusion, I consider that the proposed development, subject to condition, would be in accordance with the guidance in the Cork Rural Design Guide with respect to siting and design and with objective RP-22 of the development plan which seeks to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

7.6. Overlooking, privacy and residential amenity

- 7.6.1. The third-party appellants have expressed concerns that the proposed development will result in overlooking and will negatively impact on the privacy and residential amenity of the rear and side garden and patio areas of their dwelling. The planning authority acknowledging the proximity of the existing residential dwelling and the difference in ground levels between the subject site and the existing residential dwelling had requested revisions to the fenestration design as part of the further information request to assess the contextual elevations and sections. Furthermore, by condition no. 4 the planning authority required the removal or redesign of all windows on the southwest elevation to ensure that the windows start a minimum of 1.8m above the internal floor level to protect residential amenity. I note that the applicant's response to the third-party appeal includes Figure 0.1 (page 4) illustrating the revised southwestern elevation including both the removal of the large feature apex window and all other glazing revised to start at a minimum of 1.8m from the internal floor level (Figure 0.3 in applicant's appeal response submission also illustrates) to comply with the planning authority's condition no. 4.
- 7.6.2. I am of the opinion that these proposed revisions to the original submitted design will limit any potential overlooking from the internal spaces of the proposed dwelling onto the shared boundary and opposing windows sufficient to protect established residential amenity. Furthermore, the proposed landscaping scheme will provide additional screening between the proposed new dwelling amenity spaces and the existing rear and side amenity spaces of the appellants dwelling. In conclusion, I consider that the proposed development would not give rise to a serious injury, subject to applying a similar condition no. 4 in respect to the window design and conditioning the implementation of the landscaping scheme, to the established residential amenities or privacy of the appellant's property.

7.7. Water supply

- 7.7.1. The proposed development includes a bored private well to provide water supply located in the northeastern corner of the subject site which runs in line with the neighbouring existing well in the third-party appellant's site. The third-party appellants are concerned that the new bored well will impact on the capacity of their

water supply. They are also concerned that the increased surface water runoff will run into their site and potentially contaminate the bored well over time.

- 7.7.2. In relation to water supply the planning authority's area engineer's report notes that the potable water shall be from a private well which shall be constructed so as to prevent contamination and thereafter water shall be tested and treated as necessary to meet the requirements of The European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations 2000, a condition is recommended to ensure compliance with same.
- 7.7.3. The Site Characterisation Form (SCF) submitted with the application notes that the aquifer category is locally important, with bedrock which is moderately productive only in local zones with an identified high vulnerability. The relevant groundwater body Glenville has a good status. There is no groundwater drinking water protection area applicable. The groundwater flow is noted on the SCF as flowing to the south. The applicant's response to the appeal notes that Cork County Council have deemed the location of the bored well to be satisfactory and as a result an initial grant of planning was issued. I note that the planner's report does not raise the issue of capacity of the existing bored well on the appellant's property. In the absence of any evidence to the contrary I consider that the third-party appellant has not demonstrated that the proposed bored well will impact on capacity of their well.
- 7.7.4. The submitted SSA Site Layout Plan (Drawing no. 101-0) appended to the SCF indicates that all separation distances, including the required separation distance from the existing well on the adjoining lands meet with the EPA Code of Practice recommended minimum distance from the entire proposed DWWTS and minimum separation distances between receptor (down gradient domestic well) and a percolation area or polishing filter. Furthermore, a Site Suitability Assessment (SSA) Zone of Influence of the proposed DWWTS is illustrated in Drawing 104-0 excludes the neighbouring well. From my site inspection, the field within which the proposed dwelling is to be located appeared to be well drained with exception to some ponding where tractor tracks are evident at the vehicular entrance to the field north of, and outside of, the subject site. The proposed development includes for 3 no. soak pits one of which is located close to the southern shared boundary with the adjoining property, which will take any surface water overflow from the proposed areas of hardstanding. In any event taking into account my recommendation to

reduce/minimise the hard landscape zone around the front of the house to avoid the 'platform effect' (see section 7.4.9 of the design guide) would reduce the extent of surface water run-off. Furthermore to address the appellants concerns directly I consider it appropriate to attach a condition in the event of a grant of permission that that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site, details to be submitted and agreed with the planning authority. I am satisfied, therefore, based on the submissions made in connection with the application and appeal, that the site can be adequately drained to avoid any adverse impact on adjoining properties and would not be prejudicial to public health and that the proposed bored well would not detrimentally impact upon the water supply of the adjoining property.

8.0 Appropriate Assessment

- 8.1. The planning authority screened out appropriate assessment. The closest European site is the from the Blackwater River SAC Site Code 002170 (note referral to heritage council by ABP) within approximately 230m to the south and southwest of the subject site.

The listed Qualifying Interests (QI) include:

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Perennial vegetation of stony banks [1220]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]
Lampetra fluviatilis (River Lamprey) [1099]
Alosa fallax fallax (Twaité Shad) [1103]
Salmo salar (Salmon) [1106]
Lutra lutra (Otter) [1355]
Trichomanes speciosum (Killarney Fern) [1421]

8.2. I note there is no known hydrological link or other Source-Pathway-Receptor (SPR) pathway to the SAC. Given the small scale of the development and the absence of any indication of a hydrological link or other pathway to the European site, it is considered that no appropriate assessment issues arise as the development would not be likely to have a significant effect individually or in combination with other plans or projects on any European sites and Appropriate Assessment is not therefore required.

9.0 Recommendation

9.1. It is recommended that planning permission be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the location of the site within an area designated as Rural Area Under Strong Urban Influence in the Cork County Development Plan 2022-2028 and, in respect to the defined categories of rural generated housing need, the applicant has sufficiently demonstrated their social links to live in a rural area at this location, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of

property in the vicinity, would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 29th April 2022, as amended by the further plans and particulars submitted to the planning authority on the 22nd day of August 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 prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p>

	<p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The 3 no. windows on the southwestern elevation, as shown on drawing A101 Rev D submitted on the 22 August 2022, shall be redesigned to ensure the windows start a minimum of 1.8m above the internal floor level.</p> <p>(b) Retain and supplement the existing front hedgerow boundary [referenced as 'A-C' on Drawing NO. SL101 Rev. A], except to the extent that its removal is necessary to provide for the entrance to the site, to better integrate the new structure within the existing landscape.</p> <p>(c) Having regard to the guidance contained in the Cork County Council's Rural Housing Design Guide provide additional planting and soft landscaping close to the front of the house and to reduce/minimise the hard landscape zone by removing vehicular access around the front of the house to avoid the 'platform effect'.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential and visual amenity.</p>
4.	<p>(a) The external finishes of the proposed dwelling house shall be as per the schedule of finishes (indicated on Drawing no. A101 Rev D) with</p> <p>(i) external wall in neutral painted render finish and locally sourced natural stone indigenous to the vicinity of the site (iii) the roof shall be blue black slate. The colour of the ridge tiles shall match the colour of the roof.</p> <p>(b) White uPVC shall not be used for any of the proposed windows, external doors and rainwater goods.</p>

	<p>(c) The finished floor levels shall be as shown on the submitted drawings, as amended 22nd August 2022.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) The site shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on 22nd August 2022 and this landscaping scheme, as revised in accordance with condition 3 (b) and 3 (c) above, shall be completed prior to first occupation of the proposed development to the satisfaction of the planning authority.</p> <p>(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding landscape, in the interest of visual amenity and orderly development.</p>
6.	<p>All public service cables for the development, including electrical and telecommunication cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>(a) The septic tank and percolation area shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 29th April 2022 as amended on 22nd August 2022, and in accordance with the requirements of the document entitled “Code of Practice-Domestic Waste Water Treatment Systems (p.e.< 10) –Environmental Protection Agency, 2021”. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.</p>

	<p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the percolation area.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the septic tank has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
8.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourse or to drain or soak pits.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>

9.	<p>(a) The developer shall provide and lay a twin wall PVC pipe drain of not less than 450mm minimum internal diameter under the entrance from the public road to the satisfaction of the planning authority.</p> <p>(b) A drainage grating, along with a discharge pipe to a soakaway located within the site, shall be installed at the entrance to the site to the satisfaction of the planning authority.</p> <p>Reason: To maintain proper roadside drainage and to prevent the flooding of the public road.</p>
10.	<p>The new driveway shall be constructed such that the first 2m adjacent the existing road surface is below the level of the adjacent nearside edge of public road.</p> <p>Reason: In the interests of longitudinal road drainage.</p>
11.	<p>Sight distance of 90m to the north and 90m to the south shall be provided from centre point of entrance 3m back from public road edge. No vegetation or structure shall exceed 1m in height within the sight distance triangle.</p> <p>Reason: To provide proper sight distance for emerging traffic in the interest of road safety.</p>
12.	<p>The developer shall ensure the provision of an adequate supply of potable water to serve the development.</p> <p>Reason: In the absence of a public supply, it is the developer's responsibility to provide an adequate water supply.</p>
13.	<p>Potable water supply shall be from a private well which shall be constructed so as to prevent contamination and, thereafter water shall be tested and treated as necessary to meet the requirements of The European Communities (Quality of Water Intended for Human Consumption) (amendment) Regulations 2000.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution of €4010.73 (four thousand and ten euro and seventy three cent) in respect of</p>

<p>public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</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>

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.

Claire McVeigh
Planning Inspector

19 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314850-22		
Proposed Development Summary	Construction of a dwelling house, with septic tank and percolation area.		
Development Address	Toorgarriff, Glenville, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes	√	Class/Threshold Class/Threshold Part 2 Class 10 (b) Construction of more than 500 dwelling units..	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	314850-22	
Proposed Development Summary	Construction of a dwelling house, with septic tank and percolation area.	
Development Address	Toorgarriff, Glenville, Co. Cork.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for the construction of a one-off rural dwelling house with septic tank and percolation area.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	No
Location of the Development	The application site is not located in or immediately adjacent to a European site. The closest European	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>site is the Blackwater River (Cork/Waterford) SAC (Site Code 002170).</p> <p>There are no ecological sensitive locations in the vicinity of the site.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)