



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315374-22

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<b>Development</b>	Construction of a house
<b>Location</b>	Ballyclamasy, Summerfield, Youghal, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	226230
<b>Applicant(s)</b>	David Scanlon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	Alan Langston Daniel Noonan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> May 2023
<b>Inspector</b>	Eoin Kelliher

## 1.0 Site Location and Description

- 1.1. The subject is located within a built-up residential area southwest of Youghal, Co. Cork. The site fronts onto Upper Strand Road (R634) and is bounded by a local access road (L7900) and a residential cul-de-sac road to the southwest and northwest respectively. The cul-de-sac road runs parallel to Upper Strand Road and serves 6 no. detached two-storey houses of various designs. The land between the cul-de-sac road and Upper Strand Road, which includes the subject site, comprises private lawns interspersed with small trees and shrubs . The general pattern of development in the area is of detached roadside dwellings of suburban character.
- 1.2. The site comprises a greenfield plot defined by timber post and rail fencing and hedging and is accessed from the cul-de-sac road to the northwest. There is a gentle downward slope across the site in the direction of Upper Strand Road. The site has a stated area of 0.1 hectares.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct a single storey four-bedroom dwelling house with a stated floor area of 185.3sq.m. The proposed dwelling has a contemporary design comprising two linear blocks with mono-pitched roofs connected by a flat-roofed entrance hall and would have an overall height of circa 5.6 metres. The western living block would be positioned parallel to the adjoining L7900 and circa 8 metres from the roadside boundary; the eastern bedroom block would be positioned parallel to and circa 3 metres from the north-eastern boundary of the site. Rendered wall and slate roof finishes are proposed externally.
- 2.2. Vehicular access and a driveway are to be provided from the adjoining cul-de-sac road to the northwest of the site. Surface water and foul wastewater connections to the public sewer system and a water supply connection to public mains are proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Order dated 28<sup>th</sup> November 2022 Cork County Council granted permission subject to 10 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The Planning Officer was satisfied that the site is suitable in principle for residential development being serviced and within a settlement boundary. The Planning Officer was also satisfied that the design of the proposed dwelling is of high quality and that it would not injure the visual amenity of the area subject to a condition that a landscaping plan be submitted prior to the commencement of development.

#### 3.2.3. Other Technical Reports

Area Engineer: No objection subject to conditions.

Water Services: No objection subject to conditions.

#### Prescribed Bodies

Irish Water: No objection subject to the applicant entering into a connection agreement prior to the commencement of development, connections being subject to the constraints of the Irish Water Capital Investment Programme, and all development being carried out in accordance with Irish Water standards, codes and practices.

### 3.3. Third Party Observations

2 no. third-party observations were received in respect of the application. The issues raised are reflected in the third-party appeals summarised in Section 6.1 below.

## 4.0 Planning History

### Reg. Ref. 07/4288:

Outline planning permission refused by Cork County Council on 8<sup>th</sup> October 2007 for the construction of a one and a half storey dormer dwelling house for two reasons.

The first reason related to the location of the proposed dwelling on a visually prominent site which would result in a visually obtrusive and haphazard form of development. The second reason related to concerns that the application was not made by a person who has sufficient legal estate or interest in the site.

**Reg. Ref. 10/4933 and PL04.237080:**

Outline planning permission granted by the Council and refused the An Bord Pleanála on 9<sup>th</sup> November 2010 for the construction of a two-storey dwelling house.

It was considered that the proposed development on a site that forms part of an established area of open space that enhances the setting and amenities of the approach to Youghal, a heritage town, and the precedent it would set, would seriously detract from the visual amenities of the area.

**Reg. Ref. 12/5331 and PL04.240980:**

Permission granted by the Council and refused the An Bord Pleanála on 9<sup>th</sup> November 2010 for the construction of a one and a half storey dwelling house. The reason for refusal reflected the Board's decision in respect of PL04.237080 summarised above.

## 5.0 Policy Context

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

The site is situated within the development boundary of Youghal on land zoned 'Existing Residential / Mixed Residential and Other Uses' and within an area identified as a High Value Landscape.

**Section 2.6** of the Plan deals with compact growth and states, *inter alia*, that the Plan aims to support and implement the underlying theme of the NPF regarding providing for more consolidated urban cores at the heart of settlements. The core strategy aims to deliver at least 30% of the overall net housing requirement in or contiguous to the town centre or core and to identify key locations and opportunity sites, which are capable in terms of physical and social infrastructure of being delivered over the lifetime of the plan period, in a manner that supports the achievement of wider national and local regional planning policies and objectives.

**Objective ZU 18-9** of the Plan states, *inter alia*, the scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

**Section 3.4 of Volume 4** of the Plan sets out general and specific objectives for Youghal and includes a Land Use Zoning map for the settlement.

## 5.2. **Natural Heritage Designations**

None.

## 5.3. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development, which comprises a single dwelling in a fully serviced built-up area, the nature of the receiving environment and the distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

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

6.1.1. Two third-party appeals were made against the decision of Cork County Council to grant permission by local residents. The issues raised can be summarised as follows:

- The site forms part of a long-established large green open area that has been preserved as a visual amenity on the main entrance to Youghal; the loss of

this space would be contrary to the proper planning and sustainable development of the area as per previous An Bord Pleanála decisions.

- The value of green areas in terms of biodiversity, air quality, noise reduction and social inclusion, as acknowledged in European, national and local authority development strategies, plans and legislation, is long established.
- The proposed development is contrary to the Cork County Development Plan which seeks to protect the physical setting and attractiveness of tourist areas from inappropriate development.
- Numerous planning applications for development on the site were refused on visual amenity grounds. The proposed development would set an undesirable precedent for the remainder of the green area to be developed.
- The original residents on the cul-de-sac had agreed not to develop the green areas opposite their properties which were in their ownership. The applicant may be seeking planning permission with the intention of selling it onto a third-party.
- The site is located on a cul-de-sac road which is a popular walking area for locals and visitors, and on the main entrance to Youghal, which is a popular cycle route on the Iron Man competition, a major tourist attraction for the area.
- The site is located on a narrow cul-de-sac road on which cars are prone to park and where there are no footpaths; an increase in road traffic would compromise pedestrian safety.
- The application is sparse on new boundary details. New boundary walls / fences could further reduce sightlines for vehicles accessing the public road and increase the risk of collision.
- Developing the site would reduce the level of natural soakage provided for surface water during heavy rainfall, potentially resulting in flooding on the main road.
- Concerns raised that the design of the dwelling would not integrate with its more traditional development context.

- The submitted photomontage is based on a Google Streetview photograph and cannot be relied upon for a proper scalable rendering.

## 6.2. Applicants Response

CEA Architects responded to the appeal on behalf of the applicant. The response is summarised as follows:

- The subject site is not currently accessible to the public, nor has it been for many years; the site has never formed part of the public realm or been used as a public open space amenity.
- There has been a sea-change in the overall approach to development of existing built-up areas since the publication of policy such as Housing for All, Project Ireland 2040 and the National Development Plan 2030; previous planning decisions referenced by the appellant were indicative of the planning policy and development plan under which they were made.
- The development of the subject site is not only appropriate but necessary to achieve the stated objectives and policies highlighted in the Planning Officer's report.
- There is extensive green infrastructure in the locality with significantly greater amenity value than the subject site, which is surrounded on three sides by roads including the R634 access road to the south.
- All site boundaries will be retained, the proposed development would have minimal visual impact on the adjacent open space amenity and there would be no impact on available space.
- The proposed site entrance is not opposite any other entrance; other entrances are located circa 20-25 metres along the cul-de-sac. There will be minimal impacts on the operations of the cul-de-sac as far as vehicular movements are concerned.
- The Area Engineer reporting on the 2012 planning application indicated that a house on this site would not be viewed as a traffic hazard.

- Industry leading Building Information Management and Photorealistic Rendering packages were used to create the submitted 3-d image using real world vectors taken from the photograph and corresponding to visual vectors within the drawing to visually reflect the development as proposed.

### 6.3. **Planning Authority Response**

States all relevant issues have been covered in its technical reports and has no further comments in respect of the matter.

### 6.4. **Observations**

None.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Visual Amenity and Biodiversity
- Road Safety
- Surface Water Drainage
- Other Matters
- Appropriate Assessment

### 7.1.1. **Principle of Development**

7.1.2. I note that the subject site is in private ownership and is not accessible to the public or subject to a zoning objective to provide for public open space. The site has been fenced off for at least fifteen years since the Board first refused outline planning permission to construct a dwelling on it. The houses on the adjoining cul-de-sac road appear to have developed incrementally on individual plots and there is no evidence



before me to indicate that the land to the front of the houses was intended for public or communal open space when permission for the said houses was granted. In its current format the site has no value as an amenity space if it cannot be accessed by the local residents and, given that it is suitably zoned, represents an opportunity for appropriately scaled infill development as promoted by the National Planning Framework and the core strategy of the County Development Plan.

7.1.3. Notwithstanding the Board's previous decisions, I also note the planning and development context has changed considerably since planning permission for a new dwelling on the site was last refused. There is presently an urgent need for new housing on serviced land, as set out in New Housing for All: A New Housing Plan for Ireland published by the Department of Housing, Local Government and Heritage (2021). In this regard greater flexibility is required in terms of protecting the residential and visual amenity of an area with the need for compact growth and increased densities within existing settlements. In this instance, given that there would be no loss of existing accessible public open space, I consider the principle of development to be acceptable and in accordance with current planning policy.

7.1.4. **Visual Amenity and Biodiversity**

7.1.5. The submitted photomontage demonstrates that the proposed dwelling would sit comfortably in the streetscape in terms of its form, scale and external finishes, and comprises a considered design response to this visually prominent corner site. Furthermore, the retention of the existing hedging along the site boundaries would have the immediate effect of assimilating the dwelling into the site. Additional site landscaping, which can be agreed by way of a compliance condition, would further integrate the dwelling into its setting. As such, I am satisfied that there would be no adverse visual impact on the setting of Youghal or the approach road to the town.

7.1.6. The subject site, which is grassed and bounded by hedging, is not a significant habitat for biodiversity nor does it make a significant contribution to air quality and noise reduction. Any impact on biodiversity arising from the proposed development would be offset by the environmental gain associated with providing an infill dwelling on this serviced site.

#### 7.1.7. **Road Safety**

The site would be accessed from the adjoining cul-de-sac road via a vehicular entrance positioned slightly further east of the existing site entrance and would be defined by 1m high piers. I am satisfied that adequate sight lines can be achieved for vehicles exiting the site given the low volume and speed of traffic on the cul-de-sac road. Whilst there is no footpath on either side of the cul-de-sac road, it has the characteristics of a shared surface local access road as described in 'The Design Manual for Urban Roads and Streets' (DTTS & DHPLG May 2019). Furthermore, locating a proposed vehicular entrance opposite an existing entrance is not an unusual arrangement from a road design perspective. As such, I do not consider that the proposed development poses a serious risk to the safety of road users.

#### 7.1.8. **Surface Water Drainage**

7.1.9. Whilst the proposed development would result in the loss of natural surface water attenuation within the site, this must be balanced against the need to deliver compact growth. I note the Planning Authority conditioned that surface water shall not be permitted to flow onto the public road from the site (Condition No. 4) and that existing inlets or drains taking surface water from the public road into the site shall be preserved and maintained (Condition No. 5).

7.1.10. However, I also note that the Area Engineer's report incorrectly states that surface water is to discharge to soakaways when the applicant had indicated in the application form and site layout drawing that it is to be discharged to the public sewer. This matter can be dealt with by way of a compliance condition that detailed proposals for the management of surface water shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

#### 7.1.11. **Other Matters**

7.1.12. There is no evidence before me to suggest that there is a legal burden on the site precluding its development. Furthermore, as the site is located within an urban area, the residency clause that normally applies to rural housing is not relevant in this instance, nor is there any reason why the applicant should be precluded from selling the site to a third-party if planning permission is granted.

7.1.13. I am satisfied that the submitted photomontage gives a reasonably accurate 3-d representation of the proposed dwelling, notwithstanding the fact that the proposed sliding doors on the southwest elevation are not shown and that the base image was sourced from Google Streetview.

#### 7.1.14. **Appropriate Assessment**

The subject site is located circa 1.3km east of the Blackwater River SAC (Site Code 02170). The proposed development would be located within the development boundary of Youghal and comprises a new dwelling served by existing public wastewater infrastructure.

Having regard to:

- the domestic nature of the development,
- the proposal to connect to existing wastewater infrastructure, and
- the absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, on in-combination with other plans and projects, on the Natura 2000 network. Accordingly, Appropriate Assessment is not required.

## 8.0 **Recommendation**

I recommend that permission be GRANTED for the following reason.

## 9.0 **Reasons and Considerations**

Having regard to the core strategy and zoning objective of the site as set out in the Cork County Development Plan 2022, and the pattern of development in the area, it is considered that the proposed development would be in accordance with national and local planning policy in respect of compact growth, and would not seriously injure the residential and visual amenity of the area or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The site entrance shall be designed and constructed in accordance with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of traffic safety and orderly development.</p>
3.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority detailed proposals for the management of surface water including the disposal and attenuation of surface water.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs.</p> <p>(ii) Details of boundary planting which shall not include cupressocyparis x leylandii.</p>

	<p>(b) A timescale for implementation.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 the 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.

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Eoin Kelliher  
Planning Inspector

24<sup>th</sup> May 2023