



An
Bord
Pleanála

Inspector's Report ABP317584-23

Development	Retain existing concrete base and complete construction of detached dormer garage and store for domestic use, to rear of existing dwelling.
Location	Ballygibbon, Waterloo, Blarney, Co Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/4859.
Applicant(s)	Nicholas and Sarah Davis.
Type of Application	Retention and permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Nicholas and Sarah Davis
Observer(s)	None.
Date of Site Inspection	19 th September 2023.
Inspector	Ann Bogan

1.0 Site Location and Description

1.1. The site is in Ballygibbon, Waterloo, north of Blarney, Co Cork. There is a substantially complete dwelling on the site which was constructed in what was the side garden of an existing dwelling (one of the applicants' family home), which is on the adjoining site to the north. The eastern (rear) boundary of the site backs on to the steeply rising embankment of the approach road to the Waterloo junction on the N20, Cork to Limerick National Primary Road. The rear boundary of the site is approximately 15m from this approach road and approximately 50-55m from the N20 itself.

2.0 Proposed Development

2.1. The development consists of:

- Retention of concrete base and foundations for garage
- Completion of the construction of the detached dormer garage and store for domestic use to rear of dormer dwelling permitted under 16/6102.
- The garage/store is to the rear (east) of the dwelling, and its rear wall (north) backs directly onto the boundary of the garden of the adjoining house. The proposed structure is 6.6m by 7m in area with a pitched roof and a ridge height of 6m.
- An existing water supply (well) is shown on the drawings submitted as being in close proximity to the garage, however on inspection I note what appears to be a temporary cover over the well mechanism which is located on the concrete base of the garage itself.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason:

The development is located within the N/M20 Cork to Limerick study area which is currently being considered for a future national road scheme and therefore the

development could prejudice plans for the design of the scheme. It is considered that the application is premature pending the determination of this route and would be at variance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and contrary to Policy Objective TM12-13 of the Cork County Development Plan 2022 which supports National Road projects.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning officer had concerns about the scale and height of the garage and the negative impact it would have on the neighbouring house. However, the overriding concern was the fact that the development is located within the study area of the N/M20 Cork to Limerick route and would be premature at this time and set an undesirable precedent with regard to national planning policy. Refusal was therefore recommended and endorsed by the Senior Executive Planner and this formed the basis for the Planning Authorities decision.

The need for appropriate assessment was screened out due to lack of ecological or hydrological connection between the site and any European site.

3.2.2. Other Technical Reports

Engineering: noted the reports of TII and N/M20 Project Office, and recommended standard conditions re surface water disposal etc if permission were to be granted.

3.3. **Prescribed bodies submissions**

TII: Proposed development is at variance with Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and would adversely affect the operation and safety of the national road network as the site is within the area considered for a future road scheme (N/M20Cork to Limerick Project) and could prejudice plans for the design of the scheme and is premature pending the determination of the route and recommends refusal.

N/M20 Project Office Limerick City and County Council: Proposed development falls within the study area for the project and the application is premature at this time.

4.0 Planning History

16/6102 Permission granted for dormer dwelling, domestic waste water treatment plant and associated site development works on site which was formerly side garden of neighbouring house.

5.0 Policy and Context

5.1. National Policy

Spatial Planning and National Road Guidelines 2012

'Section 2.9 'Protection of alignments for Further National Road Projects' states:

'A development or local area plan should identify any land required for future national road projects including objectives that:

- retain required lands free from development; and*
- ensure that measures are put in place so that any adjacent development of sensitive uses, such as housing, schools and nursing homes, are compatible with the construction and long-term operation of the road.*

Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority'.

National Development Plan 2021-2030: includes N/M20 road scheme

5.2. Development Plan

Cork County Development Plan 2022-2028

National Primary and Secondary Roads

'12.16.4 The Council, in consultation with TII will protect proposed national road route corridors where the route selection process has been completed/approved and

where preferred route corridors have been identified. The Government's Spatial Planning and National Roads Guidelines (2012) remain a key guiding document in relation to planning policy and National Roads.'

*County Development Plan **Objective TM 12-13: National, Regional and Local Road Network***

a) Support the sustainable development of infrastructure that strengthens the quality of inter-regional connectivity from Cork to Limerick (proposed N/M20 and Rail), and from Cork to Waterford (N25) as identified in the NDP.

b) Support the maintenance of the efficiency and safety of the existing national primary and secondary roads network by targeted transport demand management and infrastructure improvements.

c) Support the following National, Regional and Local Road investment projects as outlined in Project 2040 and the RSES for the Southern Region'

The project list includes:

- *N/M20 Cork to Limerick*

5.3. Natural Heritage Designations

None

5.4. EIA Screening

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- Dwelling is nearing completion and storage is needed for the dwelling and to house the water pump.

- Garage/store is to be located to east side of the house 1m from house and 2.5m from site boundary
- It must be inconceivable that any design scheme would prejudice an existing dwelling and associated garage/store in close proximity to that dwelling
- We note nearest (exit road) roadway is 20m to east of proposed garage and 36m to south of garage. Proposed garage is 65m from the main Cork to Limerick Road.
- There are no established rights of way/wayleaves impacted by proposed garage/store
- Request that position of water-well is considered, as if future road network were to impact garage/store then existing well would be significantly impacted.
- An existing house to north has a rear annex and detached store aligned with proposed garage, making it more unlikely that any further road design would impact this established house. Therefore, taking this into account, request an Bord Pleanala to grant permission for proposed garage within reasonable timeframe.
- There is no indication on decision timeframe for design scheme and failure to grant permission for garage/ will significantly impact on their clients and their use and enjoyment of their home store

6.2. Planning Authority Response

- No additional comments to make

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Having taken into account the documentation received with the application and the appeal, the site inspection and the relevant local and national policies, I consider that the main issues to be considered in the appeal are as follows:

- Impact on residential amenity
- Implications for future design and construction of the N/M20
- Appropriate Assessment

7.2. Impact on residential amenity

7.2.1. The principle of a domestic garage to the rear of a dwelling house to serve as an amenity for the residents would normally be acceptable. However, in this instance there are some issues in relating to the proposed structure and its location that need to be taken into account.

7.2.2. The proposed garage/ store to the rear of the dwelling is quite substantial with an area of 42sq m, a ridge height of 6m and eaves height of 3.4m (the dwelling itself has a ridge height of circa 7.2m). The garage is to be constructed directly on the side boundary of the adjoining dwelling to the north, 2 metres from the neighbouring dwelling, which has a number of windows in the side (south) elevation and is at a somewhat lower level than the subject site. The garage due to its scale, height and proximity to the boundary is likely to be overbearing when viewed from the neighbouring house and I believe it would have a negative impact on the residential amenity of the neighbouring dwelling. If permission were to be granted a condition requiring the proposed structure to be reduced in height and set back from the boundary with the adjacent house would be appropriate.

7.3. Implications for future design and construction of the N/M20

7.3.1. The N/M20 Cork to Limerick project commenced in 2019 and I note from the February 2023 update on the project website (www.corklimerick.ie) that it is now at Phase 3, whereby the preferred road-based corridor has been identified and the design is being developed to the stage where land requirements can be established. The corridor is 500m wide and the subject site is well within the corridor.

- 7.3.2. I note that planning permission for the dwelling on the site was granted in 2017 prior to commencement of the road project, but no garage was proposed as part of that application. I noted on-site that the proposed garage is not directly in line with the rear annex of the neighbouring house and would appear to extend up to 2m further eastwards.
- 7.3.3. TII is of the view that the proposal is at variance with the Spatial Planning and National Roads Guidelines 2012 and that it could prejudice plans for the design of the N/M20 road scheme, and considers it premature pending the determination of the route and recommend refusal of permission. The N/M20 Project Office also consider that the application is premature.
- 7.3.4. The Cork County Development Plan includes an objective (Objective TM12-13) supporting the N/M20 project and the project is also included as an objective of the National Development Plan 2021-2030. It is crucial to protect the corridor to ensure that future options for the road project remain viable (including options relating to the future of the adjacent N20 approach road and junction, in the context on a new/upgraded N/M20). This is consistent with the advices regarding protection of alignments for future national road projects 2.9 of the Spatial Planning and National Roads, Guidelines for Planning Authorities 2012. Given the strategic nature of the route I conclude that the proposed development is premature pending a determination by the road authority of a final road layout for the N/M20. Refusal of permission to retain and complete the structure is therefore recommended

7.4. Appropriate Assessment Screening

- 7.5. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reason stated below.

9.0 Reasons and Considerations

The proposed development is located within a route corridor identified for the N/M20 Cork to Limerick Scheme, a strategic road project which it is an objective of both the Cork County Development Plan 2022-2028 and the National Development Plan 2021-2030 to support. Accordingly, it is considered that development of the kind proposed would undermine the achievement of these strategic objectives and would be premature pending the determination by the road authority of a road layout for the N/M20 and would be at variance with the recommendations of the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government, January 2012. The proposed development would, therefore, be contrary 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.

Ann Bogan
Planning Inspector

26th September 2023