



An
Bord
Pleanála

Inspector's Report ABP 318122-23

Development

Extension to dwelling house,
interchange of window and doorway of
porchway, and all associated site
works.

Location

Inishdriscoll, Heir Island, Skibbereen,
Co. Cork.

Planning Authority

Cork County Council (West).

Planning Authority Reg. Ref.

23/00393.

Applicant(s)

John and Patricia Moore.

Type of Application

Permission.

Planning Authority Decision

Grant permission subject to 7
conditions.

Type of Appeal

Third Party

Appellant(s)

Paula Tangney.

Observer(s)

Rosemary Williams.

Date of Site Inspection

29th November 2023.

Inspector

Des Johnson.

1.0 Site Location and Description

- 1.1. Heir Island is in Roaringwater Bay, Co. Cork. It has a permanent population of approximately 20 persons. It is accessed by a short ferry journey from Cunnamore Pier. The appeal site is close to the northern shores of Heir Island towards the eastern end of the island, and is accessed via a narrow, surfaced road.
- 1.2. The appeal property is single storey in design but with accommodation at attic level. There is access to the eastern side of the appeal property to the shoreline. There is a patio area adjoining the western gable of the dwelling, surrounded by a stone wall on two sides. The dwelling is orientated approximately north-east to south- west roughly parallel to the shoreline.
- 1.3. The appellant's dwelling is to the south of the appeal premises and on the other side of the road. It is single storey with accommodation at attic level. It is orientated north-east to south-west and has a small garden to the front.

2.0 Proposed Development

- 2.1. The proposal is for an extension to existing dwelling house, interchange of window and doorway of porchway, and all associated site works. The extension is the day to day use of the applicants, and there is a claimed health need. Existing services would be used and these are in good working order with no additional loading.
- 2.2. The stated gross floor area of the existing dwelling is 148.18 sqm, the gross floor area of proposed works is stated to be 28 sqm, and the site area is 0.21ha.
- 2.3. Proposed finishes include existing stone wall incorporated into extension design, composite cladding to roof, and black cladding to front, side and rear walls.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 7 conditions. The conditions relate to standard matters.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are several dwellings in this area, most of which are second homes and appeared unoccupied at the time of inspection. The applicants are permanent residents and have local businesses on the island. There is no development boundary or zoning for Heir Island in the current Development Plan. The key issue in the Plan is the need to stabilise and increase the permanent population on the island. The island has a low population base. The proposal is for a modest extension and the applicant has indicated that there are specific medical needs in this case. The proposed design and location are acceptable. No development contributions apply. There were two submissions noted – one in support and one objection. Including larger side window, and utility room incorporated within the proposed extension.

Unsolicited Further Information was submitted dated 1st August 2023 showing two minor amendments

3.2.2. Other Technical Reports

Area Engineer report (2nd August 2023) raises no issues.

Heritage Officer report (1st September 2023) states that the only European Site within the zone of influence in which a source-pathway-receptor link exists is Roaringwater Bay SAC. The proposed development does not pose a risk of significant adverse effects on the SAC. There is no objection to permission being granted subject to two recommended conditions.

4.0 Planning History

Register reference 07/81 – permission granted for extension to sailing school.

5.0 Policy and Context

5.1. Development Plan

The Cork County Development Plan 2022-2028 applies. There is no zoning for Heir Island in the Plan.

Heir Island is in the Roaringwater Bay and Islands SAC/NHA.

The following policies are relevant:

GDO-01 – development shall be compatible with the protection of the SAC and pNHA.

GDO-02 – seeks to conserve the landscape and cultural quality of Heir Island while recognising the needs of the occupants.

GDO-03 – seeks to retain a sustainable population base on the island, building on existing community facilities and economic activities.

5.2. Natural Heritage Designations

Roaringwater Bay SAC/NHA. The qualifying Interests for the SAC are as follows:

- Large shallow inlets and bays
- Reefs
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- European dry heaths
- Submerged or partially submerged sea caves
- Harbour porpoise
- Otter
- Grey seal

The Conservation objectives for all the QIs (except the Otter) is to maintain favourable conservation condition. The Conservation objective for the Otter is to restore the favourable conservation condition.

5.3. EIA Screening

- 5.4. Having regard to the nature and modest scale of the proposed development, and the likely emissions therefrom it is possible to conclude that the proposed development, alone or in-combination with other plans or projects, is not likely to give rise to significant environmental impacts and 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

These may be summarised as follows:

1. The appellant purchased their dwelling in 1987, and it is still a family holiday home, fully occupied during the summer months and visited for shorter stays 7 or 8 months of the year. The appellants are active members of the island community. The appellants' house is the only one impacted by the proposed development, which will fully restrict views of the water from the front of her property. The value of the appellants dwelling will be eroded.
2. Roaringater Bay is a designated SAC. AA screening should have been submitted with the application. The site is within the SAC. There is direct hydrological connection to the shoreline. Daily high tide comes up to the northern boundary of the appeal site.
3. Details of current drains and drainage on the site, and a full assessment should have been carried out as part of a robust AA. There are existing drainage issues with soak ways and septic tanks on the site, such as periodic overloading. The cumulative effect of additional loading is highly relevant. A Nature Impact Study would normally be required.
4. This area is identified as Rugged Ridge Peninsulas Type 4 Landscape to which the Landscape Character Assessment for Cork, 2007, affords a very high sensitivity and value to the landscape, which is of National Importance.
5. The applicant's site and developments were not fully detailed in the application. The impact of the proposed design will not be modest viz á viz its surroundings,

neighbouring property, and influence on the landscape and amenity. The proposed siting is not optimised to minimise visual impact.

6. Significant raising of floor levels will be required, making the site unsuitable for the proposed development. There will be an overbearing and unduly imposing influence on the landscape.
7. The existing house is two-storey, and was to be clad in stone as per the permission (01/1240). This condition was not met and instead the building was plastered and painted green. Proposed roof heights and floor levels are not provided making it difficult to fully determine the overbearing impact of the proposed development. There is no precedence on the island for the proposed design. The amount of glazing proposed is not in keeping with the character of island dwellings. There would be a loss of public visual amenity.
8. The Planners report records that, prior to lodgement, the site was inspected and the design agreed in principle. Approval in principle should not have negated the applicant's obligation to follow due process. No 'existing' plans were submitted, no dimensions for elevations, no overall height provided, no finished floor levels and inadequate elevations showing the proposed building relative to existing structures. No AA was submitted and there was a failure to declare previous permissions. The submitted layout plan did not show buildings and other features on, adjoining or in the vicinity. The position shown for Site Notice No. 2 is incorrect. Site Notices were not erected on all entrances to the land.

6.2. Applicant Response

Key points may be summarised as follows:

1. The applicants' family have owned property on Heir Island for over 50 years and run businesses on the island.
2. There is a health need for the proposed development which is minimally invasive. The proposed development is future proofing. The applicants ask to be allowed to live out their days in their island home in relative comfort.
3. There is no entitlement to a private view in Irish law.
4. There has never been a hydrological link at the site.

5. The easterly view from the appellant's property have not been impacted since the purchase of their site.
6. The site is low-lying and nestles into the landscape. The impact on the landscape would be minimal to zero. The proposed site is the most practical solution for the proposed development. There is no need for a Visual Impact Study.
7. The appellants own shed blocks their easterly sea views.

6.3. Planning Authority Response

The Planning Authority are satisfied that the proposed development is satisfactory in terms of design, location and use. The Site Notice was displayed in a satisfactory manner. Any significant impacts on the environmental sensitivity of the Island have been screened out. The WWTS is outlined on the planning documents. There is no increase in the number of bedrooms proposed and it is considered that there is no increase in loading, FFLs are given for the existing building and proposed extension. The proposed extension has a single span lean-to roof. Dimensions and levels are provided on the submitted drawings. The proposed development would not impact on effluent treatment.

6.4. Observations

This is supportive of the proposed development. Key points may be summarised as follows:

1. The appellant is currently seeking planning for a granny flat attached to her primary residence so that her daughter and family can move in with her. The appellants claim that she intends to spend more time on the island is open to question.
2. The applicants have worked hard for over 25 years to regenerate Heir Island and bring tourists and businesses to the island. This is in line with the Living Islands document presented by Minister Humphries.
3. The appellants are not full-time residents of the island.

6.5. Further Responses

None on file.

7.0 Assessment

7.1. The proposal is for a single storey extension to the south-western side of an existing dwelling, utilising existing services. It is claimed that there is a health need for the extension. The floor area of the proposal is stated to be 28sqm and the floor area of the existing dwelling on the site is 148.18sqm. The existing house is stated to be permanently occupied. Proposed finishes include an existing stone wall incorporated into the design, composite cladding to roof and black cladding to front, side and rear walls.

7.2. I submit that the key issues in this appeal relate to the following:

- Adequacy of submitted documentation
- Design and visual impact on the landscape
- Residential amenities
- Appropriate assessment
- Other issues

7.3. Adequacy of submitted documentation

The appellant argues that the documentation submitted with the application was deficient. I have examined the documentation submitted with the application dated 14th July 2023, and by way of unsolicited Further Information dated 2nd August 2023 (showing one side window larger, and a utility room incorporated within the proposed extension), and consider that it adequately illustrates the proposed development and is satisfactory for the purposes of assessing the proposal in the context of the proper planning and sustainable development of the area.

7.4. Design and visual impact on the landscape.

The proposal shows a lean-to type design attached to the south western gable of the existing dwelling. The FFL is shown as 10.5m, similar to the FFL of the existing dwelling. The proposed roof height ranges from 3.449m at the point where it

attaches to the existing dwelling to 2.5m. The ridge height of the existing dwelling is 7.092m. Windows are incorporated into all three elevations of the proposed extension. The proposed finishes are as described above.

I submit that the greatest visual impact would be in the immediate vicinity of the site. and, to a lesser degree, from the adjacent shoreline. I noted that other dwellings on the island have lean-to and other types of extensions to the side. I submit that the proposed design and finishes are acceptable and would not have any significant detrimental visual impacts on the landscape.

7.5. Residential amenities

A key issue raised in the grounds of appeal is the impact which the proposed development would have on the existing coastal views available from the appellant's adjacent holiday home. These are private views, but the appellant also argues that there are popular public views available from the public road across the site of the proposed extension. Having regard to the scale and sloping roof design, I submit that any loss of private views from the appellants dwelling would be limited and restricted to views in a northerly direction, and would not have any serious detrimental impact of the residential amenities of the appellants dwelling or any other dwelling in the vicinity.

There is no specific objective to retain any public views across the site of the proposed extension. Any obstruction resulting from the proposed extension would be very limited, and similar coastal views can be gained from adjacent locations to the west from the public road.

7.6. Appropriate Assessment

The site lies within the Roaringwater Bay and Islands SAC/NHA. The proposed development is not directly connected with or necessary for the management of the SAC. The qualifying interests for the SAC are large shallow inlets and bays, reefs, vegetated sea cliffs, European dry heaths, submerged or partially submerged sea caves, harbour porpoise, Otter, and grey seal. There is no record of any of these interests occurring on the subject site. The Conservation objectives for all the qualifying interests (with the exception of the Otter) are to maintain favourable conservation condition. The conservation objective for the Otter is to restore the favourable conservation condition.

Possible sources for impact could relate to construction activities and future occupation to the proposed extension. Having regard to the nature and limited scale of the proposal, which does not involve the expansion on the loading of existing services, the absence of any pathway for the transmission of possible impacts to the qualifying interests, I submit that it can be concluded that the proposed development is not likely to have any significant effect, individually or in combination with other plans or projects, on the Roaringwater Bay and Islands SAC, or on any other designated European site.

7.7. Other Issues

The appellant raises issues relating to the process involving the Planning Authority prior to the submission of the application. I submit that the Board is required to assess the proposal anew, having regard to all the documentation on the file, including the grounds of appeal. The appellant contends that a condition of a previous permission has not been complied with. I submit that any enforcement issue, should one occur, is a matter for the Planning Authority, and that the Board does not have any enforcement function.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the design, purpose and limited scale of the proposal, it is considered that the proposed development is visually acceptable, would not have a detrimental impact on the landscape, the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have any significant effect, individually or in combination with other plans or projects, on the Roaringwater Bay and Islands SAC or on any other designated European site, and would 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 to the Planning Authority on 14th July 2023, as amended by Further Information submitted on 2nd August 2023, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No dust, mud or debris from the site shall be carried onto or deposited on the public road.</p> <p>Reason: In the interest of protecting the amenities of the area.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>

Des Johnson
Planning Inspector

30 November 2023

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.