



An
Bord
Pleanála

Inspector's Report

ABP-318226-23

Development	Construction of a detached garage with first floor storage and ancillary site works
Location	Clonomara, Castletown, Enniskeane, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/208
Applicant(s)	Ger McCarthy
Type of Application	Planning Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Ger McCarthy
Observer(s)	None
Date of Site Inspection	29 th May 2024
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.183 hectares and is located within the rural townland of Clonomara, which is located approximately 3km north of the village of Enniskeane, County Cork. The site accommodates a dormer style residential dwelling and septic tank system. The site is bounded by a residential dwelling to the north, agricultural lands to the south and east and a single carriageway public road to the west.
- 1.2. The topography of the site slopes substantially upwards from the public road. The finished floor level of the existing dwelling onsite is approximately 5 metres above the level of the public road.

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a detached garage with first floor storage. The development is proposed to be sited at the front of the site approximately 8.7 metres from the public road. Access to the garage will be provided from a setback area along the public road.
- 2.2. The proposed structure will have a floor area of 100sqm and will comprise of a garage on the ground floor with an open storage area on the first floor, accessed via an internal stair. 3 no. roof lights are proposed on the roof slope on the front elevation. A first-floor bridge access walkway is proposed at the rear of the structure. The proposed structure will be two-storey to a ridge height of 6.2 metres. The external finishes of the structure will comprise of smooth render finish to the walls with a blue/black slate finish to the roof.
- 2.3. A 3.1-metre-high retaining wall is proposed at the rear and side elevations of the structure. It is proposed to dispose of surface water via a soakaway to BRE digest 365 standards.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, Cork County Council (the planning authority) sought further information in relation to the following:

- The reduction of the scale of the structure by a minimum of 50% as they considered it excessive and not domestic in scale or size.
- The relocation of the garage to the northeast corner of the site alongside the dwelling as they considered the proposed cut and fill and the location to the front of the dwelling with its own access as unacceptable.
- A section drawing showing the new location.

The planning authority decided to refuse to grant permission by Order dated 15th September 2023 for the following reasons:

1. It is a stated objective of the Cork County Development Plan 2022 HE 16-21: Design and Landscaping of New Buildings to “a) encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape”. Having regard to the siting, scale and design of the proposed development and the associated groundworks and retaining structures required in the front garden area of the existing dwelling, in proximity to the nearby public road to the west, the planning authority considers that the proposed development is excessive for a domestic garage / storage building and proposed development would negatively impact on the visual amenity of the area, detracting from the character and setting of the rural area. The proposed development would, therefore, contravene the objective HE16-21 of the Cork County Development Plan 2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed siting of the garage with overhead storage and to the permitted siting of the treatment unit and percolation area, as permitted under the governing permission 05/6942, the planning authority is not satisfied that the proposal has adequate separation distance from the permitted

wastewater treatment unit and associated percolation area and accordingly, the proposed development would, therefore, be prejudicial to public health.

3.2. Planning Authority Reports

Planning Reports

There was a total of 2 no. area planner reports which assessed the proposed development in terms of siting and design, wastewater layout and traffic safety. The first report recommended further information to afford the applicant an opportunity to relocate and reduce the scale and size of the garage and the second report recommended two reasons for refusal. These reports were endorsed by the Senior Executive Planner.

Other Technical Reports

- Engineering (reports dated 17/05/23, 01/09/23 and 14/09/23) – They recommended refusal of the application due to inadequate separation distances to the wastewater treatment system.
- Liaison Officer (report dated 15/09/23) – No comment provided.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

No third-party observations were submitted on the application.

4.0 Relevant Planning History

PA ref. 05/6942

Gerard McCarthy was granted permission for a dwelling on the subject site.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

HE 16-21: Design and Landscaping of New Buildings

a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

5.2. Natural Heritage Designations

The subject site is not located within any designated European site. The nearest designated European site is the Bandon River Special Area of Conservation (SAC) (Site Code 002171), which is located approximately 10km west of the subject site. The Killaneer House Glen proposed Natural Heritage Area (pNHA) is located approximately 3km east of the subject site.

5.3. Environmental Impact Assessment (EIA) Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening assessment. Refer to Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal was lodged to the Board on 12th October 2023 by Ger McCarthy. The grounds of appeal can be summarised as follows:

- The relocation recommended by the planning authority at further information stage was not practical, interfered with separation distances of the parent drainage system and would have removed a small outdoor patio area.

- A request was made to meet the planning authority during the further information process to explain the issues, however, they failed to offer a meeting or discuss the concerns.
- The site is small, and levels are steep in nature. Due to site constraints and the need to park a vehicle in the garage the only viable option was to construct the garage in the location proposed.
- The council did not raise any concerns regarding the location of the garage at further information in relation to the existing septic tank and percolation area. The distance fully complies with EPA Code of Practice.

6.2. Planning Authority Response

No response was issued by the planning authority to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

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

- Layout and Design
- Wastewater and Public Health
- Other Issues

7.2. The Board should note that there remains a lack of clarity regarding the use of the proposed garage. I note that the title of the planning application does not state whether it is a domestic garage, and it is stated in the further information response that it is to be used to store equipment in relation to the Applicant's ground works building company. Notwithstanding this, I note that the application fee paid by the Applicant was based on a domestic garage, and therefore, my assessment will be on this basis.

Layout and Design

7.3. I note that the planning authority (PA) considered that the proposed structure was excessive for a domestic garage/store and due to the siting, scale and design and associated groundworks and retaining structures it would negatively impact on the visual amenity, character and setting of the rural area, contravening objective HE16-21 of the Cork County Development Plan 2022-2028. I note the Applicant states that due to site constraints and the requirement to park a vehicle in the garage, that this location is the only viable option.

7.4. I acknowledge that at further information stage that the structure was reduced from 168sqm to 100sqm and from a ridge height of 6.9 metres to 6.2 metres. The width of the structure was also reduced from 12 metres to 10 metres and the depth was reduced from 7 metres to 5 metres.

7.5. Notwithstanding the above, I have significant concerns with the siting of the proposed development at such close proximity to the public road with its own access off the road and at such a removal from the existing dwelling onsite. I also have significant

concerns with the development due to the topography of the site and level of the proposed groundworks which will remove a significant portion of the existing garden to accommodate the development and a 3.1-metre-high retaining wall. Additionally, I have significant concerns regarding the design and scale of the development in terms of the two-storey design to a ridge height of 6.2 metres and to the internal floor area of 100sqm which I consider is non-subservient to the existing dwelling onsite.

- 7.6. Having regard to the above, it is my view that the proposed structure is not domestic in design, scale or siting and would be injurious to the visual amenities of the area, would not fit appropriately into the landscape and would be out of character with the pattern of development in the area. Therefore, I concur with the PA in considering that the development contravenes objective HE16-21(a) of the Cork County Development Plan 2022-2028.

Wastewater and Public Health

- 7.7. I note the second reason for refusal relates to the separation distances of the proposed development to the existing septic tank system and percolation area onsite. I note the Applicant states that the distances fully comply with the EPA Code of Practice. However, I note that the submitted plans do not specify the separation distances from the proposed development to the existing septic tank and percolation area.
- 7.8. I note that Table 6.2 of the EPA Code of Practice 2021 specifies a minimum distance of 4 metres for a treatment area from slope break/cuts. I have measured the distance on the submitted site layout plan as 4 metres between the proposed retaining wall to the location of the existing percolation area. I note that the drawings submitted under application ref. 05/6942 are not uploaded on the local authority's planning register or on the subject file. The Board may wish to seek these particulars, however, having regard to the substantive reason for refusal it may not be necessary to pursue this matter.

Other issues

- 7.9. I note the location of the proposed soakaway to the north of the proposed garage which I note will be located uphill of the proposed garage. However, having regard to the substantive reason for refusal, I do not recommend that this new issue be pursued.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 10km east of the Bandon River Special Area of Conservation (SAC) (Site Code 002171).
- 8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Having visited the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and any designated site. The nearest watercourse is located approximately 150 metres west of the site.
 - Having regard to the distance to any European Site regarding any other potential ecological pathways.
- 8.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend permission is refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the scale, height and two storey design of the detached garage, to the siting of the development at the front of the site with its own access off the public road, to the topography of the site and surrounding area and to the level of groundworks proposed, it is considered that the development would represent an excessive level of development, would be non-subservient to the existing dwelling onsite, would seriously injure the visual amenities of the area, would be out of character with the pattern of development in the area and

would be contrary to HE16-21(a) of the Cork County Development Plan 2022-2028. 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.

Gary Farrelly
Planning Inspector
11th June 2024

Appendix 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	318226-23		
Proposed Development Summary	Construction of a detached garage with first floor storage and ancillary site works		
Development Address	Clonomara, Castletown, Enniskeane, County Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	No further action required
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	X		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)
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No			Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ Date: _____