



An  
Bord  
Pleanála

## Inspector's Report ABP318874-23

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<b>Development</b>	Construction of a dwellinghouse, domestic garage and all associated site works.
<b>Location</b>	The Hill, Baltimore, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	23629.
<b>Applicant</b>	Angharad McEwan.
<b>Type of Application</b>	Planning permission.
<b>Planning Authority Decision</b>	Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	John and Anne Bell
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16th April 2024.
<b>Inspector</b>	Derek Daly.

## **1.0 Site Location and Description**

- 1.1. The proposed site is located in an area referred to as the Hill to the south of the centre of the village of Baltimore in County Cork.
- 1.2. The site which is elevated is located within a row of existing long established dwelling units fronting onto the eastern side of a narrow local road. The site is bounded on either side by single storey hipped gabled bungalows. There is also a linear pattern of individual dwellings located to the front on the opposite(western) side of the road and also a linear group of dwellings including one under construction to the rear of the proposed site. The dwellings front onto a local road network which is of a narrow width which rises in level from the village and has a number of bends. There are a number of lay byes on the road to facilitate passage of vehicles.
- 1.3. The site would appear to have been partially developed at some period in the past and there is a concrete foundation on the site which has not been developed. The site rises in level from the road which defines the site's northern boundary. There is also a fall in level westwards with the dwelling to the east at a higher level to the site and the dwelling to the west at a lower level.

## **2.0 Description of Development**

- 2.1. The proposed development is for the construction of a dwelling which is part single storied and part two storied of a modern design and construction comprising two blocks with a central hallway with the two storied section forming the western portion of the proposal. The design provides for a gable front elevation with the axis of the dwelling at right angles to the road in contrast to dwellings in the immediate vicinity which are single storied and parallel to the road. The maximum height to ridge level of the two storied element is 6800mm above ground level and the single storied is 4700mm above ground level.
- 2.2. It is proposed to remove existing foundation works as part of the proposed development. The stated area is 170m<sup>2</sup> and there is also a detached garage located to the rear (southwest) of the dwelling with a stated area of 24m<sup>2</sup>.

- 2.3. It is proposed to connect to the public water mains supply and the public sewer. Surface water arising from the development will be disposed to a soakway between the proposed development and the public road.

### **3.0 Planning History**

PA Ref. No. 79/1193

Planning permission was granted on the site. This permission was not enacted, but a foundation was constructed on the site some time ago.

ABP Ref 302547-18 / PA Ref. No. 18/380

Permission granted for a replacement dwelling on the site to the rear of the current proposal and the decision of the planning authority to grant permission was upheld by the Board.

PA Ref. No. 18/398.

Permission granted for a replacement dwelling located to the rear of the current proposal.

### **4.0 Local Planning Policy**

#### **4.1. Local Policy**

The relevant plan is the Cork County Development Plan 2022-2028.

The site lies within the village development boundary as designated for the village of Baltimore in Volume 5 of the Cork County Development Plan 2022-2028.

### **5.0 Natural Heritage Designations**

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

### **6.0 Planning Authority Decision**

- 6.1. The decision of the planning authority was to grant planning permission subject to fifteen conditions.

## **6.2. Planning Authority Reports**

### **6.2.1. Planning Report**

The planning report dated the 18<sup>th</sup> December 2023 refers to the provisions of the current County Development Plan, that the site represents an infill site, refers to other reports of the planning authority and third party submissions received. The report recommended permission.

The area engineer Report dated the 1<sup>st</sup> December 2023 indicated no objections and recommended conditions.

### **6.3. Other Reports**

Uisce Éireann in a submission dated the 7<sup>th</sup> November 2023 indicated no objection subject to conditions.

## **7.0 Third Party Appeal**

### **7.1. Grounds of Appeal**

#### **7.1.1. The appellants main grounds of appeal can be summarised as follows:**

- The appellants contend that the proposed development takes no regard for the established building line and styles of existing houses and in doing so the proposed development will destroy long established views of the harbour for existing houses.
- Existing houses have been positioned to take into account views of the harbour and are single storied and do not interfere with views and daylight.
- Drawings are submitted in support of this.
- The planning authority did not take into account previous planning history including enforcement of unauthorised development details of which are submitted.
- The road network is not suitable for additional development and this was referred to by the area engineer in previous applications in the area.

- The planning authority did not consider overshadowing of neighbouring properties and rights to light. Drawings to support this contention are submitted with the grounds of appeal.

## 8.0 Appeal Responses

8.1. The applicant in a response dated the 12<sup>th</sup> January 2024 in summary refers to;

- The assertion that there is one established building line or style of dwelling is untrue.
- Reference is made to varying site levels and the appeal site is a transitional location between two different building lines and the split level design reflects this transition.
- If the proposal followed the building line of the appellant's property to the east it would be entirely behind the property to the west.
- It would owing, to site levels give rise to a dwelling at a higher level interfering the appellants' privacy greater than the current proposal.
- Views of the harbour will remain from the appellants' property.
- Overlooking will not arise and windows to the east are at an elevation 3.3m lower than the appellants' property.
- The planning history referred to occurred in the period 1976 to 1979 and all were granted with conditions.
- Permissions were granted on the road network which provided for passing bays
- Overshadowing is not possible given the variation in site levels and a separation distance of a minimum of 9.2 metres.
- The applicant has grown up in the village and the site is within the development boundary and will be a full time resident.

8.2. The planning authority in a response indicate that the proposed development represents a reasonable infill development within the development boundary of the village of Baltimore.

## 9.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the immediate vicinity of the site, 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.

## 10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 11.0 Assessment

11.1. The main issues in this appeal are those raised in the planning authority's decision to grant permission and the grounds of appeal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The grounds of appeal.
- Services.

11.2. Principle of the development.

11.3. The proposal as submitted is for the construction of a dwellinghouse and a domestic garage within the development area boundary of the village of Baltimore. The appeal site is an infill site between existing dwellings and can connect to public mains water and sewerage and is acceptable in principle subject to compliance with other stated provisions of the County Development Plan.

11.4. Grounds of appeal

- 11.4.1. The grounds of appeal refer to the impact on the proposed development on adjoining and nearby properties specifying issues that the proposed development takes no regard for the established building line and styles of existing houses and in doing so the proposed development will destroy long established views of the harbour for existing houses; that existing houses have been positioned to take into account views of the harbour and are single storied and do not interfere with views and daylight, that the road network is not suitable for additional development and this was referred to by the area engineer in previous applications in the area and that the planning authority did not consider overshadowing of neighbouring properties and rights to light.
- 11.4.2. Responding to the grounds of appeal that first party contends that the assertion that there is one established building line or style of dwelling is untrue; reference is made to varying site levels and the appeal site is a transitional location between two different building lines and the split level design reflects this transition; if the proposal followed the building line of the appellant's property to the east it would be entirely behind the property to the west. It is also contended that if the proposed dwelling followed the building it would owing to site levels give rise to a dwelling at a higher level interfering the appellants' privacy greater than the current proposal. Views of the harbour will remain from the appellants' property. Overlooking will not arise and windows to the east are at an elevation 3.3m lower than the appellants' property. Overshadowing is not possible given the variation in site levels and a separation distance of a minimum of 9.2 metres.
- 11.4.3. The primary issue in relation to the development arises from whether the proposed development is appropriate to the site and its surroundings. I note that the two dwellings to the north east do follow a similar building line but the dwelling varies from this building line and the orientation also varies slightly. It is also apparent that there is a significant variation in site levels with a fall in level to the north and west. The design of dwelling as part two storied and part single storied does avail of the variation of site levels. I would accept that single storey dwellings predominate in the area but more recent development incorporate in some cases more than a single storied design. I therefore conclude that a dwelling of the design and orientation of the axis proposed would not be out of keeping with the area. I would have objection to dwelling as proposed in relation to its design, location and axis of orientation.

11.4.4. In relation to the issue of overlooking and overshadowing given the variation in levels and separation distance to adjoining properties and the relative orientation of the properties I do not consider that issues arise in this regard. The primary issue would appear to be loss of views over the harbour and towards Sherkin Island and although some loss may arise in particular to the north west views will still be retained over a wide area and the right to a private view cannot be supported. Relocating the dwelling further to the rear of the site would address the issue of the view but would give rise to potential increased and significant overlooking of adjoining properties in particular the property to the west.

#### 11.5. Services.

11.5.1. In relation to access and traffic related matters I would have no objections to the details submitted. I do note that the road network serving the site is narrow and there are bends but given the infill nature of the site and the presence of passing lay byes I would have no objections.

11.5.2. In relation to water services,

11.5.3. I note that the site is served by mains water and sewerage and Uisce Éireann have indicated no objections subject to conditions.

### 12.0 Recommendation

12.1. I recommend that permission be granted.

### 13.0 Reasons and Considerations

Having regard to the location of the site which is an infill site, the pattern of existing and permitted development in the vicinity, the provisions of the current Cork County Development Plan 2022-2028 and the site's location within the development boundary of the village of Baltimore it is considered that the proposed development would be in accordance with the stated provisions of the current Cork County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of



the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 7<sup>th</sup> November 2023 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 proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 7<sup>th</sup> November 2023.</p> <p>Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary and shall consist of native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.</p> <p><b>Reason:</b> In the interest of traffic safety and visual amenity</p>
3.	<p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the on the 7<sup>th</sup> November 2023.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

5.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species and shall include a timescale for implementation, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
6.	<p>The developer shall enter into a water and sewerage connection agreement with Uisce Éireann and comply with all requirements of this agreement.</p> <p><b>Reason:</b> In the interest of public health</p>
7	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <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.</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><b>Reason:</b> In the interest of public health and traffic safety.</p>
8	<p>The use of the domestic garage shall be for private domestic use only solely incidental to the enjoyment of the dwellinghouse and not used for any commercial or trade purposed or for human habitation.</p> <p><b>Reason:</b> In the interests of clarity.</p>
9	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>

10	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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>
11	<p>The applicant/developer shall pay to the planning authority a financial contribution in respect of 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. 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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. Derek Daly  
Planning Inspector

19<sup>th</sup> May 2024