



An
Bord
Pleanála

Inspector's Report ABP-319832-24

Development	Construction of dwelling house, wastewater treatment unit and all associated works
Location	Johnstown & Killahora, Windsor Hill, Glounthaune, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24/4141
Applicant(s)	Lorraine McGrath
Type of Application	Planning Permission
Planning Authority Decision	Notification to Grant
Type of Appeal	Third Party
Appellant(s)	Kevin and Marion Delea
Observer(s)	Pauline Moore
Date of Site Inspection	5 th February 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.073 hectares and is located within the townland of Johnstown & Killahora, which is located approximately 2km northeast of the village centre of Glounthaune, County Cork. The immediate area of the site is characterised by a high density of residential properties. The site is located at the corner of the junction of Lackenroe Road and Windsor Hill and is bounded by the public road to the north and east with residential properties located to the south, southwest and west of the site.

2.0 Proposed Development

- 2.1. Permission is sought to construct a new 2-bedroom dwelling house. The design of the proposed dwelling is single storey to a ridge height of 5.78 metres. External finishes will comprise of a smooth render finish to the walls and blue/black slate finish to the roof. The floor area of the dwelling will measure 164sqm.
- 2.2. A new entrance is proposed to be constructed within the bell mouth of an existing entrance and laneway that serves a dwelling to the southwest of the subject site.
- 2.3. A new wastewater treatment unit and polishing filter is proposed to be installed. The application was accompanied by a site characterisation form which recorded a subsurface percolation value of 24.08 min/25mm. Surface water is proposed to be treated via onsite soakpits.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant permission, by Order dated 9th May 2024, subject to 23 no. conditions.

- Condition no. 3 required the payment of a supplementary contribution of €3,333.12 in respect of the Cobh/Midleton – Blarney suburban rail project.
- Condition no. 13 prohibited any surface water to flow onto the public road and required the disposal of surface water within the site by means of soakaways.

- Condition nos. 16 and 17 required foul drainage to be treated by means of a proprietary wastewater treatment system in accordance with the EPA code of Practice 2021 and for it to be operated and maintained to the satisfaction of the PA.

3.2. Planning Authority Reports

Planning Reports

There are a total of 2 no. area planner (AP) reports on file which assessed the proposed development in terms of, inter alia, its principle, the planning history of the site, design and layout, residential amenity, access, waste water and surface water treatment. The first report recommended further information and the subsequent report recommended a grant of permission. A rural housing need assessment was not undertaken as the site is located within the development boundary of Glounthaune. The AP considered that EIA was not required as there was no real likelihood of significant effects on the environment and after screening for appropriate assessment considered that the development would not likely give rise to significant effects on European sites.

Other Technical Reports

Area Engineer (dated 28/02/2024) – This report outlined no objection to the development subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann - It had no objection to the development subject to a connection agreement.

3.4. Third Party Observations

There were 2 no. observations on the application to the PA which raised concerns regarding sightlines and the use of a shared entrance, the elevated nature of the site, the overbearing effect on neighbouring properties, the previous refusals onsite, and the location of the wastewater treatment system and soak pit next to the southern boundary.

4.0 Relevant Planning History

PA ref. 17/7275

Lorraine McGrath was refused outline permission for the erection of a dwellinghouse and associated works. The reasons for refusal were in relation to concerns over restricted sightlines from the proposed vehicular access, the proliferation of on-site wastewater treatment systems and the overdevelopment of a restricted site.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The subject site is located within the development boundary of Glounthaune on lands zoned 'Existing Residential/Mixed Residential and Other Uses'.

Objective ZU 18-9

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.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework and National Development Plan 2021-2030
- Climate Action Plan 2024

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. National Guidance

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

5.5. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated sites are the Cork Harbour Special Protection Area (SPA) (Site Code 004030) and the Great Island Channel Special Area of Conservation (SAC) (Site Code 001058) which are located approximately 1km south of the subject site. The SAC is also designated as a proposed Natural Heritage Area (pNHA).

5.6. Environmental Impact Assessment (EIA)

Having regard to the nature, size and location of the proposed development, comprising the construction of a single house and wastewater treatment system, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. I refer the Board to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal by Kevin and Marion Delea was received by the Board on 29th May 2024. The grounds of appeal are summarised as follows:

- The site has been refused on four previous occasions by the planning authority (refs. 3315/76, 2448/77, 2344/80 and 17/07275).
- As part of the assessment of 17/07275, it was considered that the proposal would represent overdevelopment of a small, restricted site which would seriously injure the amenities of the area and of adjoining properties. Concerns remain regarding the restricted nature of the site and the proposal represents overdevelopment.
- The sightlines are restricted in both directions, and this has not changed. The site is next to a four-way busy junction and a dwelling would be a danger to road users and a distraction. The crossroads cannot cope with the current volume of traffic.

- The proposed dwelling is oversized elevated build for such a small narrow strip of land with large windows overlooking neighbouring properties.
- There are concerns that the attic will be converted in years to come which will have a huge impact on overlooking to neighbouring properties. It is questioned why a window is needed in the attic gable.
- The house design will have an overbearing effect to neighbouring properties. Due to the elevation of the site being 6 feet above the ground level of the appellant's property, the proposed south facing window will have an overbearing effect on the dormer bedroom window to the south.
- There is concern that the overflow from the biocycle unit will seep into the appellant's back garden. It is requested that it is checked that all minimum separation distances from the wastewater treatment system are checked.
- There is a suitable alternative location for the applicant's dwelling within the grounds of her family home next to the site.

6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 6th June 2024. The response is summarised as follows:

- The area of the subject site has been increased since the previous planning application and now includes part of the applicant's parents access driveway. The site is the only option available to the applicant and it is a requirement to be next to the applicant's elderly parents for support reasons. It is stated that the applicant has lived in the area all of her life.
- The previous application proposed a new entrance to the north of the site, however, this application proposes to use an existing access as agreed with the area engineer. 70 metre sightlines in both directions are achievable. The dwelling will be set back 14 metres from the junction and there will be a 0.45m low block wall which will not impede any drivers view at the junction.
- The attic will only be for storage purposes and will never be converted as it does not meet the building regulations as a habitable space. The narrow ventilation window is facing north. The large glazing to the south is to maximise light into

the kitchen area. There is no upper window to the sound and therefore there is no overlooking.

- The neighbouring dwelling is c. 60.7 metres away and the proposed landscaping plan will see semi-mature trees planted along the south boundary to help screen the proposed dwelling.
- The house has been designed as a bungalow with a maximum 30-degree pitch to minimise the overall look of the dwelling. The finished floor level is c. 2.1 metres below the public road.
- The proposed treatment system meets all required codes of practice and will be maintained regularly to a high standard. The percolation area is 4 metres away from the road and 3 metres away from all boundaries.

6.3. Planning Authority Response

The PA issued a response on 20th June 2024 stating that all relevant issues were covered in the technical reports already forwarded to the Board as part of the appeal documentation and had no further comment to make.

6.4. Observations

An observation from Pauline Moore was received by the Board on 29th May 2024. The issues raised are covered in the grounds of appeal.

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 local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Design and Layout
- Residential Amenity
- Wastewater Treatment
- Traffic Safety

Principle of the Development

7.2. The subject site is located within the settlement boundary of Glounthaune on lands zoned 'Existing Residential/Mixed Residential and Other Uses' where residential development is considered an appropriate use under the Cork County Development Plan 2022-2028. Having regard to the zoning of the site and to the nature of the development, I consider that the proposed development is acceptable in principle.

7.3. The Board should note that a supplementary application form (SF1) was submitted as part of the application, however, the subject site is not located within a rural area and therefore there is no requirement to demonstrate a rural housing need at this location.

Design and Layout

7.4. I note the appellant's concerns regarding overdevelopment, the restricted nature of the site and the reference to previous refusal reasons on site. The 2024 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (SRDCS Guidelines) outlines that one of the mechanisms to prevent adverse effects of overdevelopment is site coverage, which is a percentage of the site covered by building structures.

7.5. I note that the floor area of the single storey dwelling will measure 164sqm and the total area of the site measures 0.073 hectares. The Board should note that this results

in a site coverage of c. 22%, and therefore, quantitatively, I consider that the proposed development would not result in overdevelopment of the site.

- 7.6. Furthermore, the design of the proposed development will accommodate a green space area of c. 240sqm to the south of the dwelling. The Board should note that this substantially exceeds the minimum standard of 30sqm for a 2-bed house as specified by Specific Planning Policy Requirement (SPPR) 2 of the SRDCS Guidelines. Having regard to this and to its layout and orientation, I consider that this represents a high standard of amenity and again ensures that the proposed development does not represent overdevelopment of the site.
- 7.7. Moreover, I note that the separation distances between the dwelling and the northern boundary is c. 10 metres, 2.6 metres to the eastern boundary, 2 metres to the western boundary and 20 metres to the southern boundary.
- 7.8. Therefore, overall, I consider that it represents an infill opportunity site that respects the pattern of development in the area and, therefore, complies with objective ZU 18-9 of the CDP.

Residential Amenity

- 7.9. I note the appellant's concerns regarding the impact of the development on neighbouring properties in terms of overlooking and overbearing. Having inspected the site, I did note the topography of the appellant's property is below the level of the subject site.
- 7.10. However, the Board should note that the design of the dwelling is single storey to a ridge height of 5.78 metres which is similar to neighbouring properties in the area. It has been sited 20.85 metres from the southern boundary and approximately 60 metres from the appellant's dwelling. I note that no first-floor windows are proposed on the south elevation of the proposed dwelling. Whilst a vaulted window is proposed to serve a kitchen, the purpose of this design is to increase natural light and sunlight into the room and I note that it does not serve a first floor.
- 7.11. Therefore, having regard to the separation distance between the development and the appellant's property, to the single storey scale and height of the development and to the absence of any first-floor windows on the south elevation, I consider that the

proposed development would not result in overlooking or have an overbearing effect on the appellant's property, or any other neighbouring property.

Wastewater Treatment

- 7.12. I acknowledge the appellant's concerns regarding the separation distances of the proposed treatment system and the potential for overflow from the biocycle unit to seep into their back garden.
- 7.13. However, the percolation results of the submitted site characterisation form indicates that the site is suitable for a treatment system in accordance with the Environmental Protection Agency's (EPA) 2021 Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10). I also note that the siting of the system is in accordance with the separation distances set out within Table 6.2 of the Code of Practice. Therefore, the Board should note that I consider that the development is acceptable in terms of public health, subject to a condition that the system is designed and maintained in accordance with the 2021 Code of Practice.

Traffic Safety

- 7.14. The appellant has raised concerns with sightlines being restricted from the entrance with the public road and the potential for the development to endanger public safety by reason of a traffic hazard. I note that the submitted site layout plan indicates that sightlines of 70 metres in both directions are achievable. I also note that the PA's Area Engineer had no objection in terms of traffic safety.
- 7.15. The applicant has stated that the subject entrance has been in existence since 1974 and I note that it already serves the family home which the applicant has indicated that she currently resides. Therefore, I note that there will be no intensification of use of the subject entrance. Having inspected the site, I noted sufficient sightlines in both directions when exiting the laneway. Therefore, I am satisfied that the proposed development would be acceptable in terms of traffic safety.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The proposed development seeks to treat wastewater via a wastewater treatment system and percolation area. Surface

water is proposed to be treated via soak pits. The subject site is located approximately 1km north of Cork Harbour Special Protection Area (SPA) (Site Code 004030) and the Great Island Channel Special Area of Conservation (SAC) (Site Code 001058).

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 reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the designated site.
- Having regard to the design of the wastewater treatment system being in accordance with the Environmental Protection Agency's (EPA) 2021 Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10).
- Having regard to the separation distance from the European Site regarding any other potential ecological pathways and intervening lands.
- Having regard to the screening determination by the PA.

8.3. I conclude that on the basis of objective information, that the development would not likely have a 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 to the Board that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the 'Existing Residential/Mixed Residential and Other Uses' zoning of the site under the Cork County Development Plan 2022-2028, where residential development is considered an appropriate use, to the pattern of development in the

area and to the design, layout, siting and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19th day of April 2024, 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.

Reason: In the interest of clarity.

2. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment

system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

3. (a) The landscaping scheme shown on drawing number 2024-04, as submitted to the planning authority on the 19th day of April 2024, shall be carried out within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. 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 to adjoining properties.

Reason: In the interest of traffic safety, residential amenity and to prevent flooding.

5. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The 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.

Reason: 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.

8. The developer shall pay to the planning authority a financial contribution of €3,333.12 in respect of the Cobh/Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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 February 2025

Appendix 1

(a) Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319832-24			
Proposed Development Summary	The construction of a dwelling house, installation of wastewater treatment system and associated site works			
Development Address	Johnstown & Killahora, Windsor Hill, Glounthaune, County Cork			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			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)?				
Yes	X	Part 1, Class 13: Wastewater treatment plants with a capacity exceeding 150,000PE Part 2, Class 10(b)(i): Construction of more than 500 dwelling units. Part 2, Class 11(c): Wastewater treatment plants with a capacity greater than 10,000PE	Proceed to Q.3	
No			No further action required	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?				
Yes				EIA Mandatory EIAR required
No	X			Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				

Yes	X	<ul style="list-style-type: none"> The development is for a single dwelling unit. The development is for a domestic wastewater treatment unit for a capacity of 4PE. 	Preliminary examination required (Form 2)
4. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

(b) Form 2 - EIA Preliminary Examination

<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development site measures 0.073 hectares. The size of the development is not exceptional in the context of the existing environment.</p> <p>The development is for a single dwellinghouse within a rural area. Subsurface percolation value calculated at 24.08min/25mm in accordance with EPA Code of Practice. Localised construction impacts expected, topsoil removal etc.</p> <p>There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is not located within any designated site and is located approximately 1km from the Cork Harbour Special Protection Area (SPA) (Site Code 004030) and the Great Island Channel Special Area of Conservation (SAC) (Site Code 001058). My appropriate assessment screening above concludes that the proposed development would not likely result in a significant effect on any European Site.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the proposed development (i.e. a single dwelling unit and domestic wastewater treatment system) and limited nature of construction works associated with the development, to its location removed from any environmentally sensitive sites, to the absence of any cumulative effects with existing or permitted projects in the area, there is no potential for significant effects on the environment.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	X
There is significant and realistic doubt regarding the likelihood of significant effects on the environment	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Gary Farrelly

Planning Inspector

11th February 2025