



An  
Bord  
Pleanála

## Inspector's Report ABP-320935-24

<b>Development</b>	Demolition of an existing dwelling, the construction of a new two storey dwelling, new wastewater treatment plant and all associated site works.		
<b>Location</b>	Tide Cottage, Point Road, Crosshaven, Co. Cork		
<b>Planning Authority Ref.</b>	245349		
<b>Applicant(s)</b>	Jeroen Schumm and Orla Kiely		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Refuse
<b>Type of Appeal</b>	First Party	<b>Appellant</b>	Jeroen Schumm and Orla Kiely
<b>Observer(s)</b>	David O'Connell		
<b>Date of Site Inspection</b>	22/01/2025	<b>Inspector</b>	Lorraine Dockery

- 1. Site Location/ and Description.** The subject site, which has a stated area of 0.57 hectares, is located on an unpaved track, off Point Road, Crosshaven, Co. Cork. The site contains a single-storey thatched cottage with a steep embankment to the rear (east). There are panoramic views from the site across the harbour. The general area is residential in nature with a mix of dwelling types/styles evident.
- 2. Proposed development.** Demolition of an existing dwelling and construction of a new two-storey dwelling, wastewater treatment plant and all associated site

works. The stated floor area for demolition is 44m<sup>2</sup> while the proposed floor area of new works is 226m<sup>2</sup>.

**3. PA's Decision.** REFUSE permission for 3 no. reasons as follows:

1. The proposed development includes the demolition of an existing dwelling which is considered a vernacular building of merit. The proposal to demolish same would be contrary to Cork County Development Plan policy objective HE 16-19 which seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, and where there will generally be a presumption in favour of the retention of vernacular buildings. Having regard to the character of the dwelling and its history in terms of the built heritage of the area, it is considered that the proposal to demolish same would be contrary to policy objective HE 16-19 and would be contrary to the proper planning and sustainable development of the area.

2. Based on the information submitted, the Planning Authority is not satisfied that the proposed dwelling can integrate successfully on the site, which is located in a designated High Value Landscape in the Cork County Development Plan 2022-2028. Having regard to the design, scale and level of excavation/groundworks proposed, it is considered that the proposed development would detract to an undue degree from the visual and scenic amenities of the area, and impact negatively on the residential amenities of the area. The proposed development would be contrary to policy objectives GI 14-9 and GI 14-10 of the County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the information submitted, the Planning Authority is not satisfied that the proposed on-site wastewater treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site in accordance with current EPA standards and in accordance with policy objective RP 5-23 of the County Development Plan 2022-2028. Furthermore, in the absence of detailed surface water management proposals and flood risk screening assessment, it is considered that the applicant has not demonstrated that the proposed development complies with the requirements of WM 11-15 of the aforementioned Plan. The proposed development would be prejudicial to public

health, would be contrary to policy objectives of the County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area

#### **4. Planning History.**

12/4563 Permission GRANTED for renovation and alterations of existing dwelling house

#### **5.1. National/Regional/Local Planning Policy**

- Cork County Development Plan 2022-2028 applies, which has regard to national and regional policies in respect of residential development.
- Zoning: Existing Residential/Mixed Residential and Other Uses
- Objective ZU 18-9- New residential development should normally respect the pattern and grain of existing urban development in the surrounding area
- Site located in High Value Landscape- Objectives GI 14-9 & GI 14-10 apply
- Objective HE 16-19 Vernacular Heritage- c) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

#### **5.2 Natural Heritage Designations**

- Site is located approximately 1.4km from the Cork Harbour SPA (Site Code: 4030)

### **6. The Appeal**

#### **6.1 First Party Appeal. Grounds:**

- Contends that it is not possible/practical to maintain/enhance this vernacular building
- Reason No. 1- If retained, property would flood and be uninsurable. Adjacent dwelling to SW has floor level of 4.0OD which was recommended in their FRA; proposed dwelling has floor level of 4.15OD which eliminates risk of flooding

- Tide Cottage was removed from RPS, which would imply building has little significance from a vernacular/architectural perspective, as well as being unsuitable for habitation. Logical to record and replace with new building
- Virtually impossible to upgrade building to comply with Building Regulations and energy conservation requirements
- Reason No. 2- area surrounding site is highly developed with many buildings which are larger/more prominent than that proposed; proposal is well integrated into site without excessive excavation; well-proportioned elevation to harbour; photographs submitted
- Reason No. 3- once principle of demolition is accepted, applicant will engage an engineer to show surface water disposal and commission FRA; proposed secondary treatment system and tertiary polishing filter would provide vast improvement on current system

## **6.2 P.A. Response**

- Site not located within Flood Zone A or B; FFL could be maintained as existing; SSFRA should be undertaken if this is a concern
- Not being included on the Record of Protected Structures (RPS) does not imply as suggested that the building has little significance from vernacular/architectural perspective; not demonstrated compliance with Objective HE-16-19; design of proposed dwelling is of little merit and not high enough design standard
- PA will accept assessment of ABP with regards reason for refusal No. 3

## **6.3 Observer**

- Concerns regarding impacts on existing amenities including impacts on sunlight, overshadowing, overlooking, impacts on privacy
- Size and capacity of proposed on-site WWTP and proximity to sea
- Design should be sympathetic to existing properties

## **7. EIA Screening:**

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **8. 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.

## **9.0 Assessment**

- 9.1 I have read all the documentation attached to this file including the appeal, the report of the Planning Authority, responses and observation received in addition to having visited the site and its environs. The proposed works involve the demolition of an existing thatched cottage on site and its replacement with a two-storey dwelling and all associated site development works.
- 9.2 The primary issues, as I consider them, are the planning authority's three reasons for refusal namely (i) principle of demolition of existing thatched structure on site (ii) impacts of proposal on the visual amenity of the area and (iii) drainage matters.
- 9.3 I highlight to the Board that a report was received by the planning authority from An Taisce, which states that they have serious concerns with regards the proposal, which they state has been an integral part of the built and cultural heritage of the area for a couple of hundred years. They are of the opinion that the subject building for demolition has clearly been held to have architectural heritage significance due to its prior listing as a Protected Structure, whose loss would be irreplaceable and would set an undesirable precedent for demolishing sites of built heritage in favour of modern developments, some of which may be out of character with the landscape. The cite NPO 17 and NPO 60 of the National Planning Framework in this regard,

which seeks to enhance, integrate and protect the special physical, social, economic and cultural value of built heritage and sensitive use and conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate for their significance respectively. They submit that the proposal fails to adhere to these objectives.

- 9.4 The report of the Conservation Officer of the planning authority is also noted which while acknowledging that the dwelling was removed from the Record of Protected Structures, considers that it still retains its vernacular form, where it both responds to and compliments its setting. The report continues by stating that Tide Cottage was once one of many thatched cottages in Crosshaven and is identifiable in a photograph taken by Robert French in the very early 20<sup>th</sup> century (part of the Lawrence Collection in the National Library of Ireland). The report notes that the operative County Development Plan supports the protection and retention of vernacular buildings and recognises their inherent contribution to both the physical and intangible cultural heritage of the county. The Conservation Officer considers that the proposed replacement dwelling is out of context, over-scaled and demonstrates a lack of understanding of the heritage significance of the building and its setting. While they strongly object to its demolition, the Conservation Officer states that they do not object to extending the existing dwelling, subject to appropriate scale, form and materials.
- 9.5 I acknowledge the justification put forward by the first party for the demolition of the subject structure including its condition, concerns regarding flooding and obtaining insurance. They further consider that as Tide Cottage was removed from Record of Protected Structures, it would imply building has little significance from a vernacular/architectural perspective. They consider it to be unsuitable for habitation, would be impossible to comply with current building/energy standards and the most logical solution is to record and replace with new building. A Structural Report has been submitted with the appeal documentation.
- 9.6 I highlight to the Board that the subject thatched cottage was previously on the Record of Protected Structures but is no longer designated as such in the operative County Development Plan. It also currently appears not to be listed on the NIAH. I acknowledge that a balance needs to be achieved between retaining/protecting the vernacular dwelling and cultural heritage of the site whilst at the same time providing

a dwelling that meets current standards. However, I have issue with the principle of the demolition of the existing thatched cottage and its replacement with a new build dwelling. No heritage assessment has been submitted with the documentation. I consider that the retention/upgrade of the structure could be incorporated into a sensitive design solution for the site and that this matter has not been explored fully. A revised design with specialist input from a conservation expert could incorporate the subject vernacular cottage into a sensitive redevelopment of the site. Objective HE 16-19 of the Cork County Development Plan 2022-2028 seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place. Furthermore, I note that Objective HE 16-19 seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place. This is not being achieved in this instance. From the information on file, it appears that the thatched cottage at this location has contributed to the cultural, architectural, social and historical heritage of the area since the early 20<sup>th</sup> century, providing a sense of place and adding to the character of the area. I would share the concerns of the Conservation Officer with regards the setting of an undesirable precedent for the demolition of such buildings in favour of more modern developments. In addition, Objectives HE 16-19 (C) of the operative County Development Plan states that there will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection. Again, the demolition of this vernacular structure is not in compliance with this objective of the operative County Development Plan. I recommend refusal in this regard.

- 9.7 The matter of impacts on the visual amenity of the area tie in within the above, namely the demolition of the existing dwelling would detract from the character of the area and its sense and place, thus in my opinion, having negative impacts on the visual amenity of the area. In this regard, the first party contend that the area surrounding site is highly developed with many buildings which are larger/more

prominent than that proposed and that the proposal is well integrated into the site without excessive excavation, which presents a well-proportioned elevation to the harbour. The planning authority have concerns regarding the level of excavation of an embankment to the rear of the site, approximately 3m, and note that a proposed garden store is in excess of 1.48m above the existing ground levels. They are of the opinion that there seems to be no justification for the store at this location and consider that it should be positioned at ground level to the side of the proposed dwelling. They question the need for raising the ground level from 2.67m to 4.15m and consider that ideally existing ground levels should be maintained. They also consider that insufficient detail has been submitted in relation to the proposed retaining walls.

- 9.8 The planning authority also have concerns regarding the elevational design and scale of the proposed dwelling and consider that it may have very little functional private open space given the steepness of the embankment. It appears that the roof of the store is being used for such, given the proposed door access from first floor level.
- 9.9 I would concur with many of the issues raised by the planning authority in this regard. I acknowledge that there are dwellings are various heights, styles and designs in the wider area, many appearing to be relatively recently constructed or upgraded. There is not one specific dwelling type/style in the area and contemporary additions are noted. An increase in ridge height from 7.44m to 10.8m is proposed, which is significant. Notwithstanding my issues with the principle of demolition, I also have concerns regarding the design solution put forward. This has also been raised as a concern in the observation received. I have concerns regarding the elevational treatment of the proposed dwelling and its scale (floor area of 226m<sup>2</sup>) relative to the site area given that a significant portion of the private open space appears unusable due to it being comprised of an embankment. Little detail has been provided in relation to the proposed retaining wall and what impacts the proposed excavation may have on the embankment to rear. The concerns expressed are all the more pertinent given that the site is located within a High Value Landscape, as identified in the operative County Development Plan. I consider that the proposal before me is not to such a standard as to warrant the demolition of the existing thatched cottage on site and I recommend refusal in relation to this matter.



- 9.10 While concerns have been expressed by the first party in relation to flooding and this forms a basis for justification for the demolition of the existing cottage and increased floor levels, the planning authority notes that the site is located within Flood Zone C. The first party states that the site has flooded several times, although no documentary evidence has been submitted to validate this claim. The appeal references the Bandon/Kinsale LAP 2017 but I note that this has been replaced by the Cork County Development Plan 2022. An examination of the Cork County Development Plan mapping system shows that the site is not located within either Flood Zone A or B. I have examined [www.floodinfo.ie](http://www.floodinfo.ie) and note that there was a single flood event identified in 2004 at Point Road- the exact location is unclear. The first party state that once the principle of demolition is accepted, the applicant will commission a Flood Risk Assessment. I consider that this matter would need to be clarified/addressed prior to the granting of permission on this site.
- 9.11 With regards the third reason for refusal, the planning authority states that they are not satisfied that the proposed on-site wastewater treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site in accordance with current EPA standards and in accordance with policy objective RP 5-23 of the County Development Plan 2022-2028. Furthermore, in the absence of detailed surface water management proposals and flood risk screening assessment, they considered that the applicant has not demonstrated that the proposed development complies with the requirements of WM 11-15 of the aforementioned Plan and that therefore the proposal is considered to be prejudicial to public health. Concerns have been raised in the observation received regarding the capacity of the proposed WWTP and its proximity to the sea. The first party appeal submission states that once the principle of demolition is accepted, the applicant will engage an engineer to show surface water disposal and, as stated above, commission a Flood Risk Assessment. They further state that proposed secondary treatment system and tertiary polishing filter would provide vast improvement on the current system. I note that a Klaro One 7 pumped WWTS and sand filter with gravel bed of stated 22.5m<sup>2</sup> is proposed. In the submitted Site Characterisation Form, it is noted that Q4 asking if all minimum distances are met is not answered. The minimum distance of the WWTS from the foreshore is 50m, as per EPA, Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10), March 2021- this is

significantly not being achieved in this instance. There are no details put forward in relation to the decommissioning or otherwise of the existing septic tank on site. In addition, the documentation submitted states that surface water will be drained using existing soakpits- their location is not identified. No other proposals/details in relation to surface water management appear to have been put forward. I concur with the planning authority that there is a lack of information provided in relation to wastewater and surface water disposal and I am of the opinion that this is a pertinent issue given the locational context of the site. Contrary to the opinion of the first party, I consider that all matters relating to wastewater and surface water disposal should be clarified, prior to the grant of permission on site.

- 9.12 Based on the inadequate information provided, together with inadequate separation distances from the foreshore, I would concur with the planning authority in relation to this matter and am not satisfied that it has been adequately demonstrated that the proposed on-site wastewater treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site in accordance with current EPA standards and in accordance with policy objective RP 5-23 of the County Development Plan 2022-2028. Objective RP 5-23 seeks to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process. Additionally, this objective states that surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.
- 9.13 Furthermore, in the absence of detailed surface water management proposals and flood risk screening assessment, the planning authority considered that the applicant has not demonstrated that the proposed development complies with the requirements of WM 11-15 of the aforementioned Plan and that therefore the proposal is considered to be prejudicial to public health. Objective WM 11-15

requires flood risk assessments to be undertaken for all new developments within the County.

- 9.14 In relation to other matters, concerns regarding overlooking have been raised by the planning authority. The matter of impacts on the residential amenity of adjoining property has been raised in the observation received. It has not been demonstrated that the use of the proposed shed roof as a patio would not cause overlooking of neighbouring property, although if the Board were disposed towards a grant of permission this matter could be dealt with by means of condition. These matters would need to be addressed in any future application on the site, together with other matters raised by the planning authority in their report including right of way and delineation of red line boundary.
- 9.15 Having regard to all of the above, I am not satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, nor would protect, maintain and enhance the established character, forms, features and setting of this vernacular building. The proposal if permitted would detract from the visual amenity of this High Landscape Area and would set an undesirable precedent for other similar development in the vicinity. It must also be considered to be prejudicial to public health based on the inadequate information submitted with the application/appeal. The proposal is therefore considered not to be in accordance with the proper planning and sustainable development of the area.

## **10. Recommendation**

I recommend that permission for the development be REFUSED.

## **11. Reasons & Considerations**

1. Objective HE 16-19 of the Cork County Development Plan 2022-2028 seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place. Furthermore, Objectives HE 16-19 (C) states that there will generally be a presumption in favour of the

retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection. The proposed development, which includes for the demolition of the existing thatched cottage on site from the early 20<sup>th</sup> century is considered to contravene these Development Plan objectives and the proposal would have a negative impact on the heritage of the site, its local character and sense of place. In addition, the proposal, if permitted, would set an undesirable precedent for other similar type developments. The proposal is therefore considered not to be in accordance with the proper planning and sustainable development of the area.

2. The subject site is located in an area designated as being a High Value Landscape within the Cork County Development Plan 2022-2028. The proposed development, which comprises the demolition of a vernacular thatched cottage and its replacement with a dwelling, which by virtue of its height, scale, elevational treatments and proposed excavation works would seriously injure the visual and scenic amenities of this High Value Landscape; would set an undesirable precedent for other similar type developments and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information available on file, the Board is not satisfied that the proposed on-site wastewater treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site, in accordance with current EPA standards and in accordance with Objective RP 5-23 of the Cork County Development Plan 2022-2028. In addition, it has not been adequately demonstrated that the proposed surface water management proposal is such that surface water can be appropriately drained from the site and that the proposal would not cause flooding in the vicinity of the site. The proposal must therefore be considered to be prejudicial to public health and inconsistent with 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.

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Lorraine Dockery

Senior Planning Inspector

28<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-320935-24		
<b>Proposed Development Summary</b>	Demolition of an existing dwelling, the construction of a new two storey dwelling, new wastewater treatment plant and all associated site works.		
<b>Development Address</b>	Tide Cottage, Point Road, Crosshaven, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	x		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	x	Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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**Inspector:** Lorraine Dockery    **Date:** 28/01/2025