



An
Bord
Pleanála

Inspector's Report

ABP-321090-24

Development	Construction of a dwelling and a garage and all associated site works.		
Location	Forge Hill, Ballinluska, Crosshaven, Co. Cork		
Planning Authority Ref.	245472		
Applicant(s)	Gary Chambers		
Type of Application	Permission	PA Decision	Refuse
Type of Appeal	First Party	Appellant	Gary Chambers
Observer(s)	None		
Date of Site Inspection	22/01/2025	Inspector	Lorraine Dockery

Site Location/ and Description. The subject site, which has a stated area of 0.85 hectares, is located within the townland of Ballinluska, Crosshaven, Co. Cork, approximately 250m west of the settlement boundary. It is roughly rectangular in shape and currently under grass. The site fronts onto the R612, which connects Crosshaven to the Fountainstown/Cork Regional Road.

2. Proposed development. Construction of a dwelling, garage, wastewater treatment plant and percolation area, new vehicular entrance and all associated site works. The stated total floor area of the proposed dwelling (115m²) and garage (38m²) is 153m².

3. PA's Decision Refuse permission for 2 no. reasons as follows:

1. The site is designated as 'High Value Landscape' under the provisions of the Cork County Development Plan 2022-2028 where is an objective under GI 14-9 of the plan to protect the of County Cork's built and natural environment and to protect skylines and ridgelines from development. This designation and policy are considered reasonable. Having regard to its design and siting, it is considered that the proposed development would detract to an undue degree from the rural character and scenic amenities of the area, would be contrary to the provisions of the development plan, and would constitute an undesirable precedent for development of this nature in a scenic, sensitive rural landscape designated as 'High Value Landscape' in the development plan. Furthermore, it is considered that the proposed dwelling and garage and associated groundworks to accommodate same including the driveway, parking area and terraces would result in scarring of the landscape and detract from views available from the designated Scenic Route S59. This would be contrary to policy objective GI 14-13 which seeks to protect the character of those views obtainable from scenic routes. The proposed development would therefore be contrary to the aforementioned policy objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by reason of the siting and design at this hilltop location would form an incongruous feature in the landscape and skyline and would seriously detract from the visual and scenic amenities of the area. The proposed development would also lead to the expectation of permission on adjoining lands to the east, would not fit appropriately into the rural landscape at this location, would exacerbate and consolidate a trend towards a pattern of haphazard rural housing in an unzoned rural area and would lead to an erosion of the rural and landscape character of this area. The proposed development would therefore be contrary to policy objective GI 14-9 of the County Development Plan 2022-2028 which seeks to protect the visual and scenic amenity of County Corks built and natural environment, and would be contrary to policy objective GI 14-12 which seeks to preserve the character of all important views. The proposed development would seriously injure the visual and rural character of the area, set a

poor precedent for similar inappropriate development and would therefore be contrary to the proper planning and sustainable development of the area

4. Planning History.

None

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 rural development.
 - Volume 1, Chapter 5 Rural
 - Objective RP 5-4- Rural Area under Strong Urban Influence
 - Located in a designated High Value Landscape- Policy Objectives GI 14-9 and GI 14-10 apply
 - Scenic Route S59 located to north of the site (Road Between Crosshaven and Myrtleville)- Policy objectives GI 14-12, GI 14-13, GI 14-14 and GI 14-15 noted
- National Planning Framework- NPO 19
- Sustainable Rural Housing Guidelines for Planning Authorities (2005) (SRHG)
- EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021

5.2 Natural Heritage Designations

- Site is located 1.56km from the Cork Harbour SPA (Site Code 4030)

6. The Appeal

6.1 First Party Appeal. Grounds:

- Site conveyed to applicant by father who owns adjoining lands; only site made available to him with no option to develop other areas of landholding; only portion of landholding with direct road access & proximity to mains services; only chance of developing house is on these lands
- Modest scale, well designed family home that adopts traditional design approach; accords with provisions of Council Rural Housing Design Guidelines and policies/objectives of CDP; two substantial dwellings higher up hill to east of proposed development

- Based on information, compliance with policy objective RP 5-4 (rural housing need) is satisfied
- Significant consideration given to design and siting to ensure no negative visual impacts on scenic route; significant uplift in level of planting in robust landscaping scheme
- Largely screened from view and not unduly visible in distant views
- Comments about possible infill housing are purely speculative; no future plans to develop any other portion of land

6.2 P.A. Response

- No material information presented in appeal which warrants a reversal of the recommended refusal
- Considered that there are more appropriate locations on the landholding for a new dwelling; the proposed site and position/design of dwelling would detract to an undue degree from the rural character and scenic amenities of the area, would further erode the rural character of the area and would be contrary to policy objective GI 14-9 and GI14-12 of the operative CDP.

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:

I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is 1.56km from the Cork Harbour SPA (Site Code 4030).

The proposed development comprises the construction of a detached dwelling, garage, waste-water treatment unit and all associated site works.

No nature conservation concerns were raised in the planning appeal or by the planning authority.

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:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams etc where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- Taking into account screening report by the PA

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 Assessment

- 9.1 Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, further responses, having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are the two reasons for refusal which issued from the planning authority, which primarily relate to impacts on the visual amenity of the area.
- 9.2 Two reasons for refusal issued from the planning authority, which relate namely to concerns that the design and siting of the proposal was such that it would detract to an undue degree from the rural character and scenic amenities of the area, would constitute an undesirable precedent for development of this nature in a scenic, sensitive rural landscape designated as 'High Value Landscape', would result in a

scarring of the landscape and detract from views available from the designated Scenic Route S59 which would be contrary to policy objective GI 14-13 which seeks to protect the character of those views obtainable from scenic routes. Furthermore, the second reason for refusal which issued from the planning authority related to concerns that the proposal would seriously injure the visual and rural character of the area and that by reason of its siting and design at this hilltop location would form an incongruous feature in the landscape and skyline and would seriously detract from the visual and scenic amenities of the area. The proposed development would also lead to the expectation of permission on adjoining lands to the east, would not fit appropriately into the rural landscape at this location, would exacerbate and consolidate a trend towards a pattern of haphazard rural housing in an unzoned rural area and would lead to an erosion of the rural and landscape character of this area. The proposed development would therefore be contrary to policy objective GI 14-9 of the County Development Plan 2022-2028 which seeks to protect the visual and scenic amenity of County Cork's built and natural environment and would be contrary to policy objective GI 14-12 which seeks to preserve the character of all important views.

- 9.3 I highlight to the Board that the subject site is located within a designated High Value Landscape and that the designated scenic route S59, as identified in the operative County Development Plan, is located immediately to the north of the site but also further to the east and west along the R612. The site is also located within a 'Rural Area Under Strong Urban Influence' as identified in the operative County Development Plan. Having visited the site and its environs, I note that it is well screened from the public roadway as one travels along the R612 (to north), however there are panoramic views across the site to the south with limited screening. The proposed two-bed dwelling is low rise and modest in scale with a maximum stated height of approximately 5.7m and a floor area of 115m². A sensitive design has been put forward that, in my opinion, has similarities with an agricultural shed in terms of style. A detailed landscaping masterplan has been submitted with the application documentation.
- 9.4 I acknowledge the planning authority concerns in relation to impacts on the visual and scenic amenities, the scarring of landscape and impacts on rural character. These are especially pertinent given the location of the site within a designated

'Rural Area Under Strong Urban Influence' and on a designated Scenic Route. However, in this instance, I am of the opinion that these impacts would not be so great as to warrant a refusal of permission on these grounds. I consider that the proposed development would not be contrary to policy objective GI 14-9 of the operative County Development Plan which seeks to protect the visual and scenic amenity of County Cork's built and natural environment nor would it be contrary to policy objective GI 14-12 which seeks to preserve the character of all important views. I also note Objective GI 14-9 which seeks to protect the visual and scenic amenities of County Cork's built and natural environment, as well as protecting skylines and ridgelines from development. These policy objectives are all considered reasonable. It is acknowledged that the proposed development will be visible on the landscape, both in near and some distant views. However, it is my opinion that the low-rise nature of the proposal, its design, the proposed materials and positioning of the proposed dwelling and garage on site are such that the proposal would integrate well into the landscape and would not excessively detract from the scenic nature or character of this rural area. Views of the site from the public realm along the R612 to the north are quite limited given the existing planting/ditch. While the proposal seeks to remove some hedgerow to facilitate the proposed access/sightlines, this is being compensated with additional planting and reinstatement of removed material inside of the retained ditch. I acknowledge that the southern and western boundaries are quite poorly screened in comparison to the northern and eastern boundaries. A landscaping plan has been put forward to address this matter and the proposed dwelling is being built into the site contours. The proposal will, without doubt, be visible from viewpoints, in particular views from the south, however given the landscape contours and planting, I consider that it would not be excessively so from distant views and that many of these views would be fleeting. I consider that a well-designed architectural solution has been put forward in this instance. Given the design solution put forward, I consider that the proposed works would not be excessively overbearing, incongruous or dominant in this context.

- 9.5 Having regard to all of the above, I consider that any impacts on the designated High Value Landscape or Scenic Routes in the vicinity would not be so great as to warrant a refusal of permission. I consider that the proposal is in accordance with

Development Plan policy for such works and could be accommodated on the site without undue visual impacts on the wider landscape.

- 9.6 Concerns raised by the planning authority in relation to the creation of an infill site adjacent are noted. However, I can only assess the proposal before me and note that each application is assessed on its own merits. I do not have issue with the site size, at 0.8 hectares, and do not agree with the opinion of the planning authority that it is too large.

Other Matters

- 9.7 Given that the site is located within a 'Rural Area Under Strong Urban Influence' as identified in the operative County Development Plan, policy objective RP 5-4 is applicable. This stipulates that applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and/or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of a number of categories of housing need. A Supplementary Planning Application Form (SF1) was submitted with the application, together with additional information. The planning authority were satisfied with the information provided and stated that the applicant appears to comply with policy objective RP5-4. Having regard to the information before me, I am also satisfied in this regard.
- 9.8 I note that the Area Engineer did not raise concern in relation to the proposal, with the exception that the requirement for 50m sightlines in both directions measured 2.4m back from the road edge at the centre of the proposed drive. While the applicant detailed sight distance, the Area Engineer noted that the sight distance should be to the nearside of the carriageway in both directions and considered that a revised drawing showing that this sight distance is achievable should be submitted. The Area Engineer notes the 50km/h speed limit at this location. The first party submitted revised drawings in this regard as part of the appeal submission and the planning authority did not make comment in relation to same. I have no information before me to believe that the road network in the vicinity of the site does not have capacity to accommodate the proposed development, given its nature and scale. Having regard to the information before me, I consider that this matter could be

adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

- 9.9 The planning authority have not raised concerns in relation to site suitability and/or water services matters. I have no information before me to believe the proposal would be prejudicial to public health. The Area Engineer had no objection to the proposal in this regard. I am satisfied that overall, if permitted, the development would be acceptable in terms of site suitability for the treatment and disposal of wastewater arising from the development.

Conclusion

- 9.10 I consider that a dwelling such as that proposed may be better located within an existing settlement, where established services and facilities exist, and to prevent the proliferation of such one-off dwellings at such rural locations. However, I acknowledge that the applicant appears to comply with the provisions of the operative County Development Plan in relation to housing need in such rural areas. I consider that impacts on the visual amenity of the area, based on the scale, size, design and siting of the proposal are such that it would not warrant a refusal of permission on these grounds alone. Therefore, having regard to all of the above, I consider that the proposal complies with the provisions of the operative County Development Plan and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

I recommend that permission for the development be GRANTED.

11. Reasons & Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028 and to the nature and scale of development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or character of the area; would not be visually obtrusive on the landscape and would not set a precedent for further similar

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

12. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000, as amended to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The construction of the site entrance, including the setting back of the existing roadside site boundary; the provision of a new roadside boundary; provision of adequate sightlines in both directions from the entrance; the treatment of the area between the new boundary and the edge of the roadway; the tie-in to public road and surface water drainage proposals for the site frontage, shall comply with the requirements of the planning authority for such works. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, detailed design proposals to comply with this condition.

The existing roadside boundary shall be retained except insofar as is necessary to provide entrance and adequate sightlines.

Reason: In the interests of traffic safety and visual amenity

4. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road.

(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. Surface water shall be discharged to soakways and/or sustainable urban drainage methods within the site. Details in this regard to be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of traffic safety and to prevent pollution of watercourses.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) A site specific cross sectional drawing of the site, the proposed treatment plant and polishing filter demonstrating adequate depth of subsoil over bedrock is achieved in accordance with the requirements of the above Code of Practice shall be submitted for the written agreement of the Planning Authority prior to commencement of works.
- (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a

hedgerow along all side and rear boundaries of the site, and planting of trees along the boundaries of the site.

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 order to screen the development and assimilate it into the surrounding rural landscape, and in the interest of visual amenity.

10. 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 the 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.

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.

Lorraine Dockery

Senior Planning Inspector

18th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321090-24		
Proposed Development Summary	Construction of a dwelling and a garage and all associated site works.		
Development Address	Forge Hill, Ballinluska, Crosshaven, Co. 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	
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			
No	x		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	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)
5. Has Schedule 7A information been submitted?			
No	x	Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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Inspector: Lorraine Dockery **Date:** 18/02/2025