



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321403-24

<b>Development</b>	Material alteration of conservatory and extension to the rear of house and retention of shed and all associated site works.
<b>Location</b>	Walshestown, Ovens, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	245444
<b>Applicant(s)</b>	Joe & Aine O'Sullivan.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Bill O'Regan Des O'Regan Hugh Hegarty
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> March 2025.

**Inspector**

Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site (0.81ha) is located in the townland of Walshestown, Ovens, County Cork. The site is located along a cul de sac off a narrow local road and overlooks the River Lee. The site consists of a two-storey dwelling, two domestic sheds, one of which is subject of this retention application and located 100metres northeast of the existing dwelling and adjacent to the River Lee.
- 1.2. The site is relatively flat and has extensive views towards the River Lee and north westwards. There are mature trees and hedging around the site.

## **2.0 Proposed Development**

- 2.1. The retention development consists of:
  - Material alterations of permitted conservatory and extension to rear of the dwelling.
  - Agricultural style garden shed for domestic use.
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 5 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The retention of an extension to the permitted dwelling is acceptable in principle. In relation to the agricultural shed, it was noted there was previously an old shed at this location. The shed is currently used for agricultural purposes along with ancillary space for children's activities and storage. It is acknowledged the site is in a designated high value landscape, however, the proposal will not result in visual intrusion in the landscape.

- A visual inspection was carried out from Scenic Route S37, the shed is not visible from the scenic route due to mature trees bounding the foreshore.
- The subject site is located in Flood Zone C, given the location of the shed to the River Lee which is designated as Flood Zone A and the requirements of objective VM 11-15 of the County Development Plan (CDP), a flood risk screening assessment is required under further information request.

#### Further Information Report

- The assessment confirmed the site lies 10m above the flood zones and 135m away from the subject site.
- The Drainage Assessment noted that no areas of flood storage or natural surface flows were removed. Climate Change of 10% was considered in the developments.
- Given the elevation of the lands, the site attenuation, the risk of flooding is considered as low.

#### 3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions. Response to further information submitted, the flood risk assessment and drainage impact assessment appear to be compliant with guidelines. No objection subject to conditions.

#### 3.2.3. Conditions

- Condition 3: The agricultural style garden shed shall be used only for purposes incidental to the enjoyment of the dwelling house as such.

Reason: In the interest of residential amenity.

#### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

Four submissions have been received objecting to the retention development and one submission is in favour of the retention development. The concerns raised by the submissions are:

- Reference to other unauthorised development by the applicant and by the applicant's family.
- Reference made to a number of dwellings granted permission and subsequently rented or sold and defies the policy of development in high landscape area.
- The site is located in High Value Landscape.
- Impact on privacy of those using the foreshore by shed to be retained.
- Blocking of access to the foreshore.
- Shed is not ancillary to the dwelling house.
- Impact on scenic route.

## 4.0 Planning History

**05/1475:** Permission granted for dwelling house.

**04/1796:** Outline permission granted for dwelling house.

**D/299/18:** Declaration of exemption for agricultural buildings.

**Adjacent site to West:**

**06/7020:** Permission refused for single storey dwelling house.

## 5.0 Policy Context

### 5.1. Development Plan

Cork County Development Plan 2022-2028.

The subject site is zoned as a Rural Area under Strong Urban Influence.

GI 14-9 Landscape

- (a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- (b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of the development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- (c) Ensure that new development meets high standards of siting and design.
- (d) Protect skylines and ridgelines from development.
- (e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

#### GI 14-13 Scenic Routes

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan.

Volume 2, Chapter 5 of the CDP relates to Scenic Routes.

#### WM 11-15 Flood Risk Assessment

To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive.

- For sites within Flood Zone A or B, a site-specific Flood Risk Assessment will be required.
- For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the "Flood Risk Screening assessment" identifies potential sources of flood risk, a site-specific flood risk assessment may also be required.
- All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The

drainage design should ensure no increase in flood risk to the site, or the downstream catchment.

## 5.2. Natural Heritage Designations

The site is not located within or adjacent a protected site. The nearest sites are:

- Lee Valley pNHA (site code: 000094) located approximately 1.5km northeast.
- The Gearagh SAC (site code: 000108) located approximately 18km west.

## 5.3. EIA Screening

- 5.3.1. The proposal relates to the retention of a residential extension to an existing dwelling and retention of an ancillary shed within the rural area of Cork County. The site is not located on zoned lands and not within a designated area. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Please refer to Form 1 as per Appendix 1 below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been submitted by a Planning Consultant on behalf of three local residents. The concerns raised are:

- Visual & Landscape Impact: Refusal reasons for planning reference 14/06509 in regard to high value landscape and scenic route no. 38, should apply in this instance and contravenes the policies and objectives of the CDP, in particular objective GI-14-1(d). No tree survey. The site of the shed is highly sensitive ground conditions within the reservoir and is intrusive regarding position, design and external finishes. It could be regarded as a lookout tower.
- Principle of development: The retention shed concerns a material change of use, from agricultural to residential. The site is located in the Metropolitan

Greenbelt which restricts dwelling development. Reference made to previous refusals for dwellings in the area.

- Procedural Issues: Public notices were incorrect and should be invalidated.
- Right of way: Section 14.6.6 of the CDP recognises the importance of maintaining established rights of way and supporting initiatives for establishing walking routes and general accessibility. The material alterations to the road network form part of this proposal restricting public access. A map is made available showing the position of one such obstruction.

## **6.2. Applicant Response**

The applicant has responded and made the following comments:

- The site is a retention of two minor developments, the site is not a holiday home or a greenfield site in a high value landscape.
- The closest neighbour has no objection.
- The appellants have made numerous complaints to Cork County Council, and as a result retention permission is sought.
- Reference to other planning permissions is irrelevant.
- The garden shed has been designed to take into account the surroundings, other farm buildings in the area are exempted development and do not attract objections.
- No trees were cut down or trimmed to facilitate the shed.
- Shed will be used for casual storage and for hay and ancillary use to the family home. The shed will not be used for habitation.
- The reference to a right of way dispute relates to a council roadway about 370m from the subject site.

## **6.3. Planning Authority Response**

The Planning Authority have made the following response:

- The rural housing policy was applied for previous planning reference 146059 and An Bord Pleanála reference 04.244451.(located on a different site).
- The planning report acknowledges the location of the site within a High Value Landscape. The extension to be retained is not considered to result in any greater impact/intrusion on the landscape.
- The garden shed was considered acceptable due to the established mature screening south and west of the building and the use of appropriate dark cladding. The use is ancillary domestic purposes to the existing dwelling and is not for residential purposes.
- No impact predicted from scenic route S37 to the mature trees bounding the foreshore. The planners report refers to photo taken from the R618 near the Inniscarra Wastewater treatment plant.
- A Green Infrastructure statement is not required given the ancillary nature of the extension to the main dwelling on site on a previously permitted conservatory and the context of the garden shed which is surrounded by mature trees which are considered to have aided the proposal integration into the site to avoid any visual intrusion on the designated high value landscape.
- The issue of restricted access is removed from the red line boundary and has no relevance to the application.
- It is considered that all issues have been adequately addressed, and a grant should be upheld.

#### **6.4. Observations**

- None

#### **6.5. Further Responses**

- None

## **7.0 Assessment**

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

- Principle of Development
- Landscape and Visual Impact
- Procedural Issues – public notices and right of way
- Appropriate Assessment

### **7.2. Principle of Development**

7.3. The subject site is located in the rural area of County Cork, the site is zoned as Rural Area under Strong Urban Influence and as High Value Landscape. The applicant is seeking retention for changes to a permitted conservatory and extension to an existing two storey dwelling. The retention also includes retention permission of an agricultural style garden shed to the rear of the two-storey dwelling.

7.4. The grounds of appeal state the site is located in the Metropolitan Greenbelt and development shall be refused. Reference made to previous refusals for dwellings in the area. The appellant also states the retention shed concerns a material change of use, from agricultural to residential.

7.5. I have reviewed the planning history on site and the site zoning in accordance with the CDP. The applicant received planning permission for a two-storey dwelling and conservatory under planning reference 051475, the proposed retention is similar to that permitted under 051475, albeit, slightly larger floor area, the roof profile is flat and wraps around the side elevation of the existing dwelling. As the principle of a dwelling has been established on the site under planning reference 051475, I consider the principle of an extension to an existing dwelling is acceptable.

7.6. In regard to the agricultural style garden shed, which is located over 100 metres from the rear of the existing dwelling, I note the shed is being used for storage as an ancillary use to the existing dwelling. A lawnmower and kayaks were noted in the shed. I consider the principle of a garden shed is acceptable at this location.

- 7.7. Having regard to the zoning of the subject site, the planning history, I consider the principle of an extension to an existing dwelling and the construction of a garden shed ancillary to the existing permitted dwelling is considered acceptable in principle.
- 7.8. **Landscape and visual Impact.**
- 7.9. The subject site is located in the rural area of County Cork, the site is zoned as Rural Area under Strong Urban Influence and as High Value Landscape. The site is adjacent to the River Lee. Scenic Route S37 is located approximately 600metres to the northeast from the subject site.
- 7.10. The grounds of appeal state refusal reasons for planning reference 14/06509 in regard to high value landscape and scenic route no. 38, should apply in this instance and contravenes the policies and objectives of the CDP, in particular objective GI-14-1(d). The appellant claims the site is in the Metropolitan Greenbelt area. It is also stated that no tree survey was carried out. The appellant states the site of the shed is highly sensitive location and is intrusive regarding position (lookout tower), design and external finishes.
- 7.11. I have reviewed the site location, and I note the site is directly adjacent to the Metropolitan Greenbelt of the CDP, and not within the greenbelt. The site is located in the High Value Landscape and therefore, the proposal shall comply with GI 14-9 objective of the CDP.
- 7.12. First, I will discuss the retention of the extension to the existing dwelling in relation to GI 14-9 objective. The extension is a flat roof structure attached to the existing permitted dwelling. The extension is ancillary to the existing dwelling and does not detract or protrude the existing dwelling. Therefore, I consider the layout, siting and design is in keeping with the permitted dwelling and does not detract from the visual amenity of the surrounding area.
- 7.13. Secondly, in relation to the garden shed, the shed is located over 100 metres from the rear of the existing dwelling and located c. 25m from the River Lee. The shed consists of a contemporary style mono pitch within sliding glass doors, the finishes include dark cladding. The internal consists of a ground floor storage area and a loft area with upper-level windows. The overall height is 4.47metres. the total floor space is c. 34sqm. During my site visit, I observed the shed is being used for storage purposes which included a lawnmower and kayaks. I do not consider the shed is

being used for residential purposes, due to the size, storage contents and lack of sanitary facilities. There are a number of mature trees on site and the shed is screened to the south and east by the mature trees. Although the site is considered as a high value landscape, it is in my opinion due to the design, layout and finishes of the garden shed, the visual amenity of the area will not be negatively affected. The garden shed will be viewed as an agricultural feature on the landscape. However, due to the mature trees on site and the trees along the banks of the River Lee any views of the shed from the river will be intermittent.

- 7.14. In regard to Scenic Route No. 37 which is located along the R618 north east of the River Lee and approximately 600 metres from the garden shed and approximately 700 metres from the dwelling and extension, I do not consider the garden shed will negatively impact any views from the R618 towards the River Lee due to the existing mature trees along the banks of the River Lee and the size and height of the structure will blend into the existing mature trees surrounding the site. The extension to the existing dwelling will be viewed as part of the permitted dwelling and the design is sympathetic the existing dwelling and will not detract from the existing view. However, as noted above in relation to the garden shed, there are mature trees along the bank of the River Lee and around the subject site which will integrate the development into the landscape and any views from the R618 will be intermittent.
- 7.15. The appellant has also raised concerns that the garden shed will be used as a lookout tower from the upper-level windows. I note the nearest dwelling is located over 80 metres to the southeast of the shed and the views are obscured by mature trees. During my site visit, I did note views towards the garden private amenity space of the dwelling from the banks of the River Lee. However, due to the overall height of the structure and the views facing towards the river in an easterly direction, I do not consider the structure will negatively affect the residential amenity of the adjacent properties.
- 7.16. Having regard to the location of the extension to the existing dwelling, the presence of mature trees adjacent to the garden shed and along the banks of the River Lee, in addition to the design, size and siting of the garden shed, I do not consider the retention development will negatively detract from the high value landscape of the area.

#### **7.17. Procedural Issues – Public Notices and Right of Way**

7.18. In terms of procedural matters and the alleged incorrect public notices, I note the public notices were considered acceptable by the Planning Authority.

7.19. In relation to public rights of way, this is a civil matter to be resolved between the parties, having regard to the provisions of section 34(13) of the Planning and Development Act 2000 as amended.

7.20. I am satisfied that the issues raised did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the retention development.

#### **8.0 AA Screening**

8.1. Having regard to the retention development of an extension to an existing dwelling with existing connection to on-site wastewater treatment system, onsite bored well and discharge of surface water to onsite soakaway and within the rural area of Cork County. The nearest European site is The Gearagh SAC (site code: 000108) located approximately 18km west of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

#### **9.0 Recommendation**

I recommend that retention permission should be granted, subject to conditions as set out below.

#### **10.0 Reasons and Considerations**

10.1. Having regard to the location of the subject site within a rural area of County Cork and designated as a High Value Landscape as per Cork County Development Plan 2022-2028, the location and siting of the retention development, it is considered that the development would not seriously affect the visual and landscape amenities of the area or impact on the protected scenic route no. 37 as per Cork County

Development Plan 2022-2028. 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 retained 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 29<sup>th</sup> day of July 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. The agricultural style garden shed shall be used only for purposes incidental to the enjoyment of the dwelling house as such.

**Reason: In the interest of residential amenity.**

3. The extension and the existing dwelling combined shall be confined solely to residential use as a single private dwelling unit.

**Reason: In the interest of clarity 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 adjoining properties.

**Reason: In the interest of traffic safety and to prevent flooding or pollution.**

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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Jennifer McQuaid  
Planning Inspector

21<sup>st</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-321403-25</b>		
<b>Proposed Development Summary</b>	Retention of Material alteration of conservatory and extension to the rear of house and retention of shed and all associated site works		
<b>Development Address</b>	Walshestown, Ovens, 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		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>			
<b>No</b>	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_