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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/40284**

**Appeal** by Garin Murphy and Lyn Kenny care of Coughlan DeKeyser Architects of North Point House, North Point Business Park, Mallow Road, County Cork against the decision made on the 9<sup>th</sup> day of August, 2021 by Cork City Council to refuse a permission to Garin Murphy and Lyn Kenny.

**Proposed Development:** Permission for the construction of a new three-storey apartment development containing eight number units, comprising four number one-bed units, three number two-bed units and one number three-bed unit which front onto Middle Glanmire Road. Pedestrian access will be via (i) a new opening within the existing stone-faced wall to Middle Glanmire Road and (ii) a new opening within the existing stone-faced wall to the existing Ard Na Laoi Estate road, with vehicular access also proposed via a new opening to the existing stone-faced wall to the existing Ard Na Laoi Estate road. The development includes site clearance works, the provision of four number on-site car parking spaces, provision of external bin storage, bicycle parking, the provision of open space/communal courtyards, drainage and all associated site development works, all at Number 1 Ard Na Laoi, Middle Glanmire Road, Montenotte, Cork.

## Decision

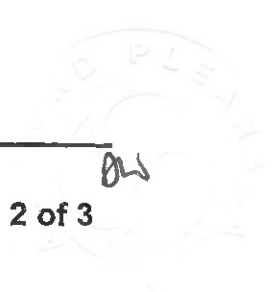
**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. Having regard to the horizontal and vertical alignments of the Ardnalee Estate road in the vicinity of the proposed vehicular entrance to the site, to the associated challenges faced by drivers negotiating this road, and to the siting, design, and layout of the proposed vehicular entrance, it is considered that the use of the proposed vehicular entrance would be inherently hazardous to both road users and pedestrians and would, therefore, endanger public safety. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.



2. Having regard to Appendix 1 of the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Local Government and Heritage in December 2020, it is considered that the proposed development would fail to consistently meet minimum standards, as set out in these Guidelines, particularly for internal storage and private amenity space, and would fail to afford a satisfactory standard of amenity for each prospective household. The proposed development would contravene these Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the possible presence of a storm water holding tank in the south-eastern corner of the site and an associated drainage line along the eastern side of the site, the applicant has failed to establish definitively the presence of this storm water holding tank and, therefore, no allowance for it has been made in the design and layout of the proposed development. In these circumstances, it is considered that it would be premature to grant planning permission for this proposed development as to do so would prejudice either the retention of the storm water holding tank or militate against any optimum re-siting of it within the site that may be needed. An unacceptable risk to the storm water drainage arrangements of the area would result and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

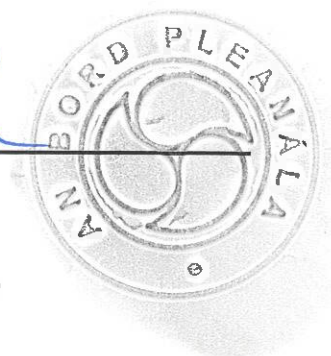


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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *10<sup>th</sup>* day of *January* 2022.