

An  
Bord  
Pleanála

**Board Order**  
**ABP-313631-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/40554**

**Appeal** by O'Flynn Construction Company Unlimited Company care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 28<sup>th</sup> day of April, 2022 by Cork City Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a development comprising 16 number apartments (10 number one-bedroom apartments and six number two-bedroom apartments) in a four-storey building and all associated site development works, including car parking, bicycle, bin storage, drainage, public lighting, landscaping and amenity areas. The development will have access via Old Fort Gate and Powdermills Road and a pedestrian crossing will also be provided on Powdermills Road all at Old Fort Gate, Ballincollig, Cork.

## Decision

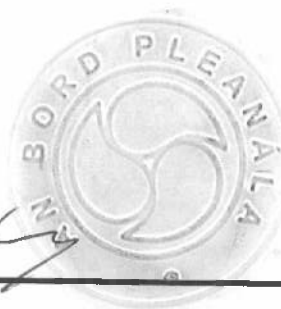
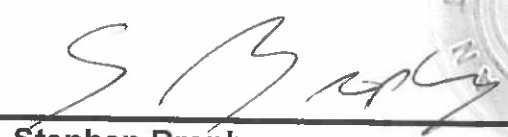
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 7 so that it shall be as follows for the reason set out.

7. The outer edge of the privacy strip to the north of Unit 1 shall be bounded by a decorative railing on top of a low wall to a maximum height of two metres, or some other suitable permanent boundary treatment to be agreed with the planning authority and the interior area shall be soft landscaped. Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of orderly development and residential amenity.

## Reasons and Considerations

Having regard to the design and nature of the proposed apartment building, with specific reference to the Daylight, Sunlight and Overshadowing Assessments submitted with the application, and to the residential amenity being provided by the proposed development in accordance with 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 2022 and Objective 11.4. Daylight Sunlight and Overshadowing of the Cork City Development Plan 2022 - 2028, it is considered that Units 2 and 3 fully meet all requirements with respect to acceptable levels of residential amenity and would, therefore, be in accordance with the proper planning and sustainable development of the area.



The image shows a handwritten signature in black ink over a horizontal line. To the right of the signature is a circular embossed seal. The seal features a central triskelion symbol and the text 'AN BORD PLEANÁLA' around the perimeter.

**Stephen Brophy**

**Member of An Bord Pleanála**

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

Dated this 21<sup>st</sup> day of September 2023.