

An
Coimisiún
Pleanála

Commission Order
ABP-322584-25

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 254147

Appeal by Robert and Maura White of 32 Haven Hill, Summercove, Kinsale, County Cork and by Others against the decision made on the 12th day of May, 2025 by Cork County Council to grant subject to conditions a permission to David Cawley care of Richard Rainey Design of 71 Lower O'Connell Street; Kinsale, County Cork.

Proposed Development: First floor extension to part of existing dwelling, two-storey extension with balcony to existing dwelling, alterations to elevations and all associated site works, all at 36 Haven Hill, Summercove, Bawnavota, Kinsale, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the modest nature and scale of the proposed development, to the established residential use on site and within the wider area, to the pattern of development in the area and to the topography of the area, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area, including the amenity of residential properties in the vicinity, by reason of scale, overlooking or overshadowing, would be acceptable in terms of pedestrian and traffic safety, would constitute an appropriate form of design at the existing dwelling on a corner location where both scale and design changes can be readily absorbed into the overall townscape, would not materially detract from the character of the area and would provide an acceptable form of additional residential accommodation at the existing dwelling on site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted first off that no measurable impact on matters such as overlooking or overshadowing of adjoining property, was raised by the Inspector as a recommended reason for refusal. The specific recommendation of the Inspector to refuse permission relates to concerns regarding visibility of the proposed development, overbearance and adverse impact on the character of the area. The Commission did not share the opinion of the Inspector on these matters. On the facts of the case, the Commission determined that the overall proposed extension, as set out in the further information received by the planning authority, is modest in scale, is sufficiently set back from site boundaries and on two sides faces towards expansive areas of public road and associated public realm. In this context, the proposed development, while visible, is considered not to be overbearing.

Furthermore, the Commission considered the totality of the drawing material received and determined that the design, while different to the current design form of the existing dwelling and those in the wider area, is fully legible as a modern extension component to the existing dwelling and would not detract from the character of the area simply by the fact of that difference. In reaching this conclusion the Commission noted that the wider area is not designated within the relevant statutory plan as a defined architectural character area, and that change in form and design, subject to case by case assessment, is entirely appropriate and within the parameters of protecting and enhancing the residential amenity of this area. On the facts of this case, including an assessment of the physical form of the extension and the materials proposed, the Commission determined that the proposed development would constitute a high-quality design and would be in accordance with the proper planning and sustainable development of the area. In overall conclusion, the Commission agreed with the assessment of the proposed development by the planning authority and determined that a grant of permission is warranted in this instance.

Conditions

1. The development shall be carried out and completed 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 15th day of April 2025, 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. Drainage arrangements, including the attenuation and disposal of surface water, sustainable drainage measures and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.

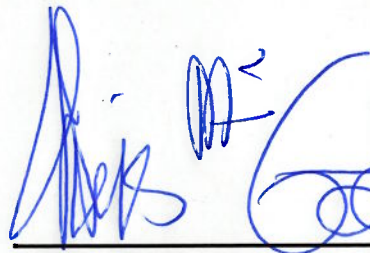
Reason: In the interest of public health.

3. Site development and building works shall be carried only out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 11th day of September 2025.

