

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 254094

Appeal by Matthew Camilleri care of Hughes Planning of 85 Merrion Square, Dublin against the decision made on the 28th day of May, 2025 by Cork County Council to grant permission subject to conditions to Louise Smyth and Kevin Roche care of O'Donnell Twomey of 35 Grand Parade, County Cork for the proposed development.

Proposed Development: Permission for the demolition of existing two storey house and derelict shed, construction of a new two storey single family dwelling, new home office/store/playroom to replace existing derelict shed, new wastewater treatment system and associated site landscaping works at Knocknapogaree, Sallyport, 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 separation distances between the proposed development and the existing adjacent dwellings, the nature of that intervening space (which is also subject of further landscaping condition hereunder), and also having regard to the internal layout of the proposed dwelling and the treatment and nature of the proposed windows, it is considered that the proposed development, subject to compliance with the conditions set out below, will not adversely impact upon the residential amenities of the neighbouring properties by reasons of overlooking, overshadowing, impact on access to daylight, light overspill or visual overbearance. It is also considered that the proposed development, which is of architectural design merit in its site-specific design solution, will not adversely impact upon the visual amenity of the receiving environment, which is within the High Value Landscape as designated in the Cork County Development Plan 2022-2028, nor impact upon the character or setting of buildings of architectural heritage value in the immediate and wider area. It is also considered that the proposed development will not impact upon protected views or scenic routes designated in the above-mentioned development plan given the separation distances between the development and the nearest protected views and scenic routes and also having regard to the application site context and dwelling design. The proposed development is also considered to be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health. 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 considered that the 'upfront' carbon cost at the demolition and construction stage in this instance must also be considered against the long-term benefits in the reduction of greenhouse gas emissions and energy consumption that will come about over the lifetime of the

replacement dwelling arising from the obligatory application of modern building standards. Furthermore, the energy and embodied carbon required to upgrade the existing dwelling would result in a dwelling that would still not meet the modern accommodation requirements of the occupants in this instance, in such circumstances, such upgrade could not be considered a sustainable use of materials, energy or of an existing dwelling. The Commission noted that Objective CA 17-2 of the development plan does not prohibit demolition and replacement, and considered that the replacement dwelling will result in greater energy efficiency and reduced energy consumption over the lifetime of the new dwelling compared to the existing dwelling on the site, and such reduced energy consumption is a specific requirement of Objective CA 17-2. The Commission also noted that Objective CA 17-1 does not seek to prohibit demolition and replacement, nor do any of the national, regional and local climate change objectives cited therein. Likewise, section 15.12.23 of the development plan seeks to avoid demolition and encourage re-purposing of existing buildings in the first instance, not prohibit demolition and replacement. In this instance, the Commission considered that it is not feasible to re-purpose the existing dwelling to meet the modern accommodation requirements of the applicants. The substandard condition and substandard accommodation of the existing dwelling on the site have contributed to its long-term vacancy. Such vacancy is an inefficient, unsustainable and wasteful use of the subject dwelling. The replacement dwelling will reinstate the established residential use on the application site. The Commission concurred with the applicant that the interventions required to bring the existing dwelling back into use would still require a significant element of demolition and extension thereby further limiting any potential for a perceived net carbon gain. The Commission noted that section 15.12.23 of the statutory development plan is not a policy or an objective, in any event, the Commission did not consider the proposed demolition constituted a contravention of the said section. The Commission decided to attach a condition in relation to a Resource Waste and Management Plan. In all other matters raised in the appeal, the Commission agreed with the Inspector's assessment and recommendation.

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 7th day of May 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. The external finishes to the proposed dwelling and the new home office/store/playroom building shall be as indicated in the plans and particulars submitted with the application unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and in the interest of clarity.

3. The site shall be landscaped 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 following:

(a) A plan to scale of not less than 1:500 showing:

- (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping;

- (ii) The measures to be put in place for the protection of these landscape features during the construction period, and
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(b) A timescale for implementation of the scheme of landscaping.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

- 4. The proposed single storey building to be located to the north-east of the proposed dwelling on site shall be used for storage, home office and gym/play room only as indicated in drawing titled 'GA Level 00' (drawing number KINS-X-00-DR-ODT-AR-80100) received by the planning authority on the 28th day of January 2025 and these uses shall be incidental to the enjoyment of the dwelling house on the application site.

Reason: In the interests of clarity and to protect the residential amenities of neighbouring properties.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

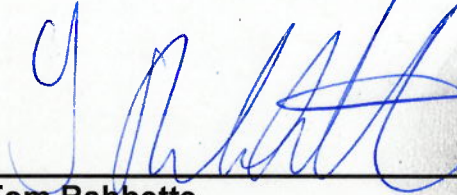
7. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

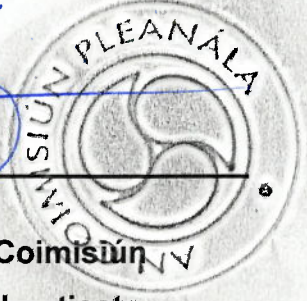
Reason: In the interest of public health and to prevent water pollution

- 8. 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 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, 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.



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



Dated this 17th day of Oct. 2025.