



An  
Coimisiún  
Pleanála

**Commission Order  
PL-500319-CK**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 25/5401**

**Appeal** by Paul and Wendy Moody and by Mary and Anthony Carroll against the decision made on the 24<sup>th</sup> day of October, 2025 by Cork County Council to grant subject to conditions a permission to Simon and Julie Daukes in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of the existing lower ground floor granny flat, removal of the existing roof and its replacement with two mono-pitched roofs linked by a flat roof section and including one rooflight, alterations to elevations of the dwellinghouse and the provision of external cladding and insulation, construction of a rear (eastern) ground floor extension to the main dwelling, replacement of the existing metal railing with a glazed balustrade, construction of a new detached garage to the front (western side) of the property, development proposes a new wastewater treatment system, and all associated site works, including landscaping, drainage, sewerage treatment and services, as required, all at Kumbi, Castlepark, Kinsale, County Cork.

## Decision

**GRANT permission, subject to conditions, for removal of the existing roof and its replacement with two mono-pitched roofs linked by a flat roof section and including one rooflight, alterations to elevations of the dwellinghouse and the provision of external cladding and insulation, construction of a rear (eastern) ground floor extension to the main dwelling, replacement of the existing metal railing with a glazed balustrade, construction of a new detached garage to the front (western side) of the property, development proposes a new wastewater treatment system, and all associated site works, including landscaping, drainage, sewerage treatment and services, as required, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of the existing lower ground floor granny flat for the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to Section 5.9, Objective RP 5-27, and the development standards set out in the Cork County Development Plan 2022-2028, specifically Section 5.6.5 and Objective GI 14-9 as they relate to the nature, scale and design of the proposed development relative to adjoining dwellings, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties or the visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of the proposed 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 1<sup>st</sup> day of October, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority revised plans and particulars as follows:
  - (a) Revised drawings to provide for a reduction in the floor area of the proposed garage. The proposed garage shall be revised to provide for the omission of the forward projection (western section) of the garage and a flush front elevation shall be provided.
  - (b) The proposed garage shall be relocated in its entirety outside of the mapped wayleave/right of way. No part of the proposed garage shall encroach on the wayleave/right of way.

- (c) A comprehensive hard and soft landscaping scheme for the entire site shall be submitted. The landscaping scheme shall address all site boundaries, particular attention shall be paid to the northern site boundary to ensure sufficient privacy is afforded to the existing dwellinghouse and its rear garden, including full design details and drawings of louvered panels and balustrade details.

**Reason:** In the interest of proper planning and orderly development and in the interest of residential amenity.

3. The dwelling shall be used solely for the applicants' family use, and a change of this use (to short-term commercial letting) shall not take place without the benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

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

4. The proposed garage and the lower ground floor rooms identified as 'granny flat' shall be used for the purpose incidental to the enjoyment of the dwellinghouse only. These structures, as described, shall not be used as residential living or for commercial or business purposes.

**Reason:** In the interest of proper planning and orderly development and in the interest of residential amenity.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning 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  $\leq 10$ )” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the 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 Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )” – 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.

6. (a) 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.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

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.

## Reasons and Considerations (2)

In the absence of any evidence that the lower ground floor was in use as a granny flat, and in the absence of any identified need for a granny flat on the site as required by Section 6.6.23 (Ancillary accommodation) of the Cork County Development Plan 2022-2028, and having regard to the intended use of the primary residence as a second/holiday home, the Commission is not satisfied, on the basis of the evidence presented, that any granny flat existed on the site to be retained and/or that a granny flat has been justified in accordance with the requirements of the development plan. This element of the development proposed to be retained would be contrary to Section 6.6.23 (Ancillary accommodation) of the Cork County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.



*Mary Gurrrie*  
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**Mary Gurrrie**

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

**Dated this 30 day of March 2026**