

An  
Coimisiún  
Pleanála

**Commission Order  
ACP-501244-CC-26**

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

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 2544450**

**Application for Leave to Appeal** against the decision of the planning authority by Pat and Toni McMahon having an interest in land adjoining the land in respect of which Cork City Council decided on the 13<sup>th</sup> day of April, 2026 to grant subject to conditions permission to Cian and Shauna Kingston.

**Proposed Development:** Alterations and extension to two-storey semi-detached dwelling consisting of a rear two-storey extension, conversion of garage to living accommodation, elevational changes and associated site works including alterations to front boundary fence and widening of vehicle entrance, all at 49 Calderwood Drive, Donnybrook, Douglas, Cork.

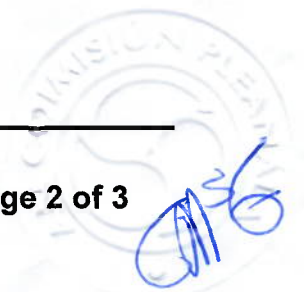
## **Decision**

**REFUSE** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

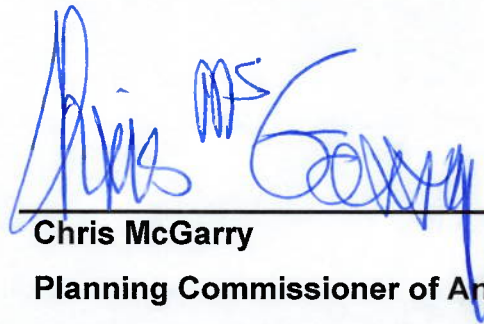
## Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that -

- (i) while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 3, imposed by the planning authority to which the grant is subject,
- (ii) it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.



Specifically, the imposition by the planning authority of condition number 3 to the decision to grant permission, will have the effect of mitigating any original potential effect of the permitted development on the applicant's enjoyment of their property, as it reduces the depth of the first floor extension at the permitted development to 3.5 metres (compared to the original proposed depth of approximately 4.48 metres and the proposed depth at Further Information stage of approximately 3.98 metres). The imposition of condition number 3 itself, therefore, in effect constitutes an improved effect on the applicant's enjoyment of their property, compared to the development as originally proposed in the application prior to the imposition of that condition.



**Chris McGarry**

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



Dated this 20<sup>th</sup> day of May 2026.