

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

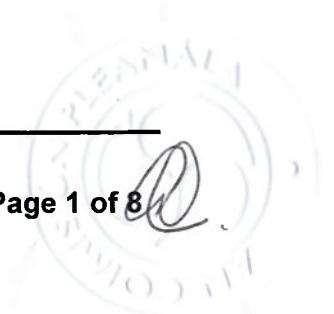
Planning Register Reference Number: 25/44064

APPEAL by Eoin O’Luasa and others against the decision made on the 13th day of May, 2026 by Cork City Council to grant subject to conditions a permission to Focus Housing Association CLG in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish existing two-storey derelict house and ancillary single storey building. Construction of one number three-bed two-storey house and one number one-bed one-storey house and associated site works, including alterations to existing boundary walls, all at 122 Gardiners Hill, 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

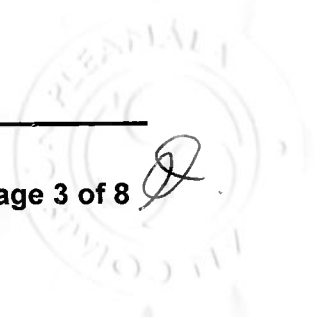
Having regard to the residential zoning objective of the site and the various objectives contained in the Cork City Development Plan 2022-2028, including Objective 3.5 which seeks to provide higher densities in accordance with the Cork City Design Strategy, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area by reason of overlooking overshadowing or overbearance, would not be prejudicial to public health, would generally be acceptable in terms of traffic safety and convenience, and 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, in determining the application, noted the various and numerous policies in the development plan which seek to develop urban areas at higher densities with higher levels of compact residential settlement, particularly on brownfield sites. The proposed replacement of one dwelling with two dwellings, subject to qualitative safeguards in respect of surrounding residential amenity, would be in accordance with such objectives. The Commission considered that, notwithstanding the constrained nature of the site, the layout, size and scale of the proposed development, including the fenestration arrangements within both dwellings, incorporated sufficient qualitative safeguards to ensure that the amenities of surrounding residential development would not be injured to a significant or material extent as a result of the proposed redevelopment of the site.



The Commission acknowledged that the proposed development incorporated a modest separation distance of 1.27 metres between the common boundary of the site and the rear gardens of numbers 4 to 7 Maymount Villas; however the Commission considered that the proposed single storey nature of number 123 Gardiners Hill, which had been further reduced in height by way of further information to 3.8 metres in height, would not have an overbearing or visually obtrusive impact on surrounding residential dwellings. The modest single storey nature of the proposed dwelling would not, in the view of the Commission, adversely affect the outlook of adjoining properties.

While the Inspector expressed concerns that the private residential amenity space of the future occupants of the proposed dwellings may be adversely affected by overlooking, due to the modest separation distances between land plots and the relatively short length of the rear gardens, the Commission noted the relatively tight urban grain of the established urban character of the area and considered that this issue would arise in the case of any redevelopment of the site and, as such, and having regard to the overriding objective to redevelop the site, this issue did not constitute reasonable grounds for a refusal.



With regard to the demolition of the existing dwelling, which was raised as a new issue by the Inspector, the Commission noted the development plan's statement in Paragraph 11.154 which seeks preference for deep retrofitting of structurally sound habitable dwellings rather than demolition. The Commission was not satisfied, having regard to the dilapidated nature of the existing structure, that the structure in question was structurally sound, and that, in its current state, it was suitable to be refurbished as a habitable dwelling. Furthermore, the Commission was satisfied that, in sustainable land use planning terms, the replacement of one dwelling with two dwellings would constitute a more appropriate and efficient use of a zoned and serviced brownfield site and that that the proposed new dwellings would incorporate a higher level of energy efficiency than refurbishing and retrofitting the existing dwelling on the site. For these reasons, the Commission considered that the deep retrofitting of the existing dwelling was a less favourable option in this instance.

Conditions

1. 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 23rd day of March, 2026, 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. Details of the proposed boundary treatment to the rear between the site and the rear of numbers 4-7 Maymount Villas, that shall be no more than 1.8 metres in height, and details of the nature of the proposed boundary treatment shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. Details of the proposed external finishes to both dwellings shall be agreed in writing with the planning authority prior to commencement of development. The external finishes of the single storey dwelling at number 123 shall incorporate a light render on the external elevation, the details of which shall be the subject of written agreement with the planning authority.

Reason: In the interest of visual and residential amenity.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 sustainable waste management.

7. All toilet and bathrooms windows shall incorporate obscure glazing.

Reason: In the interest of privacy.

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

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

10. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

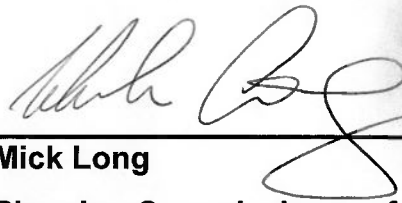
Reason: In the interest of public safety and residential amenity.

11. 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.

12. The developer shall pay to the planning authority a financial contribution of €1,511.48 (one thousand five-hundred and eleven euro and forty-eight cent) in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Mick Long

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this  day of  2026.