An Coimisiún Pleanála

Commission Order
PL-501731-CK-26

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 26/1140

Appeal by Elena Tsalaporta and Dimitrios Nikas against the decision made on the 24th day of June 2026 by Cork County Council to grant, subject to conditions, a permission to David O'Brien and Jennifer Cronin in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Permission for the construction of new dwellinghouse and domestic garage, new entrance, wastewater treatment system together with all other ancillary site works at Coolgreen, Glanmire,

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 provisions of the Cork County Development Plan 2022-2028, to the pattern of development within the vicinity of the site, and to the documentation received with the planning application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of the area or of property in the vicinity and would be acceptable in terms of public health and traffic safety and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Planning Inspector to refuse permission, the Commission considered the totality of the documentation on file, including the report of the planning authority. On the basis of the available evidence on file, the Commission determined that the applicants did demonstrate a rural generated housing need for a house at this location, noting specifically the reference within the statutory development plan to the meaning of 'local rural area' and the associated detail as provided regarding the parish within which applicant 2 resides and within which the subject site is located. The Commission noted and fully shared the assessment of the Inspector with regard to the issues as raised by the third-party appellants and determined that the proposed house would not seriously injure the amenities of residential properties in the vicinity.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. (a) The dwellinghouse shall be used as a permanent place of residence only.

   (b) The domestic garage shall be used solely for non-habitable ancillary domestic and private purposes only.

   (c) The overall site shall not be used for any commercial, industrial, business or trade purposes.

   Reason: In the interest of clarity, traffic safety and amenity.

3. Details of the external finishes and colour of the proposed dwellinghouse and garage (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   Reason: In the interest of visual amenity.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

5. 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 to adjoining properties.

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

6. (a) The entrance design shall comply with the detailed requirements of the planning authority and such details shall be agreed in writing with the planning authority prior to commencement of development.

(b) The entrance shall be completed in accordance with the agreed design under (a) above, prior to occupation of the dwelling.

(c) The existing western boundary hedgerow shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of traffic safety and protection of biodiversity.

7. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants, trees or hedging 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency (EPA), 2021.

(b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency (EPA), 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the septic tank and percolation area are constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. 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 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.

10. 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.

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

Dated this 30th **day of** October **2026**