



An
Coimisiún
Pleanála

Inspector's Report ABP-319760-24

Development	Construction of a two-storey building to accommodate 6 apartments and associated site works.
Location	Douglas Hall, Riverbank, Douglas, Cork City.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2442716
Applicant(s)	Rocksavage Engineering Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Rocksavage Engineering Limited.
Observer(s)	Margaret and Daniel O'Mahony Coakley O'Neill Town Planning (for various, see Section 6.4).
Date of Site Inspection	5 th September 2025.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to part of the walled garden of Douglas Hall, a large part single/part two storey dwelling with open courtyard, located just to the west of the subject site. The site is accessed from Riverbank, which is essentially an access road lined by detached residential properties in individual plots. Riverbank opens onto Douglas Road, just to the north of the Cork South Ring Road (N40) flyover.
- 1.2. The site is bounded to the north and east by the three storey apartment blocks of Douglas Wells and a detached two storey dwelling. To the south the site is bounded by the access to Carraig Liath, a two storey detached dwelling set within generous garden ground.
- 1.3. Various public transport routes are available from Douglas Road which is to the west of the site. The Douglas Village and Douglas Court shopping centres are both located to the south of the site on the opposite side of the N40.
- 1.4. From my site inspection I note that the front lawn has been enclosed by a timber fence.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a two storey building accommodating six apartments (4 no. one bedroom and 2 no. two bedroom). This would involve the subdivision of the Douglas Hall plot. Access would be as existing from Riverbank, and the development is proposed as car free.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused by Cork City Council on 24th April 2024 for the following reasons:

1. It is considered that the proposed development by reason of its scale, massing and design would constitute an inappropriate scale of development, which would be out of character with the established residential character of the area. The proposed development would represent overdevelopment of

the site, would seriously injure the amenities of the area and of property in the vicinity by reason of overbearing appearance with its encroachment and reduction of existing private amenity space. Having regard to Objectives 11.3 and 11.5 of the Cork City Development Plan 2022 - 2028, it is considered that the proposed development would not provide an acceptable standard of residential amenity. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development site is located within the curtilage of Douglas Hall, Riverbank, which is recorded on the National Inventory of Architectural Heritage (Reg. 20871037). It is considered that the principle of the proposed development, by reason of its location, would adversely affect the setting of Douglas Hall, would contravene Strategic Objective 7, and Objectives 8.20 and 8.22 of the Cork City Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The site and surroundings are residential. The development is broadly in compliance with the zoning objective and acceptable in principle.
- Density would be 66 units per hectare which is acceptable and in the middle of the density range for this area.
- Site layout arrangements are not set out clearly, car parking is not shown, access to Douglas Hall is not clearly delineated and no boundary treatment is shown to the west with Douglas Hall.
- The development would remove a significant amount of private open space associated with Douglas Hall. The historic site surrounding Douglas Hall has been reduced significantly by previous development and the proposal would further encroach and negatively impact on this historic structure.

- Established residential development is single dwelling units. Introducing apartments would have a negative impact on the established pattern and layout of the area and would be out of character with the immediate surrounding area.
- The proposal would be an overdevelopment of the site as it would further encroach and have a negative impact on the layout and curtilage of the NIAH listed Douglas Hall.
- No percentages of open space have been provided. The existing open space would be mostly built on/become a circulation area.
- Insufficient information has been submitted to confirm if private amenity space standards have been met and the schedule of floor areas submitted by the Applicant is inaccurate.
- No details of parking or cycle parking have been submitted.

3.3. Other Technical Reports

- 3.3.1. **Conservation Report (17.04.2024):** Recommend refusal. The principle of erecting a structure within the main garden is not acceptable. The house originally had a larger garden that has been substantially reduced through the erection of several individual dwellings, and the proposal would result in only a fragment of garden remaining. The remaining garden would be wholly disproportionate to the scale of the existing structure, and the loss of its garden setting would have a negative impact on its character.
- 3.3.2. **Contributions (19.04.2024):** No objections, standard condition recommended.
- 3.3.3. **Drainage (12.03.2024):** No objection, subject to standard conditions.
- 3.3.4. **Housing (26.03.2024):** No objection. The proposal is deemed exempt from Part V due to the site size.
- 3.3.5. **Traffic Regulation and Safety (17.04.2024):** Further Information recommended regarding the submission of a Construction Traffic Management Plan (demonstrating access for HGV's), public lighting, clarity on car parking, details of cycle parking.
- 3.3.6. **Urban Roads and Street Design (11.04.2024):** Further Information was recommended regarding clarity on car parking, whether or not there would be

modifications to the existing access/egress, taking in charge/management company, and rerouting of below ground infrastructure from private car parking spaces.

3.4. Prescribed Bodies

- 3.4.1. **Inland Fisheries Ireland (03.04.2024):** Request that Irish Water/Cork County Council [sic] signify that there is sufficient capacity in order that the development would not overload existing treatment facilities (either organically or hydraulically), would not result in polluting matters entering the water, or cause non-compliance with legislative requirements.
- 3.4.2. **Uisce Éireann (09.04.2024):** Further information requested. The Applicant is requested to engage with Uisce Éireann by submitting a pre-connection enquiry in order to assess the feasibility of connection to the public water and wastewater infrastructure. A standard Connection Agreement and compliance with Codes of Practice condition is also recommended.

3.5. Third Party Observations

- 3.5.1. A total of seven submissions were made in response to the planning application. These have been summarised in the Planner's Report and are on file for the Commission's information. The issues raised have largely been covered in the observations made on the appeal, which are set out in detail in Section 6.4 below. Issues raised that are not already covered in the appeal observations can broadly be summarised as follows:

- Concerns regarding the impact on the access road (Riverbank), including the impact on the ability of a special needs bus to be able to access and egress safely.
- Drainage concerns, including the impact on adjacent buildings at lower levels, connections to the existing sewer, potential impacts on Cork Harbour.
- Impacts on adjoining residents in terms of dust and noise during construction.
- Increased anti-social behaviour.
- Overshadowing.

- Water pressure issues.

4.0 Planning History

- 4.1. There is no planning history available for the subject site. There is limited planning history available for adjoining sites, which appear to have previously been within the grounds of Douglas Hall, including:

Land to the south of Douglas Hall

- 4.2. **ABP Ref. 209253/Planning Authority Reference 04/28655:** Permission was granted by the Commission in February 2005 to retain elevational alterations to permitted dwelling (Reg. No. TP 02/26220).
- 4.3. **Planning Authority Reference 02/26220:** Permission was granted by Cork City Council in January 2003 for the erection of a two storey dwelling with garage and associated site works. This permission was never implemented.
- 4.4. **ABP Ref. 110763/Planning Authority Reference 22603/98:** Permission was granted by the Commission in July 1999 for the erection of a two storey dwellinghouse.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2022-2028

- 5.1.1. The appeal site is categorised as Zone ZO 1: Sustainable Residential Neighbourhoods, the primary objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.2. A small section of the site in its western edge is categorised as Zone ZO 15: Open Space, the objective of which is to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.

5.1.3. Chapter 2: Core Strategy seeks to deliver Strategic Objective 1 of the CDP, Compact Liveable Growth, with the aim of improving quality of the life in the city. The relevant objectives of this chapter are:

- Objective 2.1: The 15 Minute City
- Objective 2.31: Compact Growth
- Objective 2.32: Housing Supply

5.1.4. Chapter 3 of the CDP sets out the policies for achieving Strategic Objective 2, Delivering Homes and Communities, with the aim of delivering housing and creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. The relevant objectives of this chapter are:

- Objective 3.1: Planning for Sustainable Neighbourhoods
- Objective 3.3: New Housing Supply
- Objective 3.4: Compact Growth
- Objective 3.5: Residential Density
- Objective 3.6: Housing Mix
- Objective 3.9: Adaptation of Existing Homes, Infill Development, and Conversion of Upper Floors.

5.1.5. Chapter 8 sets out the policies for achieving Strategic Objective 7: Heritage, Arts and Culture. The objective is to protect and reinforce the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City, both the character derived from the natural environment and the man-made character created by the built form. This will be achieved by protecting Protected Structures, archaeological monuments, and archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city. Relevant objectives include:

- Objective 8.17: Conservation of the City's Built Heritage
- Objective 8.22: National Inventory of Architectural Heritage (NIAH)

- 5.1.6. Chapter 10 of the CDP focuses on the key growth areas identified in the Core Strategy and the Growth Strategy. Where the Core Strategy and Growth Strategy provide overarching direction for city growth, this Chapter provides more area and site-specific detail. The growth proposed is in line with the Core Strategy, being proportionate to the scale of the area and its ability to accommodate new development.
- 5.1.7. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. The relevant objectives and sections of this chapter are:
- Objective 11.1 Sustainable Residential Development
 - Objective 11.2: Dwelling Size Mix
 - Objective 11.3: Housing Quality and Standards
 - Objective 11.4: Daylight, Sunlight and Overshadowing
 - Section 11.67: Design Quality
 - Section 11.78: Dwelling Size and Mix
 - Section 11.69: Residential Density
 - Section 11.9: Apartment Design
 - Section 11.91: Quantitative Standards
 - Section 11.92: Qualitative Considerations in the Design of Apartment Schemes
 - Section 11.100: Separation, Overlooking and Overbearance
 - Section 11.112: Public Open Space in Housing Developments
 - Section 11.139: Infill Development
 - Section 11.234: Car and Bicycle Parking
 - Section 11.248: Bicycle Parking

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region

- 5.2.1. This strategy provides a framework for development at regional level. The RSES supports the National Planning Framework and promotes the regeneration of our cities, towns, and seeks to promote compact urban growth by making better use of

under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient enterprise base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

5.3. National Policy

National Planning Framework – First Revision (April 2025)

- 5.4. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places. Relevant Policy Objectives include:
- 5.5. National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- 5.6. National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- 5.7. National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- 5.8. National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.9. National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

5.10. National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.11. National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.12. **Ministerial Guidelines**

- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011). These Guidelines relate to protecting structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and preserving the character of architectural conservation areas.
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2023). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for apartment sizes, dual aspect ratio and private/communal amenity space.

5.12.1. I note that updates to the Planning Design Standards for Apartments: Guidelines for Planning Authorities were published on the 7th July 2025. The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities -2023', (and all preceding updates) does not apply to current appeals or planning applications, i.e. those that were subject to consideration in the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).

5.13. Natural Heritage Designations

- 5.13.1. The site is not within or immediately adjacent to any European sites. The nearest European site is the Cork Harbour SPA (Site Code 004030), approximately 85 metres to the east/south-east.

5.14. EIA Screening

- 5.14.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal has been submitted by QDM Architecture, for and on behalf of the Applicant, Rocksavage Engineering Ltd. The appeal is accompanied by a Heritage Appraisal Report.

Policy Context

- The proposal complies with Objective 11.1 of the CDP and can be considered sustainable residential development.
- The site is infill and within a 15 minute walk of amenities and services.
- The development would be permeable with large, landscaped areas, own door access, and private amenity spaces.
- The proposal is an efficient use of the land with an acceptable housing mix, minimal transport requirements and enhancements to the built and natural heritage.
- There is a previous permission on the site for a large two storey dwelling of a similar footprint.

- There is an opportunity to provide much needed housing, adding to the sustainability and viability of the local community.
- The development would comply with Objective 10.3 of the CDP. The proposal has been designed to reflect the scale of the adjoining development and incorporates a flat roof to reduce dominance.
- The development would comply with Objective 11.2 of the CDP. Housing mix is acceptable and in line with requirements.
- All apartments would be dual aspect and exceed minimum floorspace standards.
- The development would comply with Objectives 11.72 and 11.72 of the CDP. Density is acceptable and in line with requirements.
- The development would comply with Objective 11.89 and would exceed the minimum recommendations set out in the Apartment Guidelines and Quality Housing Guidelines.
- The development would comply with Objective 11.4 and has been positioned to avoid overshadowing.
- The site is in Zone 1 and as such parking is discouraged in favour of sustainable transport methods. This is in line with Objective 11.234.
- Cycle parking exceeds minimum requirements by providing 6 covered spaces which is 50% more than requirements. This would comply with objective 11.245.

Reason for Refusal 1

- The Planner was supportive of the application in principal and refusal is based on the Conservation Officer Report. The Planner has failed to consider the subject site properly and in isolation. It has been demonstrated that the development would comply with national and local requirements.
- The reason for refusal references the loss of existing private amenity space which comprises bamboo groves and tarmac.
- Public open space provision would be in excess of 15%. This will be a vehicle free shared space.
- The opinion of the Planner is contrary to the proper planning and sustainable development of a serviced infill site and is at odds with policy and guidance.

Reason for Refusal 2

- Douglas Hall has had unsympathetic alterations, and the context has changed significantly over the years. It is dilapidated and in need of repair, with unkempt under-utilised open areas.
- The development would have involved the renovation of the original Douglas Hall.
- A careful and sympathetic design approach has been taken to preserve the integrity of long elevations.
- There are apartments to the north of the site.
- The development would not disadvantage what remains of Douglas Hall.
- Whilst on the NIAH, Douglas Hall is not a Protected Structure and not in an Architectural Conservation Area.
- There are no apparent designed garden features original to the site and no significant examples of specimen planting or non-structural heritage remaining.
- The house's distinctive form and layout survives. Internally there have been modifications.
- The garden has been much altered over the years, with the erosion of planted spaces and a decrease in garden footprint and a loss of context and setting.
- The development is not without precedent in the immediate vicinity (e.g. Douglas Wells apartment development).
- The specific site location of the development is the least visually invasive part of the site, in a non-descript area of grass and tarmac.
- The retention of the grassed area to the south of the house works to ensure its visual integrity, particularly when viewed from the public realm on Well Road.

6.2. Planning Authority Response

6.2.1. No response on file.

6.3. Observations

6.3.1. Two observations have been received. The first is from Margaret and Daniel O'Mahony whose property neighbours the appeal site to the south. The second

observation is from Coakly O'Neill Town Planning, for and on behalf of the following neighbouring residents:

- John Murphy and Catherine Downey
- Linda Niezen Cooper
- Jack and Nienke Barrett
- Charles and Sinead McCarthy

6.3.2. Having reviewed both observations, the main points can be summarised as follows:

- Although not a Protected Structure, Douglas Hall is listed on the NIAH and as such has a designed status.
- Earlier modifications to Douglas Hall are noted but these occurred prior to listing on the NIAH.
- The development would result in the loss of the last area of front garden ground which has a role in defining the character of the structure. The gardens have been left to go into a state of disrepair and is not the basis for arguing for development.
- The proposal fails to include the refurbishment of the existing house.
- The development would undermine the heritage, character and value of Douglas Hall due to its scale, design and proximity.
- The proposal may set a precedent for development of NIAH sites.
- CDP policies and objectives seek the protection of heritage buildings, NIAH buildings and historic landscapes/gardens. The Council's Conservation officer applied these policies correctly and confirmed that the development would have a negative impact on the site's heritage status.
- The proposal would result in overdevelopment of the site due to its scale, density, design and quality of accommodation.
- The proposal would change the site from a single house to a multi-unit development.
- The development is excessive in scale and too close to the site boundaries.
- The development would not provide car parking. Future residents would likely park along the access lane which would result in a traffic hazard and road safety issues due to the nature and narrow width of the roadway serving the site. This is likely to be exacerbated should emergency vehicles need to access the site.

- The proposal removes car parking for the existing property and servicing/visitors.
- The area at the entrance to Douglas Hall is part of the Carraig Liath property. The design of the entrance will not be able to cater to a multi-unit development and will be blocked, causing disruption and a safety issue to Carraig Liath.
- There would be a substantial increase in usage of the access lane. There are limited opportunities to turn and vehicles reversing out onto Douglas Road would be dangerous.
- Car free development results in increased active travel such as walking or cycling. The laneway has no footpath or cycle path and as such this creates a road safety issue as there is no safe route to Douglas Road.
- Questions are raised as to the feasibility of construction traffic using the laneway. There would be significant issues during the construction phase and the access is inadequate to accommodate the development.
- The development would result in a substandard quality of accommodation and would fail to comply with the Compact Settlement Guidelines.
- Amenity spaces would be small and poor quality. No communal amenity space would be provided.
- There is a lack of detail with regards to landscaping, finishes, materials, and boundary treatment.
- The development would result in amenity impacts to neighbours due to overlooking and a loss of privacy.
- The design is not in keeping with the established pattern in the area and it would impact negatively on its immediate environment, to the detriment of the character of the area.
- Acknowledge the need for infill development in existing urban areas but a balance needs to be struck between providing development and the reasonable protection of amenity, privacy, and character. The development runs contrary to this approach.
- Separation distances to adjacent dwellings are not provided, the development would be too close to Douglas Wells Apartments, and the proposal would not comply with the Compact Settlement Guidelines in this regard.

- The private amenity space of the parent dwelling would be significantly compromised and its quality undermined.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Reason for Refusal 1
- Reason for Refusal 2
- Transport
- Other Matters

7.2. Reason for Refusal 1

7.2.1. The Planning Authority's first reason for refusal states that the proposal would be an inappropriate scale of development that would be out of character with the established residential context due to its scale, massing and design. It is submitted that the proposal would represent overdevelopment of the site that would be injurious to amenity due to its overbearing appearance, encroachment, and reduction in private amenity space and that the development would not provide an acceptable standard of residential amenity. These concerns are shared by the observers.

7.2.2. The Applicant considers the proposal to be acceptable in terms of density, noting that it would align CDP objectives and would be an efficient use of the land, with an acceptable housing mix and minimal transport requirements. The Planning Authority considered density to be in line with the CDP but considered the proposal to be overdevelopment based on design, amenity and the pattern/character of development. Whilst I agree that the development would comply with the numerical density

standards of the CDP, I agree with the Planning Authority that the proposal would represent overdevelopment due to various design, quality of accommodation, and amenity issues which I will discuss in more detail below.

Design and Proximity

- 7.2.3. The Planner's Report notes that the established type of development in the Riverbank area is for single dwellings and that introducing an apartment style development would be out of character and would impact on amenity. The Planner's Report raises concerns regarding the lack of clarity on access to the existing Douglas Hall and boundary treatments. The reason for refusal specifically states that the development would be out of character with the established residential context due to its scale, massing and design. Observers largely share these concerns and argue that the development is excessive in scale and too close to the site boundaries.
- 7.2.4. The proposal would be two storeys which would align with the height of the two storey Douglas Hall and the three storey apartments that immediately bound the site at Douglas Wells. In terms of appearance, I disagree with the Planning Authority's conclusion regarding the apartment style of the development. In my view, the apartments have clearly been designed to have the appearance of terraced houses and there are no significant indications in appearance terms that this is an apartment development. In any event, the three storey apartments immediately bounding the site at Douglas Wells provide at least some contextual relationship for an apartment development.
- 7.2.5. In terms of proximity to adjacent properties/site boundaries, I note that the western elevation would be between c. 8.2m and 11m from a significant portion of the front elevation of Douglas Hall. On the eastern boundary, the proposal would be between c. 7.4m and 10.6m from the west facing elevation of the Douglas Wells apartments which contains the main living room windows for these west facing flats. In my opinion, the proposed development is too close to these neighbouring buildings having regard to the scale, massing and proximity to their front/principal elevations, I find that it would be overbearing and would reduce outlook. In my opinion, the scale of the development in terms of proximity to and relationship with the adjacent buildings is inappropriate and represents an overly intensive use of the site.

Amenity

- 7.2.6. In terms of residential amenity, despite the proximity issues referred to above, I am of the opinion that there would be no overlooking issues or loss of privacy. The rear elevation does not directly oppose the Douglas Wells apartment block to the north-west and whilst there are windows in the gable elevations, which face directly onto Douglas Hall (west) and Douglas Wells apartments (east), these windows serve circulation spaces and could be obscure glazed by condition. Furthermore, I accept the Applicant's argument regarding overshadowing and agree that there would be no significant overshadowing of adjacent properties or amenity spaces.

Open Space

- 7.2.7. A core issue in the reason for refusal relates to encroachment on and reduction of the existing private amenity space of Douglas Hall. The Planner's Report notes that open space for Douglas Hall has been progressively reduced and that the development would further reduce this to a very small area. This concern is shared by observers who consider that the development would result in the loss of the last area of front garden ground for Douglas Hall which has a role in defining the character of the structure. It is argued that the gardens have been left to go into a state of disrepair and that the development would further reduce the size and quality of the open space available to this dwelling.
- 7.2.8. The Applicant argues that the existing private amenity space is bamboo groves and tarmac and that public open space of 15% would be provided and that this would be a vehicle free shared space.
- 7.2.9. Douglas Hall is a large dwelling and currently has grounds that are commensurate with its size. The large courtyard area is hard surfaced and used for car parking in addition to bin storage. There is an area of open space to the south of the main house however, based on information submitted with both the application and the appeal, only a narrow strip of this land is within the Applicant's control. The main amenity space associated with this large dwelling is therefore the front lawn which forms the subject site.
- 7.2.10. The proposal would involve the removal of this lawn and amenity space in order to accommodate the proposed development. The communal amenity space that would be provided to serve both the proposed development and Douglas Hall would be limited to a small section of open space along the southern edge of the site which

would be shared with the cycle parking and bin storage for the proposed units. Although I note the Applicant's comments regarding the overall space being a vehicle free shared amenity space, I disagree that this would be the case. Whilst the proposed development is suggested as car free, this would not extend to Douglas Hall and as such vehicles would still traverse this space in order to access the existing house. In my opinion the loss of the vast majority of the front garden would be a significant diminution of amenity for the parent dwelling and this results directly from the excessive footprint and cramped nature of the development in relation to the site. Whilst I agree that the principle of some development on the site could be acceptable, a holistic approach that fully includes Douglas Hall is required in order to ensure a satisfactory standard of amenity for both existing and future residents.

Quality of Accommodation

- 7.2.11. The Planning Authority argue that the development would not provide an acceptable standard of residential amenity. From the Planner's Report this appears to be related to amenity space issues (discussed previously) and the inability to assess the proposed homes against quality standards. Observers submit that the development would provide sub-standard accommodation and that it would not comply with the Compact Settlement Guidelines.
- 7.2.12. The Applicant contends that the development would comply with the requirements of the Apartment Guidelines and Quality Housing Guidelines, providing a sustainable and permeable development with large, landscaped areas, own door access and private amenity spaces. The Applicant submits that the proposal is an efficient use of the site that would provide much needed housing.
- 7.2.13. The private amenity spaces would meet the minimum requirements set out in the Apartment Guidelines. In terms of communal amenity space, the Commission should note my earlier comments regarding same and the amenity space of the parent dwelling.
- 7.2.14. In terms of the quality of the homes, all would be dual aspect, and I am satisfied that they would meet or exceed the overall minimum floor area for one and two bedroom units. However, in my opinion, the upper floor units are constrained in terms of their layouts. The Apartment Guidelines sets out minimum widths for living/dining rooms, with required widths being 3.3m for a one-bedroom unit and 3.6m for a two bedroom

unit. Each of the upper floor units have shared living/kitchen/dining spaces that, due to the layout of the rooms, each have large sections that would fall significantly below the minimum requirements. Unit 1 would have a large section of only 2.87 metres width against a minimum requirement of 3.6 metres, Unit 3 would have approximately half of the room achieving a width of just 2.77m against a 3.6 metre minimum, and Unit 6 would have the main living space achieving a width of c. 2.4 metres against a minimum requirement of 3.3 metres. These units would fall well below the minimum widths, even when applying the 5% variation allowed for in the Guidelines and in this regard, I am not satisfied that the development would offer an acceptable standard of accommodation.

Conclusion

- 7.2.15. Having regard to the forgoing, I consider that the proposed development would be of an inappropriate scale and intensity for this site having regard to the layout of the site and the relationship with the parent dwelling and the neighbouring buildings. The proposed apartments would be too close to both Douglas Hall and the neighbouring apartments to the east at Douglas Wells and I am of the view that it would be overbearing on these properties. The footprint and positioning of the building on site would result in a significant and excessive reduction of open space for the parent dwelling and I consider that this would be injurious to amenity. The communal open space provided would be poor quality and not of an acceptable size to serve the proposed development and the parent dwelling. Furthermore, the proposed upper floor apartments would fail to meet the quality standards of the Apartment Guidelines. Overall, I consider the development to be of an inappropriate scale and intensity for this site.

7.3. Reason for Refusal 2

- 7.3.1. The second reason for refusal relates to heritage impacts, noting that Douglas Hall is recorded on the National Inventory of Architectural Heritage and that the principle of the proposed development, by reason of its location, would adversely affect the setting of Douglas Hall. These concerns are shared by observers who consider that the development would undermine the heritage, character and value of Douglas Hall due to its scale, design and proximity and that the proposal fails to include the refurbishment of the existing house.

- 7.3.2. The Applicant argues that Douglas Hall is not a Protected Structure, that there are no apparent designed garden features original to the site and that the house has been subject to unsympathetic alterations. It is stated by the Applicant that the development would have involved the renovation of Douglas Hall.
- 7.3.3. Douglas Hall has been listed on the NIAH (Ref.20871037) since 2011 and is afforded a Regional rating. The Planning Authority have had the opportunity to add Douglas Hall to the Register of Protected Structures (RPS) through two development plan cycles and have opted not to do so. Whilst I acknowledge the Planning Authority's contentions in relation to the heritage value of the property, it is clear that no protection has been afforded to the building, and the Planning Authority are silent on the reasons as to why the property has not been added to the RPS. In the absence of any reasoned justification from the Planning Authority in this regard, I do not consider it reasonable to be so restrictive to determine that the principle of development on the site is unacceptable. Whilst I acknowledge the heritage value of the building, I am of the view that some development could be appropriate if a holistic approach is taken. Whilst that is not the case for the proposed development, which I recommend for refusal for the reasons set out earlier, I do not consider that the second reason to be entirely justified and concerns regarding the scale, proximity and impact on Douglas Hall are, in my opinion, adequately addressed in the first reason for refusal.

7.4. Transport

- 7.4.1. Various transport related concerns are raised in the observations made on the appeal. The primary concern relates to the car free nature of the development and the risk that this would lead to inappropriate car parking and blockages/disruption along Riverbank. It is submitted that this would result in the creation of a traffic hazard and road safety issues due to Riverbank's nature, narrow width, the lack of footpaths/cycle paths, and insufficient room to turn a vehicle. It is argued that the proposed entrance would not be able to cope with a multi-unit development and that car free developments result in increased walking and cycling which is not catered for on Riverbank. Further concerns are raised regarding the feasibility of construction traffic being able to use Riverbank.
- 7.4.2. The Planning Authority did not make a determination on car parking, but I note that the Transport Section sought clarity on car parking, cycle parking, and HGV access.

- 7.4.3. The Applicant considers that car-free development would be acceptable given the site location in close proximity to amenities and services, in addition to objectives that seek to promote sustainable transport methods. It is argued that cycle parking would exceed policy requirement by 50%.

Car Parking

- 7.4.4. The development is proposed as car free. The site is located in close proximity to several bus routes on Douglas Road as well as the various shops, services, and amenities of both the Douglas Village Shopping Centre and the Douglas Court Shopping Centre. In my opinion, the wider locational characteristics of the site in terms of proximity to public transport and services is such that the principle of a car-free development is entirely acceptable, notwithstanding my concerns regarding layout, and would be in line with objectives to reduce car parking in such locations, as set out in the Compact Settlement Guidelines.
- 7.4.5. I note the concerns of observers that the car free nature of the development would lead to potential inappropriate car parking on Riverbank and that this could lead to blockages/disruption. However, the nature of Riverbank is such that there is very limited opportunity for car parking. Furthermore, from the information available to me, it seems that Riverbank is in the charge of Cork City Council and as such parking issues outside of the site would be a matter of wider transport management for the Council who could, if considered necessary and appropriate, implement parking control measures.
- 7.4.6. I acknowledge the concern of observers that car parking would be removed for the existing dwelling at Douglas Hall, however this would not be the case and existing parking arrangements for Douglas Hall, which is outside the red-line boundary, would be unchanged. The development does not propose to alter parking arrangements for the existing dwelling. Overall, I have no objection to the car-free nature of the development, subject to the implementation of a Mobility Management Plan that communicates the car-free nature of the development to future residents and promotes active travel. This could be secured by condition in the event that the Commission grant permission.
- 7.4.7. Active travel itself is raised by the observers on the basis that a car-free development would lead to an increase in walking and cycling which is not catered for on Riverbank.

In my opinion, these concerns are largely unfounded. Riverbank, whilst narrow, is not so significantly constrained that it is unsuitable for pedestrians/cyclists. There is no footpath and as such cyclists, pedestrians and vehicles share the carriageway. It is a cul-de-sac with a low traffic burden and is a low-speed environment by its nature and use.

Access

- 7.4.8. It is submitted that the entrance to Douglas Hall is part of the Carraig Liath property and that the design of the entrance will not be able to cater to a multi-unit development, leading to blockages causing disruption and safety issues to Carraig Liath. The proposal does not propose any alterations to the site entrance, and I have no concerns regarding its ability to cater to the proposed development, either in terms of the car-free apartments or the existing Douglas Hall.

Cycle Parking

- 7.4.9. The Planning Authority sought clarity on cycle parking, but the Further information request was not actioned due to the substantive reasons for refusal. The Applicant states that six covered cycle parking spaces would be provided and that this would exceed minimum standards by 50%. From the information on file, it would appear that c. 15 cycle hoops would be provided adjacent to the strip of open space on the southern boundary and whilst they appear to be enclosed, no further details have been provided. I am satisfied that there is adequate room to provide compliant cycle parking and that the matter could be resolved by way of a condition in the event that permission is granted.

Construction Traffic

- 7.4.10. Observers raise concerns regarding the feasibility of construction traffic using the lane and that the access is inadequate to accommodate the development. The Traffic Section also noted the narrow nature of Riverbank and recommended Further Information in terms of an outline Construction Management Plan to demonstrate that HGV's can access the site safely.
- 7.4.11. I accept that Riverbank is somewhat constrained but in my mind the construction matters and access issues are not insurmountable. In my opinion, given the scale of the development at two storeys and the form of the build, the Commission could

appropriately deal with this matter by way of a condition requiring a Construction Management Plan setting out the types of vehicles to be used in the construction process, which could be selected having due regard to potential access constraints at Riverbank, with associated tracking diagrams to confirm suitability.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in the south inner suburbs of Cork City, c. 85 metres from the Cork Harbour SPA which is to the east of the site and separated by existing residential properties. No appropriate assessment issues were raised as part of the appeal although concerns were raised in submissions on the Planning Application. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works including connection to municipal drainage services.
- The location of the site within a built up urban area, the separation distance from the Cork Harbour SPA and intervening residential properties, and the lack of meaningful connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the construction of six apartments. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed

development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced urban location, the distance from the nearest water bodies, the lack of direct hydrological connections and the current status of the groundwater body.

9.3. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that the Commission uphold the decision of Cork City Council and refuse planning permission for the following reasons and considerations:

11.0 Reasons and Considerations

1. Having regard to the scale, massing, footprint and location of the proposed development, the layout of the proposed apartments, the proximity to neighbouring dwellings, and the amenity space proposals, it is considered that the proposed development would be an overdevelopment of the site that would be injurious to the amenity of property in the vicinity by reason of its overbearing relationship, encroachment, the excessive reduction in the existing private amenity space of Douglas Hall, and poor quality amenity space proposals. Furthermore, the proposed upper floor apartments would fail to meet the

housing quality standards set out in the Apartment Guidelines 2023 and as such would fail to provide an acceptable standard of residential amenity for future occupiers. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan
Senior Planning Inspector

16th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-319760-24
Proposed Development Summary	Construction of a two-storey building to accommodate 6 apartments and associated site works.
Development Address	Douglas Hall, Riverbank, Douglas, Cork City.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) >500 dwellings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319760-24
Proposed Development Summary	Construction of a two-storey building to accommodate 6 apartments and associated site works.
Development Address	Douglas Hall, Riverbank, Douglas, Cork City.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development would provide residential development in a suburban residential area, but the increased height and scale are not considered to result in significant environmental effects.</p> <p>No demolition works would be required. Construction materials and activities would be typical for a residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	<p>The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p> <p>The development would be in the grounds of Douglas Hall which is listed on the National Inventory of Architectural Heritage and whilst there would be a degree of impact, effects would not be of such a magnitude that it would warrant examination and assessment as part of an EIA.</p>

cultural or archaeological significance).	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>All development has the potential for a degree of disturbance/nuisance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)