



An
Coimisiún
Pleanála

Inspector's Report ABP-319913-24

Development	Subdivision of site into 2 sites and construction of dwelling, vehicular entrance, connection to water network and all associated site works.
Location	1 Marian Terrace, Grange Road, Douglas, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	23/42393
Applicant(s)	Pamela Thornhill
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party against the Decision
Appellant(s)	Andrew Shinnick
Observer(s)	None
Date of Site Inspection	6 th May 2025
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at 1 Marian Terrace, Grange Road, Douglas in Cork City. The site comprises lands to the east (side) and north (rear) of 1 Marian Terrace, a semi-detached two storey dwelling with a vehicular entrance onto Grange Road.
- 1.2. The site, indicated as measuring 0.09ha, is long and narrow in configuration, comprising the side and rear garden areas of 1 Marian Terrace, the host property. The site features strong hedgerow and tree lines boundaries to the east and west. The topography of the site is notable, with ground levels decreasing in a northerly direction, from c.61m OD at the southern (front) boundary with Grange Road to c.58.7m OD at the northern (rear) boundary.
- 1.3. Adjacent to the east of the site are several residential properties, including 9 Grange Cottages, and 21-24 Amberley Drive. To the north of the site is 26 Amberely Drive, and adjacent to the west is 2 Marian Terrace. Surrounding properties are all two storey dwellings which vary in orientation to the appeal site (side-on, directly oppose at the rear). Due to local topography, the properties in Amberley Drive are at an elevated position to the northern portion of the site.
- 1.4. Further to the west of the site are 3-6 Marian Terrace, four similarly designed (to the host property) two storey dwellings with long, narrow rear gardens, the Grange River (c.59m) and the Tramore Valley Park.

2.0 Proposed Development

- 2.1. The proposed development comprises the subdivision of the host property (Site Location Plan indicates Site 'A', outlined in blue, and Site 'B', the appeal site, outlined in red), and seeks the construction of a proposed dwelling, a new vehicular entrance onto Grange Road, connection to the water network and all associated works.
- 2.2. The proposed dwelling is a two storey, 3 bedroom detached dwelling with an indicated floor area of 142sqm. The dwelling is positioned centrally within the main body of the site, with front elevation facing south, a rear garden area to the north, and circulation space to the east and west. The proposed vehicular entrance is located to the east of the existing entrance serving the host property.

- 2.3. During the assessment of the application, Further Information (FI) was requested by the planning authority (see Section 3.0 below for details). In response to the FI request (RFI), the applicant revised the proposed development. Key revisions include the omission of habitable accommodation at first floor level and removal of first floor window in the northern elevation.
- 2.4. I consider there to be planning merit in the revisions made to the proposed development at RFI stage and recommend to the Commission that regard is had to same in the assessment of this appeal.

3.0 Planning Authority Decision

3.1. Summary of Decision

- 3.1.1. The application was lodged to the planning authority on 24th October 2023. The planning authority granted permission for the proposed development on 16th May 2024, subject to 18 conditions. This is a third-party appeal against the planning authority's decision to grant permission.
- 3.1.2. The 18 conditions attached to the grant of permission are standard in nature relating to construction (timing, duration, management of works), operational (occupation, nature and intensity of use), technical requirements (water services, roads, boundary setbacks), and financial (development contribution).

3.2. Planning Authority Reports

3.2.1. Planner's Reports

Initial Assessment

The planner's report includes an assessment of the proposed development under the following headed items:

- Principle of Development
- Internal Layout
- Impact on Amenity of Adjoining Properties
- Landscaping/ Boundary Treatment & Private Amenity
- Area Engineer

- Infrastructure
- Other Matters

The initial assessment concludes with a recommendation that Further Information (FI) be requested from the applicant.

Further Information Assessment

On 18th December 2023, a FI request issued to the applicant on several items including:

- Landownership
- Height of east retaining wall
- Section drawing of proposed dwelling with east and west side boundaries
- Attic space area
- Section drawing of proposed dwelling indicating roof lights
- Dimensions of proposed driveway entrance
- Sightlines from entrance
- Revised front site boundary (if required) along Grange Road which has had regard to the route of the Bus Connects STC K.

The FI response (RFI) was submitted to the planning authority on 19th April 2024. On assessment, the planning authority found the RFI to be satisfactory, such that the proposal would be acceptable under the previous headed items.

Recommendation

The planning authority concluded the proposal complied with the policy context set by the development plan and was of a nature and scale that would not seriously injure the residential or visual amenities of the surrounding area and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Area Engineer: FI requested. Subsequent report, no objection subject to condition.

Infrastructure Development: FI requested. Subsequent report, no objection subject to condition.

Drainage Division: No objection subject to condition.

Environment: No objection subject to condition.

Contributions: No objection subject to condition.

3.3. **Prescribed Bodies**

Uisce Eireann: No report received.

Dublin Airport Authority: No comment.

Irish Aviation Authority: No report received.

3.4. **Third Party Observations**

- 3.4.1. The planning authority indicates one third party submission was received on behalf of three individuals during the assessment of the application, and summarises the key issues raised.
- 3.4.2. I have reviewed the submission on the case file and confirm several of the issues raised therein continue to form the basis of the appeal grounds on the appeal case, which are outlined in detail in Section 6.0 below.

4.0 **Planning History**

Appeal Site

None.

Adjacent Site to East, 21 Amberley Drive

PA Ref. 19/38488

Permission granted on 4th November 2019 to Andrew and Aoife Shinnick for a single storey granny flat adjoining to existing dwelling house, ground floor extension to rear of existing dwelling house, front elevation and entrance modifications and all associated site works.

5.0 **Policy Context**

5.1. **Section 28 Ministerial Planning Guidelines**

5.1.1. Certain national planning guidelines are applicable to the proposed development. The guidelines include Specific Planning Policy Requirements (SPPRs), the achievement of which is mandatory for residential developments.

5.1.2. Relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines).
 - Policy and Objective 4.1 requires the implementation of standards in Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses above ground floor level.
 - SPPR 2 – Minimum Private Open Space Standards for Houses – requires a minimum of 40sqm for 3-bedroom houses.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
 - Section 5.13 outlines issues relating to title to land.

5.2. **Cork City Development Plan 2022-2028**

5.2.1. The applicable development plan for the appeal case is the Cork City Development Plan 2022-2028 (CDP). The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development.

5.2.2. The relevant CDP map-based/ mapped designations include:

- The site is zoned as ZO 01 ‘Sustainable Residential Neighbourhoods’ which seeks *‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses’* (Vol 2, Map 15: Cork Airport and Hinterland).
- The site is located to the east of the Bus Connects CBC 9 route on Kinsale Road (Vol 1, Chapter 4, Fig. 4.4).
 - Note: CDP information is to be read in conjunction with the most up to date information on www.busconnects.ie/cork/. The third round of

consultation (November 2023) identifies the preferred routes for 11 Sustainable Transport Corridors (STCs). Of relevance to the proposal is STC K: Kinsale Road to Douglas, which is routed along Grange Road, the southern boundary of the site.

- The indicative route includes the bus lane with stops, cycle track, footpath, and indicates sections of 'proposed new boundary (possible land acquisition)' (Maps 5 and 6 indicate the site). The easternmost side of the front boundary is included within a section of roadway identified as 'proposed new boundary'.
- The site is located to the east (c.59m) of the designated 'Walkways and Cycleways' route associated with Tramore Valley and the Grange River, with lands zoned as ZO 15 'Public Open Space' (Vol 1, Chapter 4, Fig. 4.3; Vol 2, Map 15: Cork Airport and Hinterland).

5.2.3. The relevant CDP policy and objectives¹ include:

- Chapter 1 Introduction
 - Strategic Objective SO1 Compact Liveable Growth
- Chapter 3 Delivering Homes and Communities
 - Policy in Section 3.46: 'Cork City Council will support infill development to optimise the role that small sites in the City can play in providing new homes for Cork's expanding population.'
 - Objective 3.4 Compact Growth: 'Cork City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork...Optimising the potential for housing delivery on all suitable and available brownfield sites will be achieved by: ...e. The development of small and infill sites...and n. Identifying and promoting the development potential of brownfield, small sites...to enable progress towards achieving compact growth targets...'

¹ Note: In this subsection I have cited the CDP policy and objectives which have not been otherwise provided in the case file. I direct the Commission to the planning authority report (pgs. 2-6) and/ or the third-party appeal for the other CDP policy and objectives.

- Objective 3.9 ..Infill Development...: ‘Cork City Council will support and encourage...infill development in principle to ensure that...small sites ... are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.’
- Chapter 11 Placemaking and Managing Development
 - Objective 11.1 Sustainable Residential Development
 - Policy in Section 11.104 Overbearance
 - Policy in Section 11.139 Infill Development: ‘Adaptation of existing housing and re-using upper floors, infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).’
- Chapter 12 Land Use Zoning Objectives
 - Policy in ZO 1.1 and ZO 1.2

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.3.2. The European site designations in proximity to the appeal site include (measured at closest proximity):
 - Cork Harbour SPA (004030) is c.1.86km to the northeast.
 - Great Island Channel SAC (001058) is c.8.22km to the east.
- 5.3.3. The pNHA designations in proximity to the appeal site include:
 - Douglas River Estuary pNHA (001046) is c.1.88km to the northeast.
 - Cork Lough pNHA (001081) is c.2.95km to the northwest.
 - Lee Valley pNHA (000094) is c.5.55km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a third party appeal against the decision of the planning authority to grant permission for the proposed development. The appeal grounds include the following issues:

Contrary to Development Plan

- To the ZO 01 'Sustainable Residential Neighbourhoods' zoning objective as the proposal does not protect existing residential use and amenity.
- To policy in ZO 1.2 as the proposal does not respect the character of the area.
- To policy in ZO 1.7 as the site is part of a backdrop to the Grange to Tramore Valley walkway and the proposal does not protect the new greenway and its amenity.
- To policy in the Core Strategy and Strategic Objective SO 1 Compact Liveable Growth as the proposal offers limited infill potential and is an unsustainable form of backlands development.
- To policy in Section 11.12 Placemaking as the proposal is not of a high design standard nor enriches the urban qualities of the area.
- To Objective 11.1(j) Sustainable Residential Development as the proposal does not protect green infrastructure and biodiversity.
- To policy in Section 11.104 as the proposal has an overbearing effect on adjacent properties (appellant's property 21 Amberley Drive, and 2 Marian Terrace) due to the site levels, proposed floor levels and proximity to boundaries.

Site Boundaries

- Disputes the eastern boundary line as included in the initial application plans, and those of the RFI.
- Boundary lines on OS Maps/ land registry folio maps are not accurate to the actual physical boundary/ situation at the site.

- Boundary line is disputed, the boundary issue has not been resolved, unacceptable that permission be granted.
- Contends the applicant is encroaching onto the appellant's lands (21 Amberley Drive) and that of their neighbour, 9 Grange Cottages.
- The appellant is pursuing the matter (surveying boundary lines, review of property deeds), and no consent will be given for works along/ in the shared boundary.

Residential Amenity and Visual Overbearance

- Proposed dwelling greatly impacts on the outlook of appellant's home and garden.
- Proposed dwelling could have been more sympathetically sited within the applicant's site.
- Height of proposed dwelling floor level is extraordinarily high compared with existing ground levels.
- Proposed levels will injure surrounding boundaries and trees.
- Site section drawing is a misrepresentation of what will be built.
- Applicant's site layout plans indicate the appellant's house prior to its being extended (a site plan included (part of the original observation) with the as-built extension which indicates the proximity of the buildings).

Visual Amenity of the Area and Precedent

- Mature tree and hedge planting provide a backdrop to the Tramore Valley walkway.
- Proposal is an injurious form of backlands development which will set a precedent for other properties damaging the visual amenity of the area.

Infrastructure

- Unknown inverts for connection to the foul sewer.
- Stormwater to drain to one soakpit at the rear of the dwelling, at the lowest point of the site. Concerns for potential negative impact on houses higher (appellant's) and lower (properties to west).

- Opposes dropped kerb and new driveway entrance on Grange Road due to safety concerns for pedestrians and setting a precedent for similar arrangements for other backland developments.

6.2. **Applicant Response**

6.2.1. No response has been received from the applicant on the appeal.

6.3. **Planning Authority Response**

6.3.1. No response has been received from the planning authority on the appeal.

6.4. **Observations**

6.4.1. None.

7.0 **Planning Assessment**

7.1. **Introduction**

7.1.1. Having reviewed the appeal, examined the documentation on the case file, inspected the site, and had regard to the relevant policy context and planning guidance, I consider that the main issues in the appeal to be as follows:

- Principle of Development
- Legal Interest
- Design, Height and Layout
- Residential Amenity
- Water Services
- Access and Transportation

I propose to address each item in turn below.

7.1.2. As outlined in Section 2.0 above, the proposed development was revised in response to the Further Information request, and the following assessment is based on the revised scheme.

7.2. **Principle of Development**

7.2.1. Appeal grounds include the proposed development being contrary to several policy sections and objectives in the Cork City Development Plan 2022-2028 (CDP). In

respect of principle of development, I identify those relating to the zoning objective and format of development as being of relevance.

- 7.2.2. The appeal site and adjacent lands are zoned as ZO 01 'Sustainable Residential Neighbourhoods' which seeks to protect and provide for residential uses and amenities.
- 7.2.3. The proposed development is for a modest single storey, detached dwelling, which is low rise in scale, and low intensity in nature. The proposal is providing a new residence and thereby meeting the housing needs of new household. As discussed in subsections 7.4 and 7.5 below, I consider that the proposal is designed and sited to have minimal impact on (thereby protecting) the residential amenity of existing properties and will provide acceptable accommodation standards for the future residents. As such, I consider the proposal to comply with Zoning Objective ZO 01.
- 7.2.4. In respect of the form of development, the appellant is highly critical of the backland nature of the proposal, submitting that a negative precedent will be set for other such proposals in the area.
- 7.2.5. The proposal is an infill development in the rear garden of the host property, and the site displays backlands characteristics, being relatively long and narrow, with limited road frontage. In addition to CDP Strategic Objective SO1 referred to in the planning authority's report, I identify other policies and objectives of more direct relevance (see subsection 5.2 of this report above).
- 7.2.6. There is a strong policy context supporting the provision of new homes in small infill sites, such as the appeal site. The proposal maximises the potential of this underutilised small site, delivers a new home within the existing footprint of the City, and achieves compact sustainable growth at an urban location in close proximity to several amenities. I consider the proposal to comply with CDP Strategic Objective SO1, Section 3.46, Objective 3.4, Objective 3.9, and ZO 1.1.

Conclusion

- 7.2.7. In conclusion, in principle, I consider the proposal to be fully in compliance with the residential zoning objective pertaining to the site, and to be a form of appropriately designed and strategically located infill development for which there is strong policy support in the CDP.

7.3. Legal Interest

- 7.3.1. Appeal grounds include dissatisfaction with and dispute over the nature and extent of the applicant's legal interest in the eastern site boundary, in particular that formed with the appellant's property, 21 Amberely Drive.
- 7.3.2. From a review of the case file, the question of legal interest was raised in the third-party observation, subject of the planning authority's FI request, and responded to by the applicant in the RFI. In the latter, the applicant submitted land registry folio details and site survey drawing. The planning authority accepted same, referring to the provisions of Section 34(13) of the Planning and Development Act 2000 as amended (2000 Act).
- 7.3.3. The appellant maintains the nature and extent of the boundary is in dispute (line of the boundary, measurement of boundary when compared to boundaries with other adjacent properties, maintenance of vegetation along the boundary), indicates appellant is privately pursuing the matter, and opposes permission being granted in the absence of resolution.
- 7.3.4. In considering issues of legal interest and rights of way, I have had regard to the guidance in Section 5.13 of the Development Management Guidelines. The guidelines are clear that *'[t]he planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'* and refers to Section 34(13) of the 2000 Act which states that a person is not entitled solely by reason of a permission to carry out any development.
- 7.3.5. The guidelines indicate that only in instances where it is clear that an applicant does not have sufficient legal interest in the subject lands, should permission be refused on that basis. In instances where there is doubt as to the sufficiency of the legal interest the planning authority may decide to grant permission as such a grant is subject to the provisions of Section 34(13) of the 2000 Act. That being, the applicant must be certain under civil law that they have all rights in the subject land to execute the grant of permission.
- 7.3.6. Following my review of the case file, while I acknowledge the appeal ground, I am satisfied that, for planning purposes, the applicant has demonstrated sufficient legal

interest in the lands to propose the development as indicated in the plans and particulars.

Conclusion

- 7.3.7. In conclusion, I am satisfied that for the purposes planning, the applicant has demonstrated sufficient legal interest to propose the development as indicated in the lodged plans and particulars, subject to the restrictions explicit in Section 34(13) of the 2000 Act. The nature and extent of the disputed eastern site boundary are civil matters between the parties and outside the scope of the planning system.

7.4. Design, Height and Layout

- 7.4.1. Appeal grounds include opposition to the height and siting of the proposed dwelling, the adverse impact of same on the outlook of adjacent properties (east and west), and injury to the visual amenities of the area, in particular, to the Tramore Valley Park and walkway.
- 7.4.2. As initially applied for, the proposed dwelling is a two storey, 3 bedroom detached dwelling with a stated floor area of 142sqm. In the RFI, the dwelling was revised from a two storey to single storey dwelling through the omission of first floor habitable accommodation and an associated first floor window on the north (rear) elevation.
- 7.4.3. I consider there to be planning merit in same (due largely to the protection afforded to the existing residential amenity of adjacent properties), and the revised plans are the subject of this assessment. Save for the revisions referred to above, the proposed dwelling remains as initially applied for.
- 7.4.4. In terms of design, the dwelling features a conventional building footprint, streamlined elevational treatment, uncomplicated fenestration, door opes and roof profile, and simple external finishes. Principal dimensions include a depth of c.14m, width of c.12.6m, and height of c.5.4m. As referred to previously, the dwelling has been revised from two storey to single storey in design with the remaining first floor window/ roof lights serving ground floor/ attic space.
- 7.4.5. In terms of layout, the dwelling is sited centrally within the main body of the site, achieving separation distances to boundaries of c.41m to the southern (front) boundary with Grange Road, c.26m from the northern (rear) boundary, and between

c.1.6m–c.4.3m from the western and eastern boundaries. Overall, I consider the proposed development comprises a modestly scaled, unobtrusively designed dwelling with conventional boundary treatments comprising walls, fencing, and landscaped screening.

- 7.4.6. The surrounding area comprises conventional two storey residential dwellings with front and rear gardens (with minor variations in building dates, architectural styles, plot sizes). The appeal site, and other properties to the west (e.g., Marian Terrace) also feature mature tree and hedgerow boundaries. The character of the area, therefore, is that of a low rise, low density-built environment with mature screening.
- 7.4.7. Due to the local topography, the surrounding properties, including the appellant's dwelling, are at slightly elevated positions to the ground level of the appeal site (as is apparent from site section drawings in the case file). As the proposed dwelling is of single storey design with a principal building height of c.5.4m, I do not consider there to be any undue negative effect on the visual amenity of the immediate receiving area.
- 7.4.8. On balance, I am satisfied that the proposed development respects the height and massing of existing residential units, employs a complementary architectural language, and adopts consistent boundary features, thereby complying with CDP Objective 11.1, Section 11.139, and ZO 1.2.
- 7.4.9. Of the appellant's concerns relating to adverse visual impacts on the Tramore Valley Park due to the proposed dwelling and changes to screening, while I note the appeal site is in general proximity to the amenity area, I consider the separation distance (a minimum of c.60m) to be notable and too far for the proposal to realistically exert any adverse impact on same. Further, of the changes to/ loss of screening along the site's western boundary, as noted at the time of my site inspection, there appears to be several trees which, while benefitting the receiving area, are not on the shared boundary but within the adjacent property (i.e., would be under the control of 2 Marian Terrace).
- 7.4.10. Accordingly, I find that the proposal complies with CDP Section 11.12, Objective 11.1 (relevant subsection (j)) and ZO 1.7 by not causing undue injury to the natural amenities, green infrastructure and biodiversity of the receiving area.

Conclusion

7.4.11. In conclusion, I find that the proposed development is of a design, height, and layout which are modest, unobtrusive and acceptable. The proposal respects the character of the area, is of a scale which reflects the neighbourhood in which it is located and will not cause injury to the visual and/ or natural amenities of the receiving area.

7.5. Residential Amenity

7.5.1. In previous subsections, I have considered and addressed appeal grounds relating to inappropriate backland development, insufficient legal interest, disputed shared boundary, and adverse impact on the visual amenity of the area. Other appeal grounds include the overbearing effect of the proposal on the residential amenity of adjacent properties, in particular that of the appellant's property, 21 Amberley Drive, located to the east of the site.

7.5.2. Factors determining residential amenity include overlooking, overshadowing, overbearance, and nuisance/ disturbance associated with construction activities. I consider it necessary examine the potential impact for same on the amenity of adjacent properties.

7.5.3. Due to the dwelling's siting (centrally positioned, not aligned to directly oppose any dwelling along the eastern boundary, achieving acceptable separation distances to both site boundaries and existing dwellings (as per SPPR 1 of the Compact Settlement Guidelines)), and fenestration positioning (no first floor windows on north (rear) or side elevations, first floor window/ roof lights serving ground floor/ attic space), I do not consider the proposal will cause any undue overlooking of existing dwellings, including of the host property.

7.5.4. Due to the dwelling's siting (as above), building height (modest c.5.4m height, single storey habitable accommodation, lower ground levels in the site), orientation (on a north-south alignment whereby any shadow cast will be primarily on the dwelling's own amenity area), and scale and massing (modest building footprint, simple and unobtrusive built-form), I do not consider the proposal will cause any undue overshadowing or overbearance of existing dwellings, including of the host property.

7.5.5. In respect of disturbance from construction activities, the proposal is for one dwelling unit with ancillary site works. The construction phase for such a scale of development will be short-term in duration and the effects will be temporary in nature. Construction phase impacts can be managed by way of condition (similar in

effect to those attached to the planning authority's decision) in the event of permission being granted.

- 7.5.6. In respect of the amenity of the future residents, I am satisfied that the proposal will provide a satisfactory level of residential amenity, providing quality accommodation with an adequate area of private amenity space (as per SPPR 2 of the Compact Settlement Guidelines) and meeting the housing needs of new household.

Conclusion

- 7.5.7. In conclusion, having regard to the above factors, I do not consider that the proposed development would seriously injure the residential amenity of adjacent properties, including that of the host property. I find the nature (intensity of residential use), scale, and design of the proposal to comply with the applicable residential amenity requirements, including those of CDP Zoning Objective ZO 01 and Section 11.104.

7.6. Water Services

- 7.6.1. Appeal grounds include insufficient technical details on wastewater infrastructure, and concerns regarding surface water drainage proposals.
- 7.6.2. I have reviewed the application plans and particulars, noting that the proposed water supply is via a new connection to the public watermain in Grange Road, wastewater drainage is via a connection to the foul sewer serving the host property connected to public sewer, and surface water disposal is via a drain to a soakpit located in the north of the site.
- 7.6.3. Proposed connections to the water supply and wastewater treatment systems are within the remit of Uisce Eireann. The prescribed body was consulted by the planning authority. While the planning authority notes no report was received from same, I consider that these matters (technical details, feasibility, capacity, connection agreements) can be addressed by way of condition requiring the formal agreement of the prescribed body.
- 7.6.4. The proposed method of surface water disposal is indicated as a surface water drain connection to a soakpit. While the appeal grounds include concerns regarding the proposal, I consider the method to be a conventional arrangement for a single detached dwelling on a greenfield site, and acceptable in principle as the soakaway ensures a level of on-site attenuation and initial treatment. The location of the

soakaway reflects the topography of the site, being located at the lower ground levels allowing excess stormwater to drain to ground, in turn draining towards Grange River.

- 7.6.5. Notwithstanding the appellant's general concerns on the potential impact on adjacent properties, there is no evidence presented of any pollution and/ or flood risk arising. I have undertaken a Water Status Impact Assessment, which is included in Appendix 4 of this report below.
- 7.6.6. Further, I highlight that the Drainage Division of the planning authority assessed the proposal and raised no objection to same. I note the related conditions attached in the planning authority decision (e.g., drainage be separated with run-off from paved/ roofed areas to the stormwater drain and all else to the foul sewer system, ensuring BRE Digest 365 standards and separation distances be achieved). In the event of permission being granted, I recommend the standard An Coimisiún Pleanála condition be attached addressing same (i.e., requirements of the planning authority pertain).

Conclusion

- 7.6.7. In conclusion, the proposal is for a single dwelling which has access to and can be serviced by water services infrastructure. Subject to conditions in respect of the servicing/ connection requirements of Uisce Eireann and the planning authority, the proposed development is acceptable.

7.7. Access and Transportation

- 7.7.1. Appeal grounds include opposition to the proposed vehicular access onto Grange Road due to public safety and precedent concerns. I also identify the issue of public transportation (i.e., the Bus Connects route along Grange Road) as a relevant planning consideration.
- 7.7.2. The proposed development includes a separate vehicular entrance onto Grange Road with internal roadway serving the dwelling. The new access is located to the east of the existing entrance serving the host property. The appellant opposes the new driveway and associated dropped-kerb arrangement due to concerns for pedestrian safety. The design (width) and availability of sightlines from the proposed access were subject of the planning authority's FI request.

- 7.7.3. While I note the appellant's concern, I do not concur that the proposal would endanger public safety. In the RFI, the applicant confirmed the maximum width of 3m (as per CDP requirements), and the achievement of 50m sightlines (in accordance with DMURS requirements). The planning authority indicated satisfaction with same, recommending conditions for the design and construction of same.
- 7.7.4. Grange Road is an established residential street with several properties served by driveways and dropped kerbs. It is reasonable to assume that road users (pedestrians, drivers) would be knowledgeable of and familiar with the existing arrangements and adjust their movements accordingly. I consider that the addition of another entrance would be immaterial in effect.
- 7.7.5. In the interests of clarity for the Commission, I highlight that the preferred Bus Connects route STC K: Kinsale Road to Douglas travels along Grange Road, the site's southern boundary. The implication for the proposed development, if any, was subject of the planning authority's FI request. In the RFI, the applicant confirmed, following consultation with the NTA, that the roadside wall of the appeal site was unaffected by the route. The planning authority indicated satisfaction with same.
- 7.7.6. In respect of appropriate conditions, I have reviewed and concur with those of the planning authority. As a preferred Bus Connects route is identified for Grange Road, I note Table 4.2 of DMURS which requires forward visibility for Stopping Sight Distances (SSD) of 49m on roads with bus routes and design speeds of 50km/h. I recommend a condition requiring same be attached in the event of a grant of permission.

Conclusion

- 7.7.7. In conclusion, subject to conditions, I consider that the proposed development can be safely accessed, does not create a traffic hazard for road users, and does not prejudice the delivery of key public transportation.

8.0 Appropriate Assessment

8.1 Stage 1 – Screening Determination for Appropriate Assessment

8.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required (see Appendix 1 of this report below).

8.1.2. This conclusion is based on:

- Objective information presented in the case file and from verified sources (e.g., EPA, NPWS, planning authority).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

8.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Environmental Impact Assessment

9.1. The proposal is of a class of development identified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) for the purposes of Environmental Impact Assessment (EIA). Accordingly, I have undertaken a pre-screening exercise and preliminary examination of the proposed development (see Appendix 2 and Appendix 3 respectively of this report below).

9.2. By taking into account the nature and scale of the proposed development, the location of the site on zoned and serviced lands within an existing built-up area and outside of any sensitive and/ or designated location, the existing pattern of development in the vicinity, the information and reports submitted as part of the application and appeal, and the criteria set out in Schedule 7 of the 2001 Regulations, I have concluded that there is no real likelihood of significant effects on

the environment arising from the proposed development, and that the need for an EIA and the submission of an EIARt is not required.

10.0 Water Impact Status Assessment

- 10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. I conclude that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.
- 10.3. This conclusion is based on:
- Objective information presented in the case file and from verified sources (e.g., EPA, planning authority).
 - Absence of/ proximity to closest surface watercourses.
 - Lack of any meaningful hydrological connection to any waterbody.
 - Use of best practice construction practices during construction phase.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable ZO 01 'Sustainable Residential Neighbourhoods' zoning objective and other policies and

objectives of the Cork City Development Plan 2022-2028, would constitute an appropriate form of infill residential development, would not seriously injure the residential or visual amenities of property in the vicinity, would provide acceptable levels of residential amenity for future occupants, would not cause adverse impacts on or result in serious pollution to the environment, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 19th day of April 2024, 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. Details of the materials, colours, and textures of all the external finishes to the proposed building and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and orderly development.

3. Prior to commencement of development, the developer shall submit an acceptable naming and/ or numbering scheme for the written agreement of the planning authority.

Reason: In the interest of orderly development.

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. a) The developer shall enter into Connection Agreement(s) with Uisce Éireann, prior to commencement of development, to provide for a service connection(s) to the public water supply and/ or wastewater collection network and adhere to the standards and conditions set out in that agreement.

b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

6. a) The main entrance to the development shall be provided in accordance with the standards specified in the Design Manual for Urban Roads for a design speed of 50kph on a bus route (with minimum unobstructed visibility splays of 49m), and to the construction standards of the planning authority for such works. Prior to commencement of development, a site entrance visibility splay plan indicating same shall be submitted to and agreed in writing with the planning authority.

b) The site frontage along Grange Road shall be set back and/ or a footpath with dished kerbing shall be provided in accordance with Dwg No. 24-02-RFI.002 Proposed Site Layout Plan, and to the construction standards of the planning authority for such works.

c) All works shall be undertaken at the developer's expense and completed to the satisfaction of the planning authority.

Reason: In the interest of traffic and pedestrian safety, and sustainable transport.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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 residential amenities of property in the vicinity.

9. The construction of the 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 intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

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

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 Bord 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.

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.

Phillippa Joyce

Senior Planning Inspector

15th July 2025

Appendix 1: Appropriate Assessment – Screening

I have considered the project (proposed development) in light of the requirements section 177U of the Planning and Development Act 2000 as amended.

The project is a smallscale infill development (a single dwelling with associated site works) on a greenfield site within an established urban area. There are no watercourses at or adjacent to the site. Grange River is the closest watercourse, located c.59m to the west of the site (crow-flies).

The site is located inland of two European site designations associated with Cork Harbour (Cork Harbour SPA (004030) is c.1.86km to the northeast, and Great Island Channel SAC (001058) is c.8.22km to the east). The QIs of the SPA include several bird species, wetland (habitat) and waterbirds, and those of the SAC include mudflat, sandflat and salt meadow habitats.

The project includes an on-site soakaway for the disposal of stormwater run-off from paved/ roofed areas (all other waters are to be separated and discharged to the foul sewer system). The soakaway ensures a level of on-site attenuation and initial treatment prior to discharge to ground. The site is the rear garden area of an existing dwelling with no evidence of habitats or species with links to any European Sites (i.e., no ecological connections). Due to the absence of/ proximity to watercourses, there are no meaningful direct hydrological connections to any European sites.

The planning authority screened out the need for appropriate assessment, and no nature conservation concerns are raised in the planning appeal.

In 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 European site. This conclusion is based on the:

- Objective information presented in the case file and from verified sources (e.g., EPA, NPWS, planning authority).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from the European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

I conclude that the project 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 (Stage 2) under section 177V of the Planning and Development Act 2000 is not required.

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?	
(“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.	
<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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Proceed to Q4.	Class 10(b)(i) and/ or Class 10(b)(iv) Relevant thresholds arising from Class 10(b): - Class 10(b)(i): more than 500 dwelling units. - Class 10(b)(iv): urban development in an area greater than 10ha.
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)?	
<input checked="" type="checkbox"/> No	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 3: Environmental Impact Assessment – Preliminary Examination

The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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).

Project comprises the construction of a single detached dwelling with associated site works. It does not differ significantly in terms of character or of scale from the surrounding area (i.e., established residential area characterized by two-storey dwellings).

Project would cause physical changes to the appearance of the site during the construction and operation (occupation) works, and these would be within acceptable parameters for the receiving area.

No significant use of natural resources is anticipated, and the project would connect into the public water supply and drainage services systems which have sufficient capacity to accommodate demands.

Construction phase activities would result in the use of potentially harmful materials, and cause noise and dust emissions. These would likely be typical of similar construction sites. Conventional waste produced from construction and operational activities would be managed.

Project would not cause risks to human health through water contamination/ air pollution through the design of the scheme, connection to public water services systems, and scale of residential activity arising.

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,

Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.

The site is the rear garden area of an existing dwelling and there is no evidence of the presence of any protected habitats, plants, or fauna species. The Grange River is the closest watercourse, located c.59m to the west of the site. There is no direct hydrological connection between the site and any watercourse or surface water body.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	There are no landscape designations, or architectural heritage designations (protected structures, architectural conservation area) pertaining to/ recorded at the site.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Amelioration of environmental impacts have been incorporated into the project's design. Mitigation measures would include those required by conditions attached in the event of a grant of permission in relation to construction and operation phases. There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____

DP/ ADP: _____ Date: _____

Appendix 4: Water Status Impact Assessment – Screening

The project is a smallscale infill development (a single dwelling with associated site works) on a greenfield site (rear garden area of an existing dwelling) within an established urban area. The project includes an on-site soakaway for the disposal of stormwater run-off from paved/ roofed areas (all other waters are to be separated and discharged to the foul sewer system). The soakaway ensures a level of on-site attenuation and initial treatment prior to discharge to ground.

There are no watercourses at or adjacent to the site. Grange River is the closest watercourse, located c.59m to the west of the site (crow-flies).

The river is part of the Moneygurney_010 waterbody (EPA: IE_SW_19M300900), which has a Water Framework Directive (WFD) status of 'Good', an 'under review' risk of not achieving its WFD objective, and 'none' identified pressures on the waterbody. The underlying groundwater body is Ballinhassig East (EPA: IE_SW_G_004), which has a WFD status of 'Good', a 'not at risk' of not achieving its WFD objective, and 'none' identified pressures on the waterbody.

Due to the absence of and/ or proximity to watercourses, there are no direct hydrological connections to any surface water bodies. There is a hydrological connection to groundwater via the stormwater disposal. No water deterioration concerns were raised in the planning appeal.

I have assessed the project and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 water and/ or ground waterbodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Objective information presented in the case file and from verified sources (e.g., EPA, planning authority).
- Absence of/ proximity to closest surface watercourses.
- Lack of any meaningful hydrological connection to any waterbody.
- Use of best practice construction practices during construction phase.

Conclusion

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

Inspector: _____ Date: _____