



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320135-24

<b>Development</b>	Construct 3 storey dwelling and associated site works.
<b>Location</b>	New Cork Road, Knockgriffin, Midleton, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	244697
<b>Applicant(s)</b>	Brian Condon + Stephen Condon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Cork Co-Operative Marts Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> November 2024
<b>Inspector</b>	Suzanne Kehely

## **1.0 Site Location and Description**

- 1.1. The site of c 27sq.m. is located on the northern side of the rear lane to terraced housing along the northern side of New Cork Road. Close to Middleton town centre. The site is level with the laneway which serves a number of mews type residences via a stable entrance off the street.
- 1.2. The site juts into a landscape margin to the north along the perimeter of the southern side of the Market Green Shopping centre site at a point where there is a circulation road which encircles the car park. The site and laneway are on much lower ground than the adjoining Market Green shopping centre at this point. There is a stepped pedestrian access between the shopping centre car park and the lane thereby connecting it to the New Cork Road. This was in use by pedestrians at time of inspection.
- 1.3. The site is surrounded by mature planting as part of the landscape margin and is imperceptible as viewed from the adjacent car park.

## **2.0 Proposed Development**

- 2.1. Permission is sought for a three-storey contemporary styled dwelling with a total floor area of 58.29 sq.m. on the site of a demolished garage of 27 sq.m.
- 2.2. The proposed dwelling has 100% site coverage and measures externally at 6.6m x 4.15m.
- 2.3. The floor plans show a habitable room at each level. A study at ground, bedroom at first and kitchen living at second floor. It is single aspect with a single window in the façade at each level. The upper floors have a projecting angled bay and also a roof light for the top floor. No open space or car parking is provided.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By Order 13<sup>th</sup> June 2024 a decision was made to Grant Permission subject to 6 conditions..

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The planning authority had regard to the planning history and treated this as a modification to a permitted dwelling. It was noted to be smaller than the typical two storey dwelling fronting the street and would therefore have no visual impact from the main street.
- In the context of Design Standard for New Apartments, it is noted to be in excess of minimum floor area guidance but deficient in terms private open space but allowance can be made for a constrained site. It is also noted to be well connected in terms of walkability.
- Separation distance between opposing windows is acceptable by reference to current 16m minimum distance standard in current guidelines - Sustainable Residential Development and Compact Settlements.
- Site notice location and development description are acceptable.

#### **3.2.2. Other Technical Reports**

Area Engineer : No objections

Water Services: no objection subject to conditions

Archaeologist: No report

#### **3.2.3. Housing: A Part V Certificate of Exemption was forwarded to the Board in 28<sup>th</sup> August 2024.**

#### **3.2.4. Conditions**

- The conditions are of a standard nature relating to services and general and supplementary development contributions typically applying to development in this area.

### **3.3. Prescribed Bodies**

No reports

### **3.4. Third Party Observations**

One letter of objection raised concerns about validity of public notices.

## **4.0 Planning History**

PA Ref 06144/21 refers to permission for demolition of garage and construction of a two storey dwelling house. A third party impacted by a condition of permission sought leave to appeal and this was granted by order under S 37(6) of the Planning and Development Act. 312836 refers and is attached. No subsequent appeal was lodged.

In that case a 48 sq.m gross floor area (external) unit was proposed to replace a garage. It was assessed by reference to Design standards for apartments 2018 wherein 45 sq.m. net is minimum. Further information was sought and it was explained that a studio of 38 sq.m net is proposed, and a minimum standard is 37 sq.m. for such. While slightly small, regard was had to the existing structure and town centre location and proposed use for an employee having difficulty in getting accommodation in town.

With respect to possible direct overlooking onto opposing apartments, different oriented windows were identified as a possibility and clarification on this in respect of impacting on 3<sup>rd</sup> parties was sought. In the final drawing a west facing window was proposed and accepted

An Bord Pleanála 312836 refers to an application for leave to appeal. This was granted by Board's Order on 14/3/2022 under s 36 but the grant of permission was not appealed. No comment was made on this leave to appeal in the subject case by the PA.).

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-28**

5.1.1. Volume 4 contains the specific aim and objective for Midleton.

The site is the designated zone 'Existing Residential /Mixed Residential and Other Uses'. Objective ZU18-9 applies: Scale of new residential development should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increase in densities is encouraged within the settlement and particularly within high quality public transport corridors, and site adjoining Town Centres Zoning.

The Terraced housing along both side of New Cork Road form part of an architectural conservation Area designation. The site is not within this delineation.

Site and land to north is zoned for Town centre and retailing and following objectives apply:

- MD-T-06 To provide for the development of non-retail town centre uses including office-based employment, leisure, civic or healthcare uses and retail warehousing uses selling bulky format goods. Residential use at first floor level or above would also be acceptable in principle as part of a mixed-use scheme. This area is not suited to comparison shopping
- MD-T- 03 To provide for the development of a mix of town centre type uses, including retail in this ancillary retail area at a scale that will not undermine the Existing Town Centre MD-T-01. Proposals should include protection of the River Corridor, any development shall take into consideration Inland Fisheries Ireland guidelines, 'Planning for Watercourses in the Urban Environment'.

## **5.2. National Planning Framework First Revision April 2025**

- 5.2.1. Achieving compact growth is key element in the spatial strategy. It sets a national target of 40% of future housing within existing footprint of built-up areas such as infill or underutilised site so as to make better use of serviced lands. A 30% target applies to urban areas outside the main cities and suburbs. National Policy Objectives 7 and 9 apply.

## **5.3. Statutory Guidelines**

- 5.3.1. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024:** While referencing the Sustainable Urban Housing

Guidelines (below), section 5 refers to development standards for housing design. Notably:

- SPPR 1 refers to Separation Distance. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.
- SPPR-2 20sq.m. min for 1 bed house - For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity.

5.3.2. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities Prepared by the Department of Housing, Local Government and Heritage. Updated version, 2023.** Section 3 sets out guidance for apartment design in multi-unit schemes and is stated to be generally for apartment schemes. Minimum floor areas are policy

- Specific Planning Policy Requirement 3 Minimum Apartment Floor Areas:
  - **Studio apartment (1 person) 37 sq.m • 1-bedroom apartment (2 persons) 45 sq.m • 2-bedroom apartment (4 persons) 73 sq.m • 3-bedroom apartment (5 persons) 90 sq.m**
- Floor areas should be in square metres and should be calculated from internal room dimensions
- Planning application drawings must include the principal dimensions of each room as well as the aggregate floor area of each room.

- Specific Planning Policy Requirement 2: For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:
  - Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided **no more than 50% of the development (i.e. up to 4 units) comprises studiotype units;**
  - Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential<sup>1</sup> unit to the 49th;
  - For schemes of 50 or more units, SPPR 1 shall apply to the entire development;

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to **exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development**

5.3.3. **Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007)** This provided guidance for self-contained dwellings. Section 5.3.2 sets out space requirements and room sizes for houses and apartments.

#### 5.4. **Natural Heritage Designations**

The following sites are at distance of approximately 700m south of the site .

Special Area of Conservation: Great Island Channel SAC Site Code 001058

Proposed Natural Heritage Areas: Great Island Channel.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. Agents for Co-operative Markets who own the shopping centre which adjoins the site, have appealed on the following grounds.

- Precedent for substandard overdevelopment.
- Substandard floor area based on net area of 35.7sq.m. and no public open space. Further information in this regard should by the PA have been sought
- Insufficient information in planning authority file such as a planner's report explaining rationale and therefore difficult to form a robust response.
- No car parking capacity in the area.
- Overbearing and overshadowing impact on existing apartment facing the single aspect proposal.
- History of flooding when the Owenacurra River burst its banks in 2023.
- Construction stage will limit lane access which is actively used daily by existing occupants
- Concern about public notice as raised in submission to PA.
- An appeal on decision for the extant permission was not possible due to dates, notwithstanding the Board's decision to grant leave to appeal

## 6.2. Applicant Response

The agent's response makes the following points:

- The planning history demonstrates how all issues were resolved to the satisfaction of the planning authority and that no residents objected during previous or current application. Permission in 2007 for a dwelling house in the lane is noted.
- The proposal is driven by a need for a more satisfactory standard of accommodation
- The appellant did not raise any other objections to the planning authority other than the public notices and these were deemed adequate. In regard to the site notice location, it is stated that the laneway is publicly accessible.
- The development has a total floor area of 57.42sq.m. within the building envelope. 45 sq.m. is acceptable for a one bed unit where guidance is flexibly applied.
- The site is accessible to public transport and accords with new relaxed standards for car parking provision.



- The houses on Cork Street [Road] already overshadow the single storey apartment. This apartment is adjoined by two and three storey development.
- The proposed window bays and glazing protects privacy and there is no overlooking of private open space.
- The proposed development accords with the residential zoning and compact growth strategy for urban areas.
- The site is not in a flood risk area as confirmed by the Area Engineers. The
- Construction access can be managed – it is accepted that no one can block the lane. A mews dwelling was permitted in the same lane in 2007.
- It is finally noted that the appellant who owns the shopping centre has focused on residential amenity issue yet no residents have objected and furthermore has made no points concerning their commercial property

### **6.3. Planning Authority Response**

- No further comments

### **6.4. Observations**

- None

## **7.0 EIA Screening**

- 7.1. 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 of the proposed development which is a variation on permitted plans and its location in an urban area where services are provided and also noting the location removed from any sensitive locations or features and having regard to 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 therefore required

## **8.0 Assessment**

### **8.1. Issues**

- 8.1.1. This appeal relates to a revised design of a permitted infill mews type dwelling. Having reviewed the submissions on file, the history file and visited the site, I consider the issues can be addressed under the following headings

- Principle of development
- Housing standards
- Impact on neighbouring properties.
- Access
- Procedural

### **8.2. Principle of development**

- 8.2.1. The extant permission is for a one bed, two-storey dwelling of c. 38 sq.m. which was considered acceptable by the planning authority by reference to the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning authority which I note allow for a flexible approach. The provision of a dwelling was considered to have merit in that it could enhance the laneway and provide much needed housing. While the appellant accepts the policy guidance and support for infill development, and in this regard I note the National Planning Framework and Compact Settlement Guidelines, as previously cited, it is submitted that this should not be at the expense of residential amenity and the principle of a 3 storey dwelling is questioned by itself and the precedent it would set.
- 8.2.2. In terms of the mapped zonings, the site and the adjacent landscape margin which borders the Market Green shopping centre car park are zoned residential. The site is however in a transitional zone context being accessed off a predominantly residential lane in an established residential area south of the New Cork Road, while being surrounded on three sides by the shopping centre site that falls substantially within the town centre zoning.
- 8.2.3. In this context the residential zoning objective is the most relevant as the main facade and entrance of proposed dwelling face the laneway which is shared by other dwellings. The planning authority has already permitted a dwelling unit at this

location and while a domestic extension in principle is acceptable there are I consider issues with the level of intensification having regard to the particularly confined nature of the 27sq.m. site and requirement to comply with appropriate design/amenity standards and protect residential amenity of the area.

### 8.3. Housing standards

8.3.1. The proposal seeks to add an additional storey onto a permitted two-storey dwelling with 100% site coverage and which already has had the benefit of a flexible approach in the application of normal criteria for new housing development. In this case the permitted unit is proposed to be increased to a gross internal floor area of 57 sq.m. so as to provide a dwelling with 3 habitable rooms rather than two. The accommodation proposes a 13.4 sq.m. kitchen living and 13.4 sq.m. bedroom and a 6.9sq.m. study and 1sq.m. utility each on a separate floor. The table below summarises the differences between the extant and proposed design.

8.3.2. Table: Comparison of permitted and proposed dwelling unit.

	Permitted 2 storey	Proposed 3 storey
Floor area gross	38sq.m.	57 sq.m.
internal Site dimensions	6m x 4m	6.6m x 4.15m
Ground	Kitchen living: 5.5m deep and width range 1.9 – 3.4m	Study 6.9 sq.m. width 1.15m Shower room, Utility and entrance
First floor	Bedroom and en-suite	Bedroom 3.35 x 4m
Second Floor		Kitchen /living 3.35 x 4m store
Windows	<u>Façade</u> : One large at ground level and two obscured at first level <u>Side</u> : West facing side window in bedroom <u>Rear</u> : Ensuite window obscured	<u>Façade only</u> : One at each level in with 1 <sup>st</sup> and 2 <sup>nd</sup> level oriel design obscured glazing  One roof light
Amenities/parking	None	None

- 8.3.3. There is no directly comparable standard for a multi-storey unit of such a small size. The smallest unit of 37sqm. Is provided for in the 2023 Sustainable Urban Housing guidelines in which criteria are set for size but also has regard to context. Apartment sizes are typically where the unit is a part of a multi-unit scheme with typically has communal facilities. Section 3 of these guidelines sets out guidance for apartment design in multi-unit schemes and is stated to be generally for apartment schemes in which communal amenities are provided.
- 8.3.4. By reference to the Quality Housing guidance from 2007 which provides for self-contained houses, table 5.1 provides guidance on internal accommodation for a comprehensive range of house types ranging from single storey to three storey and ranging from 45 sq.m. upwards. This is smallest house area is for a single storey configuration as distinct from an apartment where 44 sq.m. is the minimum. The guidelines differentiate between self-contained house types and multi-unit apartment types. The proposed total floor area in the subject case is considerably below the minimum for a two storey house . For example, the smallest two storey floor area is 70 sq.m. and increases to 102 sq.m. for 3 storey. The smallest 2-person house has a floor area of 44 sq.m. In all cases the minimum aggregate living accommodation is stated at 23 sq.m. for a one bed unit and 28 sq.m. for a two bed. The subject proposal with a combined kitchen living area of 13.4sq.m. is considerably below this. When including the ground floor room, it remains well below the aggregate living space at 20.4 sq.m.
- 8.3.5. Even applying the standard of a minimum floor area of 45 sq.m. for a one bed single storey house to a three-storey unit, in overall terms the net floor space is reduced by the stairwell and the layout is fragmented with limited flexibility of space contrary to the layout advice. The multi-level does not provide particularly useable aggregate living area. The combined kitchen living and study would be fragmented with an intervening bedroom level.
- 8.3.6. The extension will effectively provide for a study of 6.9 sq.m at ground floor which is just below the 7.1sq.m. floor area for a single bedroom. While nominally a one bed unit, this I consider allows for an intensification of use (guests, for example) not adequately catered for within the site. As the site remains at 100% site coverage, there is no provision for any private open space nor is there any car parking or cycle parking. The 2023 Sustainable Urban Housing guidelines specify one cycle space

and minimum amenity of space of 5 sq.m. for a one-bedroom unit but as I have referred to these standards are more applicable to a multi-unit scheme. The 2007 guidelines offer a better benchmark of standards for an urban single self-contained house –‘all dwellings should have clearly defined private open space’ (page 31) The Compact Settlement Guidelines in SPPR2 sets minimum private open space standards for houses wherein it is specific policy to provide a minimum private space standard of 20 sq.m. for a one bed house (30 sq.m. for a two-bed house) and if this cannot be provided there is also provision for semi-private in lieu space of 10sq.m. as part of multi-unit scheme.

8.3.7. While these guidelines and the more recent compact settlement guidelines allow for an overall flexible approach to floor area and private open space, this is subject to adherence to good design and provision of amenities. I do not consider the applicant has sufficiently demonstrated that an increase in floor area equates to the provision of an adequate standard of housing in the configuration proposed.

8.3.8. While I accept that the open context of the adjacent open space provides an open aspect and sense of space, and that the laneway is quiet and accessible, I do not consider this to constitute sufficient suitable compensatory amenities for a larger dwelling which has the capacity for increased bedspaces from one to two and significant intensification of use in the context proposed. I consider the proposed housing design to be substandard by reason of overdevelopment and that for this reason and the precedent it would set for such, to constitute grounds for refusal of permission.

8.3.9. I would further question the benefits of the revision to the fenestration in terms of making the orientation single aspect and obscuring vertical glazing as viewed from within the habitable rooms. The juxtaposition of the clear glazing has only restricted viewpoints. The overall quality of space in terms of its fragmentation, extent of obscured glazing and its confined area generally would not I consider provide for an adequate standard of amenity as intended by the housing design guidance.

#### **8.4. Impact on neighbouring properties.**

8.4.1. Given the location of the site at the T-junction of the lane where it faces the stable entrance from the street, the proposed distance in terms of directly opposing windows is c.24.5m, by my estimation from the 1:250 drawings. By reference to all

standards, this separation is acceptable. One of the yards on the opposite side of the lane at the corner has been developed as habitable accommodation. The nearest window facing the property therefore is at ground floor and at an oblique angle and about 4.5m away. Other windows facing the proposed façade are further away and at an angle. Since the last decision, the Compact settlement Guidelines have updated standards. Most notably, there is a relaxation of opposing window distances of 16m and SPPR 1 applies in respect of required separation distances. It states, 'there shall be no specified minimum separation distance at ground level or to the front of houses...and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.'

- 8.4.2. The proposed windows are oriel type with an opaque finish facing at an angle from the facade on to the lane in a southeast orientation – i.e. in direction of the nearest window but obscured. It is not clear with which windows this is proposed to reduce impact. The oriel includes clear glazing at 90 degrees to the façade and this provides direct views in a westerly directly along the lane towards the garages/sheds and where the laneway leads to the shopping centre.
- 8.4.3. As compared to the fenestration and layout in the extant permission, I consider the proposal to be a retrograde step in terms of protecting neighbouring amenities. The previous windows were standard flush façade windows facing onto the lane towards the street with a pair of windows serving the first-floor bedroom and a larger ground level window in the living area. the change in design will add a storey with a façade window at the new height. The revised layout also provides for living accommodation at the first-floor level. The windows are proposed to project outwards and nearer the opposing corner dwelling. As the only window in each of the upper floors, if it is opened it is likely to be a source of noise. Light spill is also more likely to be an issue.
- 8.4.4. I further note that the oriel type windows project beyond the building line and the site as outlined in red and therefore I am not satisfied that the provision of this angled glazing can be provided. While window design could be addressed by condition, I consider the oriel windows overhanging the laneway at this location to constitute disorderly development.

## **8.5. Access**

- 8.5.1. The appellant makes the case that the laneway will be obstructed and raises concerns about the lack of parking and the construction phase.
- 8.5.2. I note car parking is restricted in the area and that the laneway width restricts on-street parking. I also note in section 3.3. of Volume 4 of the Cork County Development Plan 2022-2028 that traffic congestion and parking is a significant issue in the town and that a parking management system has been recommended to make best use of all existing spaces. In this case no car parking is provided. However as the area is what I would describe as an accessible location being adjacent to the Market Green shopping centre and town centre services, in this way it accords with the criteria in SPPR 3 (ii) of the Sustainable Residential Development and Compact Settlement Guidelines which states 'In accessible locations, defined in Chapter 3 (Table 3.8) car-parking provision should be substantially reduced.' As previously stated, the absence of outside storage for alternative transport modes and other ancillary services such as bins, is potentially an issue on a constrained site at a junction in a laneway that provides for rear vehicular access for others but this is I consider more related to amenity issues and housing standards relating to intensification of use as discussed previously.
- 8.5.3. In terms of construction access, I concur with the appellant that this could be an issue for access to existing properties given the lane width and cul-de-sac nature. I do however consider this can be dealt with by a normal construction management plan which would include details for management of traffic, parking deliveries and storage of materials so as not cause obstruction.
- 8.5.4. On balance, I do not consider lack of car parking or obstruction during construction to constitute grounds for refusal of permission.

## **8.6. Procedural**

The appellant raised concerns about public notices. Firstly, the omission of the term 'construction' is questioned. In this regard I consider the nature of proposal described as a three-storey dwelling to provide the key information and to meet with the provision of the Planning and development Regulation. Secondly the appellant raises concerns about the location of the site notices. I note that the application used

two locations including the lane beside its entrance of the Main Street. The planning authority accepts this. I note the provision of the Act which states that 'where the land or structure to which a planning application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure and shall not be obscured or concealed any time.' Noting the pedestrian route along the site and the comments of the planning authority in this regard, I am satisfied that the provisions of the Act and as set out in Article 19 of the Regulations have been met.

I do not consider there to be procedural grounds to defer a decision in this case.

## **8.7. Conclusion**

In conclusion, while I accept the principle of infill development has been established on the site, I consider the proposed intensification of development does not accord with current design/amenity standards and would not serve to protect the residential amenity of the area and future occupants therein and therefore as a form of new residential development is contrary to the objective ZU 18-19 relating to residential development in areas zoned 'Existing Residential/Mixed Residential and Other Uses'. The proposal would therefore be contrary to the proper planning and development of the area.

## **9.0 AA Screening**

- 9.1. I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located in or adjacent to any European site. The nearest site is Great Island Channel SAC at a distance of just over 700m from the site to the south.
- 9.3. The proposal is for a revision of a house design with an extant permission and in a serviced urban area. The only connection between the development site and sensitive habitats is via the Wastewater Treatment Plant in Midleton which is being upgraded. The proposed amalgamation of Midleton and Carrigtwohill agglomerations and will result in diversion of loads from the Midleton agglomeration to the existing



Carrigtwohill WwTP (Design p.e. 30,000).discharges by license to waters upstream of Cork Harbour. As development requires a connection agreement with Uisce Eireann, , the issue of pollution is regulated under license and screening for indirect impacts via the treatment plant is I consider outside the scope of this application.

9.4. Accordingly, 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. The reason for this conclusion is as follows:

- The small scale of and nature of development in an urban and serviced location.
- Its remoteness and from any European site and lack of connections to same.
- The considerations of the planning authority in its screening report.

9.5. I conclude that on the basis of objective information, 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.

9.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Recommendation**

I recommend that permission be refused based on the following reasons and considerations.

## **11.0 Reasons and Considerations**

1. Having regard to the size and configuration of the site and to the statutory guidance as set out in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024),: it is considered that the proposed three roomed self-contained dwelling over three floors and lacking any ancillary amenities at this location by virtue of its 100% site coverage would constitute overdevelopment of a constrained site and would not provide for an adequate standard for housing for future occupants. The proposed development would therefore seriously injure the amenities of the future occupants of the proposed development and of property in the vicinity and would therefore be

contrary to the Cork County Development Plan 2022-2028 objective ZU-18-9 for the area which aims to protect the residential amenity of the area and would accordingly be contrary to the proper planning and sustainable development of the area.

2. The proposed oriel style projecting windows which breach the façade building line would constitute disorderly development and detract from the amenities 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.

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Suzanne Kehely  
Senior Planning Inspector

26<sup>th</sup> May 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	320135
<b>Proposed Development Summary</b>	3 storey dwelling
<b>Development Address</b>	New Cork Road, Knockgriffin, Midleton, Co. Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to</b>	Class 10

be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>  Class 10 (b)(i) - threshold >500 dwellings. The proposed development for 1 house on a site of 27 sq.m. in an urban area is below this by a significant magnitude.

<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	320135
<b>Proposed Development Summary</b>	3 storey dwelling
<b>Development Address</b>	New Cork Road, Knockgriffin, Midleton, Co. Cork
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The proposal is for a revised dwelling unit granted in 2022 on the site of garage. It is a service site in a built-up area and the development of which will not likely result in any significant waste emission or pollutants. It is a very small development in this urban context. There is no real likelihood of significant cumulative effects with other permitted or related developments.
<b>Location of development</b>  (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,	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is in a built-up area and is of an urban infill nature. The site or environs are not designated as having particular environmental sensitivities. The properties to the south form part of an Architectural Conservation Area.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  While there are issues raised in the appeal concerning localised flooding and capacity of the wastewater treatment plan, I do not consider them to be of a significant magnitude to warrant an EIA given that the area is outside a flood zone and the Area Engineer has no issue and site drainage can be addressed under normal planning considerations. wastewater issues are regulated by Uisce Eireann which operates within the limitations of its license. Having regard to the very modest nature of the proposed development, its location relative to sensitive habitats/ features, very limited magnitude and extent of likely effects, and absence of in combination effects, there is no potential for significant effects on the environment.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)