



An
Bord
Pleanála

Inspector's Report

ABP-321104-24

Development	Construction of a dwelling and all associated site works.
Location	Rockcliffe Village, Blackrock Road, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2442741
Applicant(s)	Billy Holland and Lanlih Keane
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	David Ramseyer Ruari Walsh
Observer(s)	None
Date of Site Inspection	12 th February 2025
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is a rectangular shaped vacant site located at Rockcliffe Village, Blackrock Road, Cork City. The site previously formed part of the Rockcliffe House site but is now delineated by boundaries of mature trees and planting on all sides, as well as a concrete wall to the north and east. The site is approximately 0.148 hectares in area and is currently overgrown. Rockcliffe House is located to the south with terraced residential units to the north and other residential in the surrounding area. Proposed access to the site is to the eastern boundary via Rockcliffe Village (road).

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached two-storey dwelling, including site entrance to the east and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 1st October 2024, Cork City Council granted permission for the proposed development subject to 17no. standard conditions. Condition 3 required an obscure glazing treatment to the first-floor ensuite window.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority had regard to the National and Local Planning context, the setting of the site, the documents submitted with the application and any referral responses received. Their assessment included the following:

- The principle of residential development is in accordance with the zoning objective. The key issues are the impact of the proposed development on the

Architectural Conservation Area, on the character of the existing dwelling, and on residential and visual amenities.

- While the proposed floor area of 245sqm is considered large, the site can accommodate a dwelling of that size.
- Objective 8.23 of the Development Plan is noted as the site is within the Blackrock Road ACA.
- Previous permission for a dwelling on the subject site is noted.
- The retention of trees on site is accepted and it is noted the Conservation Officer raised no concerns regarding the proposed development.
- Impacts on Rockcliffe House are considered to be minimal, due to the levels of the site. Some overshadowing may occur on properties to the north and a shadow assessment should be provided by the applicant.
- Some overlooking and loss of privacy may occur to properties to the north. A redesign of layouts should be considered with high level windows or angled windows to mitigate impacts.
- Further information is required in relation to sightlines and drainage for the site.

Further Information Response

3.2.2. The applicant submitted a further information response in March 2024, which included the following:

- Revised layout drawings to remove windows overlooking properties to the north. A submitted shadow study also shows that some minor overshadowing impacts will occur but less than the current scenario with mature trees.
- Details of proposed foul water, storm water and drainage strategy for the site.
- Setback boundary details including modifications that will allow sightlines of 26.4m and 70.6m from the proposed entrance.

Planning Authority Response

3.2.3. The Local Authority Planner was satisfied with the information submitted by the applicant at further information stage and recommended a grant of permission.

3.2.4. Other Technical Reports

- Drainage Division – Insufficient information provided in relation to drainage and further information was requested. The information submitted at FI stage was considered acceptable and no objection to grant of permission was raised, subject to conditions.
- Community, Culture and Placemaking – Additional information requested in relation to sightlines, which was provided by the applicant. The information was considered acceptable and the Community, Culture and Placemaking division had no objection to permission being granted.
- Environment – No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. Uisce Eireann – No objection subject to standard conditions.

3.4. **Third Party Observations**

3.4.1. A number of submissions were made in relation to this application. The main issues raised can be summarised as follows:

- Concern that the subject proposal will block light and impact privacy of existing residents due to height differences between the subject site and properties to the north and proposed windows facing this direction.
- Stability of existing retaining wall queried.
- Removal of trees and vegetation will result in unacceptable impacts on wildlife and birds.
- Loss of property value as a result of proposal.

- Previous agreements with adjoining landowners of Rockcliffe House was to only build in the western portion of the subject site and provide screening to Rockcliffe House. Previous permissions for the site (Refs. 07/32347 and 18/37738) were in line with this agreement. The subject proposal is at odds with previously permitted development and would impact the character of Rockcliffe House.
- The subject site previously formed part of the front garden of Rockcliffe House and the subject proposal will be directly in front of the existing house.
- Existing ground conditions would not support the proposed dwelling and associated works.

4.0 Planning History

Reg. Ref. 18/37738: Permission granted at the subject site for the demolition of existing sheds and construction of a 4-bed dwelling, part two storey, part single storey.

Reg. Ref. 07/32347: Permission granted for the construction of a two-storey dwelling and new entrance at the subject site.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.

5.1.5. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of towns and villages and to enable enhanced roles for sub-regional settlements.

5.2. **Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. **National Biodiversity Action Plan (NBAP) 2023-2030**

5.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public

body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.4. Cork City Development Plan 2022-2028

- 5.4.1. The Cork City Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The site is located within the southeastern suburbs of Cork City.

Zoning

- 5.4.2. The appeal site has a land use zoning of 'ZO 01 Sustainable Residential Neighbourhoods' which has an objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.
- 5.4.3. Paragraph ZO 1.1 of the plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- 5.4.4. Paragraph ZO 1.2 states that development in this zone should generally respect the character and scale of the neighbourhood.
- 5.4.5. The subject site is located within the Blackrock Road Architectural Conservation Area (ACA), Sub-Area A. chapter 8 of the City Development Plan relates to Heritage, Arts and Culture, including ACAs. Objective 8.23 'Development in Architectural Conservation Areas' notes the following:

"Development in Architectural Conservation Areas should have regard to the following:

a. Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;

b. Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;

c. Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;

d. Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.”

5.4.6. Other policies of the Development plan of relevance to the subject appeal are summarised as follows:

- Objective 11.1, Sustainable Residential Development – sets out that new residential development should create high quality places by contributing to the 15-minute city and walkable neighbourhoods.
- Paragraph 11.66, Placemaking and Quality Design: Specifies that a range of issues will be assessed with new residential developments including height, integration with the surrounding environment, residential amenity of the proposal and surrounding areas in terms of overlooking, daylight, sunlight and overshadowing.
- Paragraph 11.100-11.104, Separation, overlooking and overbearance: Relates to privacy and overlooking, which is acknowledged to reduce in level as density of development increases. Overlooking and overbearance should be avoided in design.

5.5. Natural Heritage Designations

5.5.1. The site is not within a designated area. The site is located c1.3km to the north of Cork Harbour SPA (Site Code: 004030).

5.6. EIA Screening

There is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development and therefore no EIA is required in this instance. See completed EIA Pre-Screening and Preliminary Screening attached in Appendix 1 and 2 below.

6.0 The Appeal

6.1. Grounds of Appeal

There were 2no. third-party appeals. The main issues raised can be summarised as follows:

- Impact on historic character of Rockcliffe House. Existing countryside feel will be removed as a result of the proposal. Bulk and scale are unsympathetic to Rockcliffe House, which is a NIAH listed building and will devalue the existing property.
- The proposed dwelling does not correspond with the gable line of Rockcliffe house as claimed. The proposal will have a significant impact on the visual amenity and privacy of Rockcliffe House.
- Contiguous elevations were never provided by the applicant from Rockcliffe House, where the main impact will be observed.
- The appellant is not opposed to residential development on this site, but the subject proposal is located at the most visually prominent part of the site and is not appropriate in the context of Rockcliffe House, which forms an important part of the character of the area.
- Potential impact on the drainage from Rockcliffe House that runs through the subject site. No clear drainage details have been provided by the applicant.
- Concern in relation to the potential impacts on the existing mature Cedar trees on site during construction. No detailed review of potential impacts has been undertaken.

- Overlooking created by distance to existing property to the north. Separation distances are worsened by height differences between the subject site and property to the north. Severe impact on visual amenity and sense of privacy to the properties to the north.
- Access to information in online file unobtainable including shadow study.
- Revised northern elevation should be ensured by condition. Obscure glass does not remove sense of overlooking created by the proposed 8m high building.
- Clarity required in relation to height of existing trees and landscaping post construction. Existing tall trees should be retained along northern boundary to aid with screening.
- West end of site far more suitable for the subject development.

6.2. Applicant Response

The applicant provided a separate response to both appeals that may be summarised as follows:

- The appeal claim that the countryside appeal of Rockcliffe House will be impacted, does not take consideration of the urban planning context of the site as well as both the conservation status of Rockcliffe House and the Blackrock Road ACA.
- The planning policy context for the site in the County Development Plan refers to at least 66% of new homes in the existing footprint of Cork City. The zoning of the site provides for new housing and the protection of existing residential amenity. The subject site is well located to provide compact and sustainable development of the city.
- It is important to note that the protection of residential amenities refers to the character of the overall neighbourhood rather than the character of each individual dwelling.
- The subject proposal showed compliance with Section 11.139 of the City Development Plan by showing how the horizontal separation, change in

ground levels and intervening screen planting would minimise any adverse impact on Rockcliffe House. While some impacts are noted to the north, regard is had to the Compact Settlement Guidelines in relation to infill development in urban areas.

- The fact that a dwelling is of conservation interest does not mean the owner is entitled to a higher level of privacy or residential amenity.
- The proposed dwelling does not have any impact on the conservation features of Rockcliffe House, which is listed on the NIAH nor the entrance gates, which are a protected structure. Given alterations to Rockcliffe House itself over time and in the recent past, it is unreasonable to now request sterilisation of land in the vicinity on the basis of impacts on the heritage value of the house.
- The peripheral location of the site within the Blackrock Road ACA would have an imperceptible impact on the ACA as a whole. The relevant statement of character for the ACA implies that properties such as Rockcliffe House are seen as self contained within their current boundaries and their character does not rely on land outside their boundaries. The Planning Authority were satisfied with the design and detailing proposed, including positioning, retention of trees and the planning history for the site, which is consistent with the requirements of Objective 8.23 of the development Plan.
- The final details of the drainage layout will be determined by condition, as set out in the indication to grant permission from Cork City Council. The grounds of appeal in relation to an indicative layout are therefore not valid. Existing sewer connection for Rockcliffe House will be retained as set out in legal covenant. Final connection details will be agreed with Uisce Eireann, but there will be no impacts on the existing connection from Rockcliffe House.
- The two cedars are not provided protection under the City Plan Tree Preservation Orders (TPO) and is not afforded any Landscape Preservation Zone. A Horticultural Report and revised construction access details are provided to mitigate any impacts on the root spread of the Cedar trees referenced. The applicant proposes to submit a Tree Protection Plan (TPP) prior to commencement of construction.

- The Laurel hedging will not be impacted at the boundary with Rockcliffe House as there is no excavation required in this area. The applicant would accept a condition to protect the stability of this boundary hedge.
- The applicant submitted a revised northern elevation and shadow assessment at further information stage to address issues of overlooking and impacts on sunlight and daylight to properties to the north. Some level of impact is to be expected at urban infill sites and this issue is considered by the applicant to have been addressed.
- All details related to the application and further information, including shadow study, were available to the public and were reviewed and approved by the Planning Authority.
- Obscure glass is designed into the scheme to reduce overlooking. The appellant's assertion that these measures are inadequate may indicate a lack of awareness of current policy in relation to infill residential.
- The removal of trees will in fact benefit the access to sunlight and daylight for properties to the north. The applicant would however accept a condition to provide a revised landscape plan to retain existing trees and planting along the northern boundary.
- Relocation of the proposed dwelling to the west of the site, in line with previous permissions, would not be consistent with the current policy context nor represent the proper planning and sustainable development of the area. Development at the western end of the site would sterilise the remainder of the site, which is contrary to compact settlement policy.

6.3. Planning Authority Response

Planning Authority confirmed that all relevant issues were addressed in their assessment of the application and is consistent with the provisions of the Cork City Development Plan and the proper planning and sustainable development of the area.

6.4. Observations

None on file.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Impact on Historical Character of Rockcliffe House
- Impacts on Residential Amenity
- Drainage
- Trees and Landscaping
- Previous Permissions
- Other Issues

7.2. Impact on Historical Character of Rockcliffe House

7.2.1. One of the third-party appeals raises considerable concern in relation to the impact of the subject proposal on the historical character of Rockcliffe House due to the location of the proposed dwelling and the visual impact associated with the change in outlook from the existing house to views northwards.

7.2.2. While Rockcliffe House is not a protected structure it is listed on the National Inventory of Architectural Heritage (NIAH) under item ref. no. 20868033, which refers to the house as being a fine example of a house originally built in a typically late eighteenth-century style and subsequently extended in the early nineteenth century. The entrance gates to the south also form part of the architectural setting and are a Protected Structure. The NIAH notes 'The elegance and craftsmanship of the entrance contributes to the streetscape of the area.'

7.2.3. Rockcliffe House itself has been subject to extensive renovations and upgrades by the current owner under Cork City Council Reg. Ref. numbers 14/36092, 15/36590 and 16/36938. The renovations included new extensions to the east side of the existing house. The applicant's response to the appeal highlights the Conservation

Officers report on Planning Application Ref. 14/36092 that described Rockcliffe House as “an attractive mix of 18th, 19th and 20th century construction” and that they recommend that permission was granted as the proposal would retain the “sense of architectural elements juxtaposed over time from the late 18th to the early 21st Century”.

- 7.2.4. While the alterations and modern additions to Rockcliffe House are noted, I do not consider this to be particularly relevant to the potential impacts of the subject proposal on the historical character of the existing house.
- 7.2.5. The applicant’s response to the appeal references the Blackrock Road ACA and the relationship of the proposal to this setting. The applicant contends that the ACA defines the Georgian Houses that form part of the ACA as self-contained within their own boundaries and are not dependent on adjoining properties. I note the character statement for the Blackrock Road ACA confirm Georgian Houses lie within gated enclosures with clear boundaries between the public and private realm. I consider the site of Rockcliffe House to fall within this definition with established boundaries that clearly differentiate the site from surrounding properties.
- 7.2.6. I have had regard to the zoning of the site for ‘Sustainable Residential Neighbourhoods’ and the urban setting of the locality. National Policy promotes the provision of compact growth and the effective use of serviced sites for new housing. While the existing sylvan character of the subject site in Rockcliffe Village does provide some level of green amenity and screening, it is clearly an underutilised site in a location that is easily accessible from a range of amenities and services in the area. The development of the site is therefore consistent with the City Plan objectives SO1 for Compact Liveable Growth and SO2 for Delivering Homes and Communities.
- 7.2.7. There is an existing hedge on the boundary between Rockcliffe House and the subject site that is at least 2m in height and which provides a significant level of screening between the two properties. Based on my site visit and the photos provided in the appeal, I consider the general landscaping of the Rockcliffe House site to be of a sufficient quality to ensure the historical character of the existing house is retained in the context of the Blackrock Road ACA that refers to the ‘gated enclosures’ context of the houses along the northern boundary of the ACA. The

definition of the site in the context of public and private realm is clear, and I do not consider the subject proposal impacts negatively on this scenario.

- 7.2.8. The separation distance between the existing Rockcliffe House and the proposed dwelling is given as 26.2m. Distinct from the implications for residential amenity, which I will discuss in the following section, this separation distance will also mitigate any potential impacts on the character of Rockcliffe House and allow for sufficient separation between the two properties, which is firmly within an urban setting.
- 7.2.9. The design details of the subject proposal respect the historic environment and contributes a high quality of modern architecture at this location. The proposal is effectively aligned with the eastern gable of the original Rockcliffe House and allows adequate setbacks within the site to allow for appropriate access and for existing trees and vegetation to be retained. I also note the Cork City Conservation Office raised no concerns in relation to the subject proposal.
- 7.2.10. The separation distance of the Protected Structure gated entrance from the appeal site is more than 60m. I therefore do not consider there to be any adverse impacts on the character of the access gates as a result of the subject proposal.
- 7.2.11. Having considered the design and layout of the subject proposal I conclude that the proposal results in the creation of a quality residential development making for better use of zoned land whilst ensuring there are no negative impacts on the historical character of Rockcliffe House. The proposed development also in my view responds appropriately to the specific constraints arising on the site, providing for a new contemporary character whilst providing for compact development in line with National and Local Policy requirements.

Property Value

- 7.2.12. The Appellant's state that the development would lead to a devaluation of their property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.3. Impacts on Residential Amenity and Visual Impact

- 7.3.1. Both third-party appeals state that the proposed development will give rise to unacceptable impacts on the visual amenity of the surrounding area. They note the proximity of the proposed development to the boundaries with adjoining sites and submit that the impact on sunlight/daylight, resulting opportunities for overlooking and impact on enjoyment of their property is unacceptable.
- 7.3.2. The shadow assessment report submitted with the application is noted. As Rockcliffe House is located to the south, no overshadowing impacts are expected. The shadow assessment indicates an overall positive impact on properties to the north as a result of the proposed development, largely due to the removal of mature vegetation along the northern site boundary.
- 7.3.3. One appeal notes that existing ground levels will add height to the subject proposal and therefore the implications of the proposed development are much worse for the property to the north due to the subject site being at a higher level.
- 7.3.4. Having reviewed the dwellings in question and the results of the shadow diagrams provided, I am satisfied that the revisions to the northern elevation including the use of opaque glass in the bathroom window of the proposed dwelling as submitted at application stage, will adequately mitigate any residential amenity impacts on properties to the north. I note the appeal comments in relation to the existing trees and vegetation would provide a more favourable visual appearance and these should not be reduced to 1.8m in the proposal. If the Board is minded to grant permission, I recommend a condition to provide a revised landscaping plan prior to the commencement of development to retain some level of existing planting along the northern boundary to soften the visual appearance of the proposed dwelling when viewed from the north.
- 7.3.5. Separation distances, to guide the protection of privacy, are set out in the city development plan and the Compact Settlements Guidelines. The Cork City Development Plan 2022-2028 (11.101) refers to a separation distance of 22 metres between directly opposing rear first floor windows, with lesser separation distance often more appropriate in an urban context. The Sustainable Residential Development and Compact Settlements Guidelines state that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear

or side of houses, shall be maintained and development plans shall not include minimum separation distances that exceed 16 metres.

- 7.3.6. The side elevations of the proposed dwelling face the front of both the terrace of houses to the north and Rockcliffe House to the south. I note the Compact Settlement Guidelines provide for no minimum separation distances to the front of dwellings, but I consider the 16m separation distance to the north and the 26m separation distance to the south to be adequate.
- 7.3.7. Having regard to the orientation of the application site relative to adjoining properties, the revisions to the northern elevation at FI stage and the separation distance off the boundary with adjoining properties, I conclude that the proposed development would not seriously injure the residential amenity of the properties in the area by way of overshadowing. Furthermore, having regard to these factors, I conclude that the proposed development will not adversely impact the level of daylight and sunlight experienced in adjoining properties in a manner as to seriously injure the residential amenity of those properties.
- 7.3.8. One of the third-party appeals refers to the design, mass and bulk of the proposal, presenting as an unduly dominant structure when viewed from Rockcliffe House. The first party appeal submits that the subject proposal is appropriate in the existing urban centre context where there is a mix of dwelling types, heights and architectural treatments and is supported by current Development Plan and National Planning Policy. The applicant further submits that Rockcliffe House residents are not afforded additional protections of residential amenity based on conservation merits of their dwelling.
- 7.3.9. The context within which it is proposed to construct this development, is an Architectural Conservation Area and in proximity to Protected Structures as discussed under the previous section but is within a vacant site in a City location where there is a mixture of uses and building form in the surrounding area.
- 7.3.10. The Compact Settlement Guidelines 2024, require that 50% of new development is within the existing built-up footprint on infill or brownfield sites and states: *“In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant*

and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.”

- 7.3.11. In facilitating compact development, the relevant criteria in the City Development Plan and Compact Settlement Guidelines also provide for the reasonable protection of residential amenities and protection of the established built character of the surrounding environment. The prevailing character of development in the surrounding area of the application site includes a range of architectural forms and low-density residential housing of one and two storey houses.
- 7.3.12. Based on the existing policy context for the redevelopment of infill sites and providing compact growth such as Strategic Goals SO1 and SO2, I consider that the site is appropriate for residential development of a scale similar to the surrounding context. The proposal can be accommodated without undue adverse impact on the character and visual or residential amenities of the area, as it is of an appropriate height and design for this urban infill site, is adequately set back and screened with appropriate mitigation measures to protect private amenity and will not result in undue overbearing impact within this urban context.
- 7.3.13. I consider the proposal shown at Further Information stage is satisfactory in terms of visual impact and is compatible with the surrounding built environment. The revised building form with the removal of windows at first floor level prevents overlooking of properties to the north.
- 7.3.14. The façade and external elevations of the proposal are appropriately treated with contemporary, high quality design features and I consider this to provide a modern architectural quality to this infill site, which will provide visual interest and enhance the appearance of this site and the area.
- 7.3.15. I conclude therefore that the proposed development is appropriate for this infill site, will provide a modern architectural treatment to an urban site in accordance with objectives 11.1 of the Cork City Development Plan and therefore would not seriously injure the visual or residential amenity of the area.

7.4. Drainage

- 7.4.1. A third-party appeal raises the issue of the drainage strategy for the proposed development and the impacts this would have on the existing drainage from

Rockcliffe House. Specifically, the appeal states the eastern soakaway and the proposed foul sewer for the new dwelling would overlap with the Rockcliffe House drainage wayleave. Furthermore, the proposed dwelling would be within 3.5m of a manhole associated with the Rockcliffe drains.

- 7.4.2. I note the drainage strategy submitted by the applicant at further information stage and the appeal response from the applicant that provides legal clarification that the appellant has rights to maintain an existing sewer connection through the applicant's property. I note the route of the appellant's connection is within the area coloured yellow on the submitted wayleave map.
- 7.4.3. The submitted Confirmation of Feasibility from Uisce Eireann confirms that a connection application must be agreed with them before the development can be connected to the Uisce Eireann network. The drainage strategy sets out separate foul and storm drainage sewers with the foul discharging to the existing foul mains network and the storm to on-site soakaways.
- 7.4.4. Having reviewed the layouts submitted, I consider the subject proposal can be constructed with storm water soakaways, without impinging on existing wayleaves as set out. I consider it to be standard practice for the exact details of connections to the Uisce Eireann network to be subject to final agreement with the statutory body to ensure a satisfactory layout. The applicant submits that they will not use or interfere with the existing connection from Rockcliffe House. On the basis of the information submitted by the applicant, I consider the proposed drainage details to be appropriate, and any final specific details may be agreed by way of condition.

7.5. Trees and Landscaping

- 7.5.1. The third-party appeal refers to the potential impacts on two Lebanese Cedar trees and the Laurel hedging that are located along the northern boundary of Rockcliffe House. The appeal claims the Cedar trees are protected.
- 7.5.2. I note the details submitted by the applicant in response to the appeal including a horticultural report in relation to the existing trees. The applicant confirms the trees are not protected under a Tree Preservation Order or a Landscape Preservation zone in the City Development Plan.

- 7.5.3. I note the applicant has submitted a revised site layout to divert construction traffic away from the roots of the Cedar trees in question. The applicant also confirms a root protection area will be fenced off during construction and that a Tree Protection Plan (TPP) can be prepared and submitted to the Planning Authority prior to the commencement of development. The TPP may include specific measures to protect the trees such as hand digging and raised driveways to avoid root damage.
- 7.5.4. The applicant further submits that there will be no requirement to excavate along the embankment supporting the Laurel hedging between the two properties. The applicant would accept a condition to ensure no construction impacts on the stability of this hedge.
- 7.5.5. I consider the submitted details in relation to the existing Cedar Trees and Laurel Hedge along the northern boundary to be sufficient to ensure their ongoing protection during construction. Appropriate conditions can be included with any grant of permission to ensure construction traffic is diverted away from the root protection zone of the trees in question. Additionally, a condition requiring the submission of a Tree Protection Plan would be beneficial as would a revised landscape plan in relation to boundary treatments and where they will be retained in relation to the subject development. The applicant will be required to adhere to the Landscape Plan to ensure the existing Laurel Hedge along the northern boundary of Rockcliffe House site is retained without damage.

7.6. Previous Permissions

- 7.6.1. Both appeals refer to a preference for the subject proposal to be relocated to the western end of the site, in line with the previous permissions for the site (Refs. 0732347 and 18/37738) and as per agreements with previous owners of the site.
- 7.6.2. While the planning history for the site is noted, the planning appeal process does not allow for the replacement of a proposal with a now expired permission that was submitted and assessed under a past policy and Development Plan context. It is not appropriate to review the details of previous permissions in this report.
- 7.6.3. It is of note that the issue of agreements is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: *"A person shall not be entitled solely by reason of a permission under this section to carry out any development"*. Under Chapter 5.13 'Issues

relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states the following: *"The 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..."*

- 7.6.4. Given the evidence presented on the appeal file, it remains open to the Board to grant permission as the applicant has adequately provided folio information confirming title and any encumbrance related to the subject site, which do not present any impediments to the proposed development.

7.7. Other Issues

- 7.7.1. A third-party appeal highlights procedural issues generally in relation to the application. These issues relate to the availability of information from the Planning Authority website and not being able to review this information for the purposes of the appeal.
- 7.7.2. It is clear from the information before me that all relevant details form part of the planning file and would be available in hard copy as well as online on the Council website. Issues associated with validation of applications and provision of appropriate information, as raised by the appellant are noted, however they do not form a relevant ground of appeal, and I do not propose to address these issues in this report.

8.0 AA Screening

- 8.1. As regards Appropriate assessment having regard to the nature of the proposed development and location within the built-up area and separation distance from Natura 2000 sites, significant effects are not likely to arise alone or in combination with other plans or projects that would result in significant effects to the integrity of the Natura 2000 network.

9.0 Recommendation

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the policies of the Cork City Development Plan 2022 -2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the character of properties in the vicinity that are listed on the NIAH, would not detract from the character of the area would not seriously injure the amenities of adjacent residential neighbourhoods or of the properties in the vicinity, would not have any significant impacts on existing mature trees in the area and would be appropriate in terms of the utilisation of a vacant infill site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted on the 8th day of March 2024 and further amended on the 5th September 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p>

	<p>(i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping</p> <p>(ii) The measures to be put in place for the protection of existing landscape features during the construction period</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder</p> <p>(iv) Details of boundary treatments, planting, tree and vegetation retention</p> <p>(v) Hard landscaping works, specifying surfacing materials and finished levels</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. There shall be no felling or scrub clearance within the bird nesting season (1st March to 31st August).</p> <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>The first-floor ensuite window on the Northern elevation shall be of obscured glazing and permanently maintained as such.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including obscure glazing to first floor</p>

	<p>bathroom, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of properties in the vicinity.</p>
9.	<p>The construction of the development shall be managed in accordance with a final Construction Environment 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 the</p>

	<p>intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, and 0800-1600 hours on Saturday and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>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.</p> <p>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.</p>

12.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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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.

Matthew McRedmond
Senior Planning Inspector

18th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321104-24		
Proposed Development Summary	Construction of a two-storey dwelling and all associated site works.		
Development Address	Rockcliffe Village, Blackrock Road, Cork City		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i) – Part 2 of Schedule 5	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	This proposed single unit development is considerably below the 500 unit EIAR Threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321104-24
Proposed Development Summary	Construction of a two-storey dwelling and all associate site works.
Development Address	Rockcliffe Village, Blackrock Road, Cork City
<p>The Board 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	Single unit residential development is not out of context at this urban location and will not result in any significant waste or pollutants.
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	Site is adequately removed from the Cork Harbour SPA and is adequately setback from protected structures in the vicinity to minimise any potential impacts.

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).		Single unit residential development is not likely to give rise to any significant impacts locally or transboundary. Construction impacts will be short term and temporary and can be adequately mitigated and managed.
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.	No
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

