



An
Bord
Pleanála

Inspector's Report ABP-321694-25

Development	Construction of a house and all associated site works.
Location	Ballywilliam Estate, Ballywilliam, Carrignafoy, Cobh, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244900
Applicant(s)	Billy Callaghan.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kevin & Noreen O'Brien.
Observer(s)	Patrick & Marie Hickey. Howard & Mary McKiernan Timothy & Anne McSweeney Billy & Ann Leahy

Date of Site Inspection

18th March 2025

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site consists of a large plot attached located at the end of an existing residential estate known as Ballywilliam Estate. The site is located on the eastern side of Cobh. There are existing sheds at the eastern end of the site access from an internal driveway serving the existing neighbouring dwelling.
- 1.2. A capped wall, mature hedgerow and some trees form the western boundary. A temporary fence and hedgerow form the northern boundary. And a line of mature trees on the eastern boundary. A wall, hedgerow and a wooden fence extends along the southern site boundary. The site is relatively flat with a slight fall from the front towards the rear of the site.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
 - Construction of storey and a half dwelling
 - New vehicular entrance
 - All associated site works.

Reduced to single storey following further information request.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 19 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The principle of a dwelling is acceptable under zoning for “Existing Residential/Mixed Residential and Other Uses”.
- The site access and green areas in Ballywilliam Estate have been taken in charge by the Council.

- The applicant appears to own the dwelling to the southeast and should investigate the possibility of providing an alternative entrance or provide evidence of his right of access through Ballywilliam Estate and legal authority cross the green area. Applicant to demonstrate sufficient on-site parking/turning spaces. Further information shall be requested.
- Design is considered acceptable for the urban setting, however, the roof height at 9.5m is excessive and shall be reduced as part of further information.
- No landscaping scheme submitted and shall be requested as part of further information.

Further information report

- The applicant has submitted evidence of right of way over the internal Ballywilliam estate road. The applicant has clarified the entrance will not cross any existing green area. However, no land registry maps/title deeds submitted, and clarification shall be sought.
- A revised design submitted to single storey with a ridge height of 5.6m.
- A landscaping plan submitted but majority indicated as non-native species and do not adhere to the requirements of policy objective BE 15-6 (c) of the CDP. A revised landscaping proposal is required under clarification of information.
- No information provided for boundary treatment and shall be sought as part of clarification.

Clarification of further information report.

- The applicant submitted land registry maps and associated title deeds supported by a solicitor, the response is considered adequate.
- Landscaping issues have not been dealt with but can be conditioned.

3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.
- Water Services: No objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Five number submissions were received, and the following concerns were raised:

- Access arrangements cross an existing green area and sightlines.
- Impact on adjoining car parking and turning area.
- Green area not in the applicant's property
- Green area maintained by residents.
- Date of site notice incorrect, no site notice at The Elms roadside entrance.
- Trees felled prior to planning notices.
- Dormer design does not reflect the bungalow types in area and not in line with the existing dwellings.
- Devaluation of properties
- Address listed on application is incorrect.
- Resident has health issues and need access without obstruction.
- Estate history and delays in completion
- Boundary hedge position

4.0 Planning History

None

Adjacent site

74/3004: Permission granted for 7 no. bungalows.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028.

The site is located within the development boundary of Cobh and zoned as “Existing Residential/Mixed Residential and Other Uses”. There is a Residential Reserve land block zoning (CH-RR-01 – 4.2 ha Medium A density) directly to the north of the subject site.

The following policies are relevant to the proposal.

ZU 18-9: Existing Residential/Mixed Residential and Other uses.

HE 16-21: Design and Landscaping of New Buildings.

TM 12-8: Traffic/Mobility Management and Road Safety.

TM 12-9: Parking

WM 11-10: Surface Water, SuDs, and Water Sensitive Urban Design

BE 15-6: Biodiversity and New Development

5.2. Natural Heritage Designations

The site is not located within or adjacent to a protected area. The nearest sites are:

- Cuskinny Marsh pNHA (site code: 001987) located approximately 500m east.
- Great Island Channel SAC & pNHA (site code: 001058) located approximately 2.5km north.
- Cork Harbour SPA (site code: 004030) located 2.5km north, 3km south and 4.3km west and east.

5.3. EIA Screening

- 5.3.1. The proposal relates to a 1 no. infill dwelling with connection to public services in Cobh town. The site is located on zoned lands and not within a designated site. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real

likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from a neighbour. The concerns raised are:

- Right of Way: No legal ownership of the site access and green area. The estate road and services have been taken in charge by Cork County Council.
- Traffic Issues: The proposal will create traffic congestion and reduce the turning area in the cul de sac. Reference to conditions 14&15 of the planning permission. There is an alternative access at The Elms, Carrignafoy, Cobh.
- Procedural issues: The documents submitted on the 3rd of December 2024, were not made available to view.

6.2. Applicant Response

The applicant has responded and stated the following:

- Ownership has been established by the applicant's solicitor, and this was submitted at the outset to the Planning Authority.
- Each individual site on the access road were granted their own right of way access.
- Conditions 14 & 15 can be adhered to as there is ample on-site parking. A Preliminary Health and Safety plan has been submitted for clarification of adherence to Conditions 14 & 15.
- The construction of one house will have little or no impact on the lightly trafficked cul de sac. Access from The Elms is not feasible.

- In regard to documents lodged on 3rd December 2024, the applicant has no knowledge of any impediment to viewing this information.

6.3. Planning Authority Response

The Planning Authority consider all the relevant issues have been covered in the technical report submitted to the Board and have no further comments to make.

6.4. Observations

Observations have been received from four local residents. The following concerns were raised:

- No legal right over the access road and green.
- All maps are inconsistent and do not correspond with land registry maps.
- The proposal will lead to traffic congestion. Service trucks have to reverse up the cul de sac as it is too narrow for a turning point. Note conditions attached by Cork County Council.
- Documents lodged to the Council state the observers name and this is incorrect, he has nothing to do with the subject site.
- Alternative access via the applicant's property.
- The original permission in 1974 conditioned to a maximum of 6 no. dwellings on site.

6.5. Further Responses

- None

7.0 Assessment

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

- Traffic Issues.
- Procedural issues including Right of Way.
- Appropriate Assessment

7.2. Traffic Issues

- 7.3. The subject site is located at the northeastern corner of an existing housing estate known as Ballywilliam Estate. At present there are 6 number bungalows constructed and inhabited in the estate. There is an existing cul de sac in place with direct access off the Carrignafoy Avenue. There is a small green area located at the end of the cul de sac road.
- 7.4. The grounds of appeal state that the proposal will create traffic congestion and reduce the turning area in the cul de sac. Reference is made to conditions 14 & 15 of the current planning permission. There is an alternative access at The Elms, Carrignafoy, Cobh. The observers also raised similar concerns in relation to traffic congestion, service trucks need to reverse into the cul de sac and conditions attached by Cork County Council cannot be adhered to.
- 7.5. I note the location of the proposed site entrance at the end of an existing cul de sac within an existing small housing estate. The proposed site entrance is located at the turning head of the cul de sac and the proposed entrance will cross a small strip of the green space approximately 3 metres to gain access to the site. It is noted that car parking for the proposed site can be accommodated within the site boundary and there is no need for parking along the cul de sac or on the turning head. During my site visit, I observed car parking within the turning head area. As the applicant is proposing an entrance at the turning head, cars will no longer be able to park at this location, however, I note in-curtilage parking is available for each dwelling within the cul de sac. In addition, due to the small number of dwellings within the cul de sac and the proposal for 1 extra dwelling within in-curtilage parking, I do not consider the proposed development will lead to traffic congestion within the estate.
- 7.6. I have reviewed the Area Engineer report of Cork County Council; no concerns were raised in relation to the site entrance location. A number of standard conditions were recommended.

- 7.7. In relation to condition 14 which relate to no dust, mud or debris shall be carried onto the public road/footpath and these shall be maintained in a tidy condition during construction. Condition 15 states during construction car parking facilities shall be provide off carriageway and no parking shall be located along the public road or footpath. In response to this concern, the applicant has outlined that there is ample on-site parking, and a Preliminary Health and Safety Plan has been submitted for clarification of adherence to Conditions 14 & 15. I am satisfied that there is ample on-site car parking, and that the applicant can comply with conditions 14 & 15 of the planning application.
- 7.8. In regard to comments stating the applicant shall use the existing entrance and laneway to “The Elm”, which is within the applicant’s ownership. I note this entrance and laneway; however, I do not consider this is an appropriate access point and the most logic site entrance is along the existing Ballywilliam Estate cul de sac. The proposal for an additional dwelling will complete the existing housing estate.
- 7.9. Having regard to the location of the proposed site entrance along an existing housing estate cul de sac, the proposal for one number dwelling and the provision of in-curtilage car parking, I do not consider the proposed development will give rise to traffic congestion or traffic safety concerns within the housing estate.
- 7.10. **Procedural Issues – Public Notices and Right of Way**
- 7.11. In terms of procedural matters and the alleged documents not available for viewing by Cork County Council, I note these documents relate the further information response received by the Planning Authority. The documents were acceptable by the Planning Authority, and I note the documents are scanned on the planning website.
- 7.12. In relation to public rights of way and legal ownership of the site access and the green area this is a civil matter to be resolved between the parties, having regard to the provisions of section 34(13) of the Planning and Development Act 2000 as amended. However, I note the applicant has submitted sufficient documentation demonstrating he has ownership for the site access and the green area. I am satisfied that sufficient documentation has been provided.
- 7.13. In relation to planning history reference 743004, the Planning Authority note this is the original planning application for the subject site and relates to the erection of 7

no. bungalows. It is also recognised that a number of subsequent individual site permissions were applied for.

- 7.14. I am satisfied that this did not prevent the concerned parties from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 AA Screening

- 8.1. Having regard to the proposed development of a single dwelling with connection to public sewer and public water within the boundary of Cobh town. Surface water will be directed to public sewer/drain. The nearest European Sites are the Great Island Channel SAC & pNHA (site code: 001058) located approximately 2.5km north and Cork Harbour SPA (site code: 004030) located 2.5km north, 3km south and 4.3km west and east. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that retention permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the subject site within Cobh town and zoned as “Existing Residential/Mixed Residential and Other Uses” as per Cork County Development Plan 2022-2028, it is considered that the development would not seriously affect the traffic safety of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning

authority on the 17th day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The roof of the proposed dwelling shall be blue-black or slate-grey in colour throughout.
- (b) The render finish to be used on the external walls shall be of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, unless otherwise agreed.

Reason: In the interest of visual amenity.

3. (a) Prior to commencement of development, the applicant/developer shall submit for written approval from the Planning Authority a comprehensive scheme of landscaping, the scheme shall include;
 - any existing tree/hedgerow it is proposed to remove as part of the development works (which should be minimised),
 - All proposed replanting and new planting proposals,
 - proposals for retention of all existing trees and hedgerow on the lateral and rear site boundaries. This should include details of the drip line of existing mature trees on the rear site boundary together with confirmation that the proposed development would not interfere with the root structure and integrity of the existing trees,
 - species, variety, number and location of all trees/hedgerow and shrubs,
 - a programme for implementation of the plan.

(b) 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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. The entrance gates to the proposed house shall be set back not less than four metres from the front boundary fence and side walls shall be splayed at an angle of 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and between the hours of 0800 to 1400 on a 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of the area and in the interests of road safety.

10. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

Reason: In the interests of traffic safety.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Jennifer McQuaid
Planning Inspector

25th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321694-25		
Proposed Development Summary	Construction of a dwelling, site access and ancillary site works.		
Development Address	Ballywilliam Estate, Ballywilliam, Carrignafof, Cobh, Co. Cork		
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	X
		No	
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	X	Class 10b(i) Construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10b(i) Construction of more than 500 dwelling units. The proposal consists of 1 no. dwelling on a site size of 0.1ha	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321694-25
Proposed Development Summary	Construction of dwelling, site entrance and all associated site works.
Development Address	Ballywilliam Estate, Ballywilliam, Carrignafoy, Cobh, Co. Cork.
<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>	<ul style="list-style-type: none"> • The proposal consists of 1 no. dwelling within the settlement boundary of Cobh town. • The development will consist of typical construction and related activities and site works. • Surface water will be discharged to public sewer/drain. • Wastewater will be discharged to public sewer.
<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.</p>	<ul style="list-style-type: none"> • The subject site is not located within any designated site. The nearest sites are: <ul style="list-style-type: none"> - Cuskinny Marsh pNHA (site code: 001987) located

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>approximately 500m east.</p> <ul style="list-style-type: none"> - Great Island Channel SAC & pNHA (site code: 001058) located approximately 2.5km north. - Cork Harbour SPA (site code: 004030) located 2.5km north, 3km south and 4.3km west and east. <ul style="list-style-type: none"> • My Appropriate Assessment screening concludes that the proposed development would not likely have a significant effect on any European site. • The subject site is located outside any flood risk area for coastal and fluvial flooding.
<p>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).</p>	<ul style="list-style-type: none"> • The site size measures 0.1ha. The size of the development is not exceptional in the context of the existing village environment. • There are existing dwellings adjacent to the proposed site. However, there is no real likelihood of significant cumulative effects within the existing

		and permitted projects in the area.
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.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)