



An
Coimisiún
Pleanála

Inspector's Report

ABP 322584-25

Development

Permission for a first floor extension to part of existing dwelling, 2 storey extension with balcony to existing dwelling, alterations to elevations and all associated site works.

Location

36 Haven Hill, Summercove,
Bawnavota, Kinsale, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

254147

Applicant

David Cawley.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

First Party

Appellants

1. Robert and Maura White
2. Kate Mc Sweeney.
3. Jan Brady

4. Denis Fitzgerald & Helen Nyhan

Observers

1 Eamon and Una Jackson.

2 Juergen and Caroline Gaetner

Date of Site Inspection

6th August 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in the Haven Hill housing estate an established residential estate located to the south of the centre of the town of Kinsale in County Cork. The site and immediate area is relatively elevated with views over Kinsale Harbour.
- 1.2. On the site is a semi-detached single storey house with a low pitch roof which is located at the start of a row of similarly designed semi-detached houses with a similar semi-detached dwelling immediately adjoining to the south of the appeal site. There is an estate road to the north and west of the site defining these boundaries. There is an open area immediately to the rear (east) of the site and further to the east of this open space another row of semi-detached dwellings which are at a higher elevation to the appeal site. The site boundaries are mainly defined by mature hedging. The front of the dwelling overlooks an area of open space.
- 1.3. The site has a stated area of 0.00455 hectares.

2.0 Proposed Development

- 2.1. The proposed development as initially received by the planning authority on the 6th February 2025 was for a ground floor extension to part of existing dwelling, a two storey extension with balcony to existing dwelling, other alterations to elevations and all associated site works.
- 2.2. The ground floor extension is to the side and rear of the existing dwelling providing for a bedroom at the side and a utility/plant/boot room to the rear. Internal alterations to the ground floor are also proposed facilitating a stairwell. A first floor extension is also proposed with a bedroom and living area located to the front with a balcony area on the front elevation. This extension is located at the northern end of the existing dwelling and not immediately contiguous to the adjoining dwelling. There are alterations to the roof profile with extension at first floor level incorporating a flat roof which will project approximately one metre above the current roof ridge height.
- 2.3. The gross floor space of the existing buildings on the site is stated as 119.3m² and proposal as submitted would increase the floor area to a stated 197.50m².

- 2.4. Unsolicited further information was received on the 14th March 2025 making observations in submissions received which refers to many properties in the area having undergone alterations to the original properties.
- 2.5. Further information was submitted to the planning authority on the 15th April 2025 outlining revised proposals reducing the first floor extension in line with the main wall of the existing house, the depth of the extension is reduced and the first floor extension projected approximately 2 metres forward of the original proposal. The ridge of the proposed extension is lowered in height and will be 730mm above the existing roof ridge line and retains the flat roof. The revised proposals also provide for an internal alteration of the first floor layout with two obscure glazed windows on the rear elevations. There are also alterations to the roof replacing a section of the pitched roof with a flat roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to one condition which related to payment of a financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 28th March 2025 refers to the provisions of the statutory development plan. The main issues involved in the assessment of this planning application are outlined in particular the visual impact in the context of the immediate surroundings. It was considered that the size of the above ground extension is too big for the house and that the above ground level (first floor) should be reduced in line with main back wall of the main house and further information was recommended for revised proposals to address these concerns.

The planning report dated the 9th May 2025 assessed the further information submitted and considered that the proposal is sympathetic to the amenities of existing surrounding neighbours and is appropriate design to locale and will not harm the character of estate or surrounds. Permission was recommended.

3.2.2. Other internal reports indicate no comment or objections to the proposal.

3.3. Other submissions.

No submissions were received from proscribed bodies in relation to the proposed development.

3.4. A large number of third party submissions were submitted raising issues relating to the proposed design which dramatically diverges from established uniformity of the housing development in the vicinity, issues of impact on privacy and overlooking, issues relating to raising the roof height, intensification on the site, blocking light and views of the harbour and excessive use of glazing in the proposed development.

4.0 Planning History

4.1.1. No relevant history.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The statutory development plan is the Cork County Development Plan 2022-2028.

5.1.2. The town of Kinsale is referred to in volume 5 of the plan relating to West Cork and the site is within an area 'established residential'

5.1.3. The site is part of "existing Residential / mixed residential and other uses" where there is support for increased densities to optimise the development of lands within the built envelope of a settlement with the caveat any proposals are subject to compliance with appropriate design/amenity standards. The inclusion of the site within an existing use does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

- 6.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.
- 6.2. A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIA is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.2. The appellants Robert and Maura White grounds of appeal in summary refers to;
- They strongly disagree with the planning authority conclusion that the slightly modified design are sympathetic to the existing surrounding amenities and will not adversely impact on the character of the estate.
 - The impact on the development on the loss of view of the harbour from their property represents a substantial loss of amenity.
 - The reliance of hedgerows which are no a permanent or fixed feature cannot be relied upon to mitigate against the impact of a permanent structure which loos directly at the appellants property.
 - The development will have a lasting and significant impact on the future development and identity of the estate.
- 7.3. The appellant Kate Mc Sweeney grounds of appeal in summary refers to;
- Disappointed with the planning authority decision to grant planning permission.
 - Reference is made to the character of the town of Kinsale and to the uniform character of the housing estate.

- The proposal to raise the roof and incorporate a flat roof extension is not in keeping with the neighbourhood and the row of houses.
- Concern is raised in relation to impact on privacy from the first floor windows and also the balcony.

7.4. The appellant Jan Brady grounds of appeal in summary refers to;

- They strongly disagree with the planning authority decision to grant planning permission.
- The development fails to meet design and amenity standards and will impact on the character of the estate and the row of properties.
- The revised proposal are not an improvement.
- The development will significantly impact on the appellants property and devalue the property.
- Reference is made to further potential impact from the installation of solar panels.
- The sheer height and size of the extension is unacceptable.
- No objections to a more suitable design that maintains architectural harmony similar to other extensions.
- Issues in relation to hours of construction are raised.

7.5. The appellants Denis Fitzgerald & Helen Nyhan grounds of appeal in summary refers to;

- They strongly disagree with the planning authority conclusion that the slightly modified design are sympathetic to the existing surrounding amenities and will not adversely impact on the character of the estate and does not contribute to the character or visual coherence of the estate.
- The development will have a huge impact on the appellants and devalue their property.
- There have been more sensitive extensions.
- The rear windows may be frosted but can still be opened to impact on their property.

- Reference is made to potential impacts from the installation of solar panels.
- The appellants have invested in their property in a manner not to impact on neighbouring properties.
- No conditions are included in relation to hours of construction.

7.6. First Party Response

7.6.1. The first party applicant in a response to the appeals in summary refers to;

- The proposed development is to meet current family needs and enable future lives as full time carers of their son and the site footprint did not offer the offer the space needed with a ground floor extension.
- The applicants understand the neighbours wishes to protect views and have taken all feasible steps to minimise encroachment upon their line of sight and note the planners report which refers to impacts on views as very limited.
- In relation to impacts on views the impacts will not affect views of the sea due to their more elevated position and will reduce their view of houses below them.
- The hedge will also reduce impact and the increase in height will be kept to an absolute minimum.
- There have been numerous examples of houses extended and altered with a wide array of adaptations to the original design and the current proposal is to update the dwelling to meet modern needs.
- The orientation of new windows was carefully planned to ensure no direct overlooking of neighbouring homes.
- The applicants are open to enhanced planting.
- The issue of solar panels is raised and raising the overall height further and would willingly accept that should solar panels be installed that they by condition be positioned flush on the un-extended pitch roof.

- There is clear precedence for first floor extensions on dwellings on the higher levels of the estate and the proposal is designed to be sympathetic to the streetscape.
- Photographs and illustration are submitted in support of the submission.

7.7. Planning Authority Response

The planning authority in a response to the appeal submissions in summary indicate all relevant issues are addressed in the technical reports and have no further comments.

7.8. Observer submissions

7.9. Eamon and Una Jackson in a submission consider that the plans for the extension will change the flow of the estate and will look totally out of place and out of keeping with the original design of the estate.

7.10. Juergen and Caroline Gaetner in a submission consider that the development is not in keeping with the original design of the housing estate and would immediately adjoin a single storey dwelling and would also remove much of the garden to allow the building of such a large house.

8.0 Assessment

8.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

8.2. In relation to the assessment of the proposed development I shall consider the revised proposal as submitted by way of further information as received by the planning authority on the 15th April 2025 which included a revised reduced floor area design.

8.3. The principle of the development

8.3.1. The proposal as submitted is for a first floor extension to part of existing dwelling, a two storey extension with balcony to existing dwelling, alterations to elevations and all associated site works. Given the current zoning of the site as existing residential

the principle of the proposed development is acceptable but it requires to be considered in the context of CDP and national standards in relation to complying with development management standards where minimum requirements can be met and whether the proposed development will not materially impact the residential amenity or character of neighbouring development.

- 8.3.2. In principle I would therefore have no objections to the proposal but it requires to be considered in the context of its impact on residential amenities of property in the vicinity and visual impact.

8.4. Grounds of appeal

- 8.4.1. The appellants and observer submissions raise concerns in relation to the nature of the design which is considered to be out of character with existing surrounding development, impacting on views currently enjoyed and issues of overlooking with devaluation of their properties should the development be permitted.
- 8.4.2. In relation to overall siting and design issues the primary concern relates in particular to the provision of a flat roof in the design and the raising of the overall height. I would note and accept that there is a relative uniformity of design along the entire section of road on which the appeal site is located. I would also accept that the semi-detached pattern of development adds to this uniformity. In mitigation the appeal site is at the end of the road rather than in the centre of the row of dwellings which would impact on the uniformity to a greater degree.

I would also note that in the assessment of this planning application by the planning authority the visual impact in the context of the immediate surroundings was of concern and it was considered that the initial proposal was considered too big for the house and that it be revised.

I would note that there are examples of houses extended and altered with an array of adaptations to the original design but these alterations are not a prominent in scale as the current proposal.

Notwithstanding the reduction in height and scale of the development as provided for in the revised I consider that the overall design concept with a large and prominent flat roof visible on three elevations on a corner site and the inclusion of a balcony and large area of glazing is out of keeping with the area and surroundings. I accept

that in it is necessary for occupants of a dwelling to require additional floor space and there are limitations on the appeal site to achieving this and also that the current proposal is to update the dwelling to meet modern needs but an alternative design concept more in keeping with its surrounding is desirable. I also consider that the development would give rise to a significant level of overbearance in the context of its immediate area.

8.4.3. In relation to the impact on the amenities of adjacent properties I would accept that the views of the harbour would be a consideration in residing in the area but the overall increase in the height of the property would not impair in any significant manner views which are not a proscribed view.

8.4.4. In relation to overlooking the only impact would be to properties immediately to the rear and there is ample separation between the properties and also an area of open space and the properties at the rear given their higher elevation would have higher levels of direct overlooking of the appeal site. It is also noted that the rear windows at first floor level are proposed to incorporate obscure glazing and one of these windows at the top of the stairwell could be omitted as the living area has a large window on the front elevation with adequate daylighting and the other window provides light for the stairwell and could be conditioned to include obscure glazing.

The proposal incorporates a balcony on the front elevation which in terms of overlooking does not give rise to an issue as it overlooks areas of the public realm and not private garden/open space areas.

8.4.5. In relation to the issue of solar panels it would be possible to install solar panels which could be on the remaining existing roof or set to be as flush as possible to the proposed roof and if permission is granted the placement of solar panels on the property could be required to be the subject of a planning application if deemed to be appropriate.

9.0 AA Screening

9.1. I have considered the proposal for the construction of a two storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The

subject site is located on an established residential site and within an established residential area.

- 9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. 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 and 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

- 10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

- 11.1. Having regard to the nature of the proposed development; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity comprising relative uniformity of design scale and height; it is considered that the proposed development would by reason of its design incorporating a large and prominent flat roof which would be highly visible would have a significant adverse and overbearing effect and would seriously detract from the character of the area and the vicinity, The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Derek Daly
Planning Inspector

25th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322584-25
Proposed Development Summary	Permission for a first floor extension to part of existing dwelling, 2 storey extension with balcony to existing dwelling, alterations to elevations and all associated site works.
Development Address	36 Haven Hill, Summercove, Bawnavota, Kinsale, Co. Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X No , No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 .	
☐ No,	
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?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 25th August 2025