



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323149-25

<b>Development</b>	Construction of dwelling, domestic garage and associated site works. (omission of conditions 3 and 6 per previously permitted Reg. Ref. 24/4859).
<b>Location</b>	Knocknagore, Crosshaven, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	254591
<b>Applicant(s)</b>	Donnacha & Deirdre O'Sullivan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First Party against conditions
<b>Appellant(s)</b>	Donnacha & Deirdre O'Sullivan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 October 2025
<b>Inspector</b>	Natalie de Róiste

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

## **1.0 Site Location and Description**

- 1.1. The site, measuring c. 0.177 hectares, is located on Upper Road, Knocknagore, Crosshaven, Co. Cork. The site is under grass, and overgrown, with hedgerow to the boundaries on three sides, with wire fencing to the north boundary. It is accessed via a farm gate from the neighbouring school grounds to the south-east. The site slopes, with a rise of c. 5 metres from north to south.
- 1.2. It is bordered to the north by Remuera House, an early-twentieth-century house set in its own grounds. To the east, it is bordered by St Brigid's Roman Catholic Church, a Gothic-revival church of cut limestone designed by E.W. Pugin (RPS ID 643). To the south, it is bordered by Remuera Cottage, a single-storey early-twentieth-century house. The large school complex of Scoil Bhríde and Coláiste Muire Réalt na Mara and St Brigid's Convent is located to the south of the church.
- 1.3. The first edition ordnance survey map shows this part of the town undeveloped, with the church and convent indicated on the third edition map. This part of Upper Road was not yet laid out on the third edition map.
- 1.4. This part of Crosshaven is steeply sloping, with this part of Upper Road sloping steeply upwards from north to site, and the site being located at a higher level than the church and Remuera House.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a predominantly two-storey, part single-storey-over-basement 5-bedroom house, extending to c. 308 sqm with a 55.5 sqm garage. It has a triple-gabled elevation facing the roadway, with the northern range having an effective ridge height of c. 7.9 metres. The lower level of the house is built into the slope, with a single-storey elevation facing south to Remuera Cottage, with an effective ridge height of c. 4.8 metres. There are consistent floor levels and ceiling heights throughout the house, and the eaves and ridges of each gable are at an identical level; it is the slope of the site that leads to the different effective ridge heights. New vehicular entrance, connection to mains water supply and foul sewer, on site soakaway.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission.

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

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

Two reports, the first dated 27/05/2025 requesting further information, and the second dated 30/06/2024 recommending a grant of permission with conditions.

- The first report expressed concerns regarding overbearing impacts on Remuera House, and requested an amended design to address this, as well as requesting further information on stone cladding and the submission of a flood risk assessment.
- The second report noted that no revised designs had been submitted, and recommended the attachment of the previous amending condition.

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

- Conservation Office – report dated 26/05/2025 – house is too big, overbearing and out of character, further information request recommended, to allow for an alternative design, and sample of stone cladding to be submitted.
- Conservation Office – report dated 24/06/2025 – no objection subject to conditions to include submission of a sample panel of stone, and a substantial reduction in the size of the house to reduce the effect on Remuera House, while not increasing the impacts on St Brigid's Church.
- Area Engineer's Report dated 09/06/2025 – no recommendation made.

#### **3.2.3. Conditions**

Fifteen conditions were attached, the majority of which were standard conditions regarding technical matters. The following conditions are the subject of the appeal.

### Condition 3

The proposed development shall be modified and reduced in scale to reduce the dominant effect on Remuera House (NIAH Ref. 20848065). Revised drawings incorporating the following amendments shall be submitted to the Planning Authority for written agreement before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. The proposed development shall be modified by the revision of the northern block from two storey to single storey i.e. by the omission of the first floor level containing the living room, ensuite and master bedroom. The internal arrangements and facades shall be reconfigured/amended accordingly.

To protect the visual amenities of the area and the architectural heritage of the setting.

### Condition 6

Development described in Classes 1 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2024 as amended, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

In the interest of residential and visual amenity.

## 3.3. **Prescribed Bodies**

No reports on file.

## 3.4. **Third Party Observations**

None on file.

## 4.0 **Planning History**

On site:

- Reg ref 24/4859

Permission granted to Donnacha & Deirdre O'Sullivan for a dwelling house, domestic garage and all associated works.

- ABP-312827-22 (Reg ref 21/6342)

Permission granted to the Presentation Sisters for the construction of 2 no. dwelling houses and all associated ancillary site development works, following submission of further information with revised designs.

## 5.0 Policy Context

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

- 5.1.1. The subject site is located within the development boundary of Crosshaven in an area zoned '*Existing Residential / Mixed Residential and Other Uses*'.
- 5.1.2. Section 18.3.3 of the County Development Plan notes, "*...that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties...*"
- 5.1.3. The site is located within an area designated as a High Value Landscape and adjoins the grounds of St. Brigid's Church, (RPS Ref. No. 643).
- 5.1.4. Relevant Objectives contained in the Plan include:

*Objective PL 3-2 Encouraging Sustainable and Resilient Places*, which supports as part (b) of a longer text "*the development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network*".

*Objective HOU 4-8 Building Height and Amenity*, which supports "*the provision of increased building height and densities in appropriate locations subject to the avoidance of undue impacts on the existing residential amenities...*"

*Objective HE16-14: Record of Protected Structures*, which seeks as part (g) of a longer text, "*to ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.*"

*Objective HE 16-15: Protection of Structures on the NIAH Protect where possible all structures which are included in the NIAH for County Cork, that are not currently*

*included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.*

**5.1.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

- 5.1.6. These guidelines reiterate the National Planning Framework and the RSES priority of ambitious growth targets for cities and metropolitan areas, including delivering brownfield and infill development at scale within the existing built-up footprint. There is an emphasis on compact growth, and the provision of more houses and denser development in cities and towns in proximity to existing services and public transport.

**5.2. Guidelines for Planning Authorities: Development Management (2007) DEHLG.**

- 5.2.1. These guidelines set out that conditions should be necessary; relevant to planning, and to the development to be permitted; enforceable; precise; and reasonable.

**5.3. Natural Heritage Designations**

Cork Harbour SPA 4030 – 680 metres to the west of the site.

**5.4. EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

**5.5. Water Framework Directive Screening**

- 5.5.1. The subject site is located in a built up area in Crosshaven, c. 280 metres west of the Kilnaglery River, within the Kilnaglery\_010 sub basin (IE\_SW\_19K620850). It is c. 190 metres south of the Owenboy Estuary (IE\_SW\_060\_1200). The site is located on top of the ground water body Ballinhassig East (IE\_SW\_G\_004).

- 5.5.2. The proposed development comprises the provision of a house and garage.
- 5.5.3. No water deterioration concerns were raised in the planning appeal.
- 5.5.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 5.5.5. The reason for this conclusion is as follows:
- the small scale and nature of the development
  - the distance from the nearest water bodies and the lack of hydrological connections
- 5.5.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **6.0 The Appeal**

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

One appeal was received, from the first party against conditions 3 and 6 of the planning permission. The appeal is summarised as follows:

- This site was granted permission for a house, under permission 24/4859, and this application was to amend that permission, which attached inappropriate and unwarranted conditions. Those conditions have been copied into the current decision. Condition 3 requires the omission of part of the first floor to reduce impacts on Remuera House, while condition 6 de-exempts normal exempted development on a substantial residential site.



- In application 21/6342 (ABP-312827-22) for two houses, the council (notwithstanding their refusal due to the impacts on the adjacent Roman Catholic church, a protected structure) made no reference to Remuera House. The Board and the Board Inspector found the development's impacts on both the church and Remuera House acceptable.
- In application 24/4859, an application for a single two-storey house of 356 sqm (with an integrated garage of 70 sqm) was submitted, designed to minimise cut and fill. The ridge height was lower than the permitted houses, and the new design was set further back from Remuera House. Following a further information request, and a subsequent request for Clarification of Further Information, the house was reduced to 308 sqm with a 55 sqm garage, with a more compact footprint further away from Remuera House (17.4m as opposed to the previously permitted dwelling's distance of 14.6m).
- Notwithstanding these repeated amendments, and submission of photomontages demonstrating acceptable impacts, an entirely unwarranted, onerous and illogical condition requiring further redesign was imposed, omitting the living room and ensuite master bedroom, rendering the house entirely unsuitable for the applicants' needs.
- Subsequent attempts to engage in pre-planning consultation led to unsatisfactory results, with the Local Authority failing to acknowledge the precedent set by the An Bord Pleanála decision, and moving the goalposts.
- The current application was lodged with the same dwelling design as submitted at Clarification of Further Information stage of application 24/4859, with supporting arguments and photomontages, requesting omission of the offending condition. A request for further information sought revised designs, and expressed new concerns regarding the impacts on St Brigid's Roman Catholic Church. Permission was subsequently granted with identical conditions as previously.
- The issue of architectural conservation and heritage protection has been addressed in the previous Board decision. While the Local Authority does not deem Remuera House worthy of inclusion on the list of protected structures,

they are seeking to severely restrict development on the adjoining site, notwithstanding the extant permission for a greater degree of development.

- The owners of Remuera House have not raised any objections to the development.
- Condition 6 – while of lesser concern to the applicants – is redundant and unwarranted.
- The proposed development has demonstrably less impact than the permitted development, and permission for the house as designed should be granted, with the exclusion of conditions 3 and 6.

## **6.2. Planning Authority Response**

Cork County Council is of the opinion that all relevant issues have been covered in the technical reports already forwarded to the Commission, and has declined to make any further comment.

## **6.3. Observations**

None received.

## **6.4. Further Responses**

None received.

## **7.0 Assessment**

- 7.1.1. This is a first party appeal against 2 conditions of a grant of permission. Section 139 of the Planning and Development Act 2000 (as amended) allows the Commission (so long as it is satisfied that the application does not require an assessment as if it had been made to it in the first instance) to give the relevant planning authority direction regarding the attachment, amendment or removal of the condition. I am satisfied that the development of a new house and garage on an infill site is otherwise in accordance with the Development Plan and the proper planning and sustainable development of the area, and I am satisfied that the appeal only relates

to conditions 3 & 6, and does not raise any further issues. I am satisfied that the appeal may be dealt with under Section 139 of the Act, and I am going to limit my consideration to the appropriateness of the conditions in question. I consider each condition in turn below.

7.1.2. The Ministerial Guidelines state that any conditions attached should be necessary, and suggests that a useful test of need is whether the development would be harmful, or need to be refused, in the absence of said condition.

7.1.3. The recent OPR Practice Note PN03 Planning Conditions sets out that conditions such as this *“may, on occasion, be justified due to some special characteristic pertaining to the development being permitted and the site of the proposed development. For example, the site may be located in a visually important townscape where there is a greater need to restrict signage.”*

## 7.2. Condition 3

7.2.1. *The proposed development shall be modified and reduced in scale to reduce the dominant effect on Remuera House (NIAH Ref. 20848065). Revised drawings incorporating the following amendments shall be submitted to the Planning Authority for written agreement before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. The proposed development shall be modified by the revision of the northern block from two storey to single storey i.e. by the omission of the first floor level containing the living room, ensuite and master bedroom. The internal arrangements and facades shall be reconfigured/amended accordingly.*

*To protect the visual amenities of the area and the architectural heritage of the setting.*

7.2.2. The house is designed over a partial basement, built into the slope, but is largely two-storey in effective height. As noted above, the site is located at a greater height than Remuera House, which in turn is located at a considerably higher level than the terrace to its north. I note at the outset that the Planning Authority have not raised concerns regarding overbearing impacts from the perspective of residential amenity, and no objection or observation has been received on the application from any third party.

7.2.3. I have visited the site and considered the submitted photomontages, particularly views, 3, 4, and 5. I direct the Commission's attention to drawings 103 Site Section and 104 Context Elevation. In my view, there is sufficient distance between Remuera House and the proposed new house, which mitigates the impacts of the effective height difference. Remuera House is some 9 metres from the shared boundary, and the proposed new house is some 6-8 metres from the boundary. There is 16.5 metres between the houses at their closest point, with a three-metre difference between the effective ridge heights. These kinds of relationships are typical and characteristic of Crosshaven, a coastal town with some very steep slopes, and the location, orientation, and design of the new house does not detract from the setting of Remuera House.

7.2.4. The appellant puts considerable store on the planning history on the site, noting that the proposed design is further from Remuera House than the permitted development ABP-312827-22 (reg ref 21/6342), and with a lower ridge height than that proposal. I note the previous development (which is a live permission) was considered acceptable by the Inspector and by the Board, including its relationship to Remuera House. I consider the appellant's argument persuasive, in the context of the live permission on the site, and the context of the pattern of development in this steeply sloping area, and I recommend the removal of Condition 3.

### 7.3. **Condition 6:**

7.3.1. *Development described in Classes 1 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2024 as amended, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.*

*In the interest of residential and visual amenity.*

7.3.2. Classes 1 and 3 of Part 1 of Schedule 2 (Exempted Development – General) set out exemptions for house extensions and sheds/garages or similar structures respectively.

7.3.3. The site circumstances are unusual here, not just due to the steep slope; the neighbouring house to the south, Remuera Cottage, faces the appeal site, rather

than facing the road, and as such developments on the site are directly in front of the principal rooms of the house.

- 7.3.4. Any extension exempt under Class 1 would be to the rear of the house, and subject to the other conditions and limitations set out in Column 2 regarding floor area, height, and window position. Given the setback of the proposed house from the boundaries on either side, any extension would also have a similar setback. There is greater potential for impacts on Remuera House from a rear extension than on Remuera Cottage, due to the location of the properties relative to each other and the level differences; Remuera House is located north of any proposed extension, and at a lower level, leaving it more vulnerable to overshadowing. However, as well as the adequacy of the distances involved, there is limited potential for significant extensions to the rear in proximity to Remuera House, given the location of the soakaway, and the route to the garage, and I consider the risks to residential and visual amenity to be theoretical.
- 7.3.5. In the absence of this condition, a shed, garage, or similar structure could be erected under the exemption available under Class 3 beside the shared boundary with Remuera Cottage, directly in front of the front porch of that property. However, given the level differences, (with Remuera Cottage elevated above the site), the maximum height and floor area of structures that could be erected under the exemption, and the generous setback of Remuera Cottage from the boundary, I do not have undue concerns regarding significant impacts on the residential amenity of that property from such a potential development.
- 7.3.6. Having regard to potential impacts on Remuera House from a shed located on that shared boundary, the level differences would exacerbate the impacts; however, unlike Remuera Cottage, Remuera House has a well planted boundary; its principal elevation faces the road; and the likelihood of building a shed or garage over the wayleave for the public sewer is slim. I do not consider the exemptions available under Class 3 to be problematic in the context of this particular site, and I do not believe they need to be removed in the interests of residential and visual amenity. I recommend the removal of this condition.

## 8.0 AA Screening

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

## 9.0 Recommendation

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE conditions number 3 and 6 and the reasons therefor.

## 10.0 Reasons and Considerations

Having regard to the design of the proposed house, the planning history on the site, the location, character, and orientation of both St Brigid's Church (a protected structure) and Remuera House (not a protected structure, although added to the survey and rated as regionally important by the National Inventory of Architectural Heritage), the two-storey element of the house omitted by condition 3 would not have undue impacts on either the visual amenity of the area or the setting of the neighbouring structures.

Having regard to the potential for impacts on residential and visual amenity as a result of developments that are exempt under *Classes 1 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2024*, I do not consider these potential impacts to be so significant as to require condition 6, removing these exemptions.

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

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Natalie de Róiste  
Planning Inspector

29 October 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-323149-25
<b>Proposed Development Summary</b>	House and garage
<b>Development Address</b>	Knocknagore, Crosshaven, Co. Cork.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	



<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold</p> <p>Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p> <p><i>[Delete if not relevant]</i></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p> <p><i>[Delete if not relevant]</i></p>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-323149-25
<b>Proposed Development Summary</b>	House and garage
<b>Development Address</b>	Knocknagore, Crosshaven, Co. Cork.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Construction of a single house in an urban area, connected to public services.  The development would not result in the production of significant waste, emissions, or pollutants.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is in a built up area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
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)