



An
Coimisiún
Pleanála

Inspector's Report

ACP-323455-25

Development	Construction of dwelling, vehicular entrance and associated site works
Location	Glenanaar, Boreenmanna Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2543930
Applicant	Helen Finucane
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Helen Finucane
Observers	(1) Mark Donovan & Eleanor Downes (2) Ann Mc Namara
Date of Site Inspection	28 th of October 2025
Inspector	Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Boreenmanna Road, approximately 1.4km south-east of Cork City Centre. It is situated on the western side of the entrance to the Glenanaar. Glenanaar comprises a cul de sac containing 20 no. dwellings with a mix of terraced, semi-detached and detached properties. The surrounding area is characterised by predominantly suburban residential properties with a variety of house styles and types.
- 1.2. The site has a stated area of 0.02368 hectares site it comprises a roughly rectangular shaped grassed area with a number of mature deciduous trees and hedgerow along the western boundary. The site is bound to the north by no. 1 Glenanaar a two-storey end of terrace dwelling. The neighbouring property to the west is a single storey semi-detached property with a vehicular entrance onto Boreenmanna Road. The eastern boundary of the site adjoins the internal road serving Glenanaar and it extends for 13m. The southern boundary of the site adjoins the footpath and the boundary is defined by a low capped section of wall.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a dwelling, vehicular entrance and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council decided to refuse to grant permission by Order dated 30th of July 2025. Permission was refused for one reason.

1. The proposed development would materially contravene the provisions of the Cork City Development Plan 2024-2028 specifically Objective 6.18(b) and Paragraph 12.11 with regard to development on an open space which forms part of an executed planning permission and to which a site has been habitually used as public open space. The proposed development would

therefore seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planner's Report dated 24/7/2025 – Refusal of permission recommended on the basis that the while the site is zoned for residential use, it is considered to be a habitually used area of open space within the residential development. Objective 6.18 of the City Development Plan states that there will be a presumption against the development on all open space in residential estates in the city “including land which has been habitually used as public open space” and that “such lands shall be protected for recreation, open space and amenity purposes”. Therefore, it was concluded that the proposed dwelling should be refused.

3.2.3. Report of Senior Executive Planner dated 24/7/2025 – They stated that concurred with the recommendation of the Planning Officer to refuse permission.

3.2.4. Other Technical Reports

3.2.5. Urban Roads & Street Design Section – Further information requested in relation to the design of the proposed vehicular access and provision of sightlines.

3.2.6. Contributions Section – No objections subject to conditions.

3.2.7. Drainage Section – Further information requested.

3.2.8. Housing Section – No objections.

3.3. Prescribed Bodies

3.3.1. Health and Safety Authority – No objections.

3.4. Third Party Observations

3.4.1. The Planning Authority received six submissions/observations in relation to the planning application the main issues raised are similar to those set out in the observations to the first party appeal.

4.0 Planning History

- 4.1.1. TP 21/39873 & ABP 310018-21 - Permission was refused for the construction of a two-storey detached dwelling and associated site works on the subject site. Permission was refused for the following reason.

The site is located in an area Zoned 14 – Public Open Space in the Cork City Development Plan 2015-2021. The Board considers that the proposed development would materially contravene the zoning objective, as set out in this plan. The Board, pursuant to the provisions of section 37(2)(b) of the Planning and Development Act, 2000, as amended, is precluded from the granting of permission for the proposed development as none of the provisions of section 37 (2)(b)(i), (ii), (iii) or (iv) of the Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjacent

- 4.1.2. TP 19/38407 - Permission was granted for (a) to construct a single storey extension to the side (west) of existing dwelling, (b) install new window to west elevation of existing dwelling and install rooflight to west slope of existing roof, (c) to carry out internal and external alterations of existing dwelling, (d) to part demolish existing front boundary wall to form new vehicular driveway including entrance gates and hard standing area, (e) to part block up existing vehicular entrance and replace with new pedestrian gate and (f) all associated site works at 'St.Tydfil', Boreenmanna Road, Cork City
- 4.1.3. TP 17/37692 - Permission was granted for the construction of a single storey flat roofed extension to the rear and side of an existing dwelling at 10 Glenanaar, Boreenmanna Rd, Ballintemple, Cork.
- 4.1.4. TP 00/24451 - Permission was granted to increase the height of the dwelling and utilise the increase attic space as living quarters at 12 Glenanaar, Boreenmanna Rd, Cork.
- 4.1.5. TP 7521 - Permission was granted for 11 no. houses (no. 1-11 Glenanaar).
- 4.1.6. TP 90/16110 - Permission was granted for 6 no. houses (no. 14-19 Glenanaar).

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework – First Revision – April 2025

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”
- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (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 and ensure compact and sequential patterns of growth.”
- 5.1.4. National Policy Objective 43 seeks “to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
 - Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
 - 'Design Manual for Urban Roads and Streets' (DMURS) (2019)
 - 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

5.3. Cork City Development Plan 2022-2028

- 5.3.1. The site is zoned 'ZO 2 – New Residential Neighbourhoods' the objective of which is 'to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.'
- 5.3.2. ZO 2.1 provides that 'Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 of the Core Strategy.'
- 5.3.3. ZO 2.2 states that 'This zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities.'
- 5.3.4. ZO 2.3 states that 'Uses set out under ZO 1 Sustainable Residential Neighbourhoods are appropriate under this zone subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning.'
- 5.3.5. The Development Plan supports the concept of infill housing on small sites and Objective 3.4 Compact Growth seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork.
- 5.3.6. Chapter 6 – Green and Blue Infrastructure, Open Space and Biodiversity
- 5.3.7. Objective 6.18 – Public Open Space
 - a. To protect, retain, improve and provide for areas of public open space for recreation and amenity purposes. There will be a presumption against development of land zoned Public Open Space for alternative purposes;
 - b. There will be a presumption against development on all open space in residential estates in the city, including any green area/public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation/amenity open space, and also including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes;

- c. The development of open space should “aim to enhance and protect natural features and views and be set in safe and secure environments with the emphasis on active open spaces accessible to and enjoyed by all sectors of the community;
- d. To follow an approach of qualitative as well as quantitative standards for open spaces providing high quality open spaces with high levels of access to recreation for local communities, including good practices of inclusive design;
- e. Specific design outcomes should be framed in relation to the nature of spaces being created or enhanced (e.g. in relation to maintenance, nature exposure and connectivity, strategic landscape and social role).
- f. Support measures to green the city, including re-grassing of appropriate hard-surfaced areas in locations throughout the City.

5.3.8. Chapter 11 - Placemaking and Managing Development

- Objective 11.3 – Housing Quality and Standards, addresses matters such as the design, layout, room size, whether a house is single or dual aspect, waste storage, sunlight, daylight and overshadowing.
- Section 11.89 – Developments are required to meet minimum habitable room sizes and provided adequate daylight for residents.

New Residential Development

- Section 11.66 – ‘Placemaking and Quality Design’ states that ‘when assessing proposals for residential developments a broad range of issues will be assessed, including:
 - 10. Impacts on residential amenity of surrounding areas (e.g. overlooking, daylight, sunlight and overshadowing);
 - Section 11.145 – Vehicular entrances should not be greater than 3m in width.

Separation, Overlooking and Overbearance

- Section 11.100 – Privacy and overlooking are important for quality of life.

- Section 11.101 – All development proposals will be required to demonstrate that they have been designed to avoid overlooking.
- Section 11.105 – Overlooking may be overcome by a multitude of design tools, such as: 1. Building configurations (bulk and massing); 2. Elevational design / window placement; 3. Using oblique windows; 4. Using architectural features; 5. Landscape and boundary treatments

Infill Development

- 5.3.9. Section 11.139 – Infill development will be encouraged within Cork City... shall respect the height and massing of existing residential units... and shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).
- 5.3.10. Chapter 12 – Land Use Zoning Objectives
- 5.3.11. Paragraph 12.11 refers to Open Space in Residential Areas – Many green areas of open space in residential areas are not specifically zoned as public open space and may be zoned ZO 1 Sustainable Residential Neighbourhoods or another land use zoning objective. Irrespective of zoning, there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

5.4. **Natural Heritage Designations**

- 5.4.1. Cork Harbour SPA (004030) is located approximately 1.57km to the south-east of the site.

5.5. **EIA Screening**

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by the applicant Helen Finnuane. The issues raised are as follows;

- The applicant submits that the decision to refuse permission was not properly founded on the relevant planning policies, zoning objectives, or factual circumstances of the site.
- The site is zoned ZO O2 – New Residential Neighbourhoods under the provisions Cork City Development Plan 2022-2028. This zoning clearly supports the principle of residential development on serviced infill lands within the city, in line with national policy on compact growth.
- The refusal of a dwelling on a zoned and serviced site is contrary to both local and national objectives for sustainable housing delivery. The reason for refusal states that the site has been “habitually used as public open space” and should therefore be protected. The site was never formally designated as public open space in any executed planning permission, nor was it laid out equipped or managed by Cork City Council as amenity land.
- In relation to the habitual use argument it is acknowledged that the grass on the site has been cut historically, initially by residents and more recently, for the past 18 months the applicant states that they have cut the grass on the site. This reflects the informal upkeep of a privately owned plot.
- It is stated that the land has not been consistently or intensively used for recreation. It is stated that there is contradiction among accounts from residents. Some objectors to the application referred to the site being used by children as a play area while longstanding residents have not agreed with this.

It is stated that there is clear and verifiable evidence of antisocial behaviour on the site, including dumping, camping and illegal activity.

- There are six other green spaces and parks within the estate and immediate vicinity that provide amenity and play value.
- It is stated in the conclusion in the planner's report that the land has 'functioned as open space for decades in terms of visual amenity'. The appellant states that this is subjective. It is stated that the visual openness does not equate to public designation. The length of time that the site has been unused does not alter its zoning or designated use. The current zoning for "New Residential Development" confirms the site's intended role in the city's housing supply.
- Objective 6.18 of the Cork City Development Plan states, "There will be a presumption against development on all open space in residential estates in the city, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes."
- It is submitted that this objective is not applicable to the site because the land was incorrectly zoned ZO 16 in the past and was corrected to ZO 2 Residential zoning after effort and expense. The intention was for the land to be developed in a consistent manner to the house across the road.
- The City and Parks and Open Space Strategy seeks to ensure residents have access to a hierarchy of quality, usable parks and green spaces. It is stated that this need is already met by nearby, well equipped open spaces. It is stated that the site is neither required nor suitable for this function.
- The decision suggest that the site is "open space habitually used by the public". This is refuted. It is stated that the site was never designated as open space. The site was always in private ownership, with no offer, dedication or intention that it serve as public open space. It is stated that the grassed condition arose because the applicant's father did not fence the site off as was the case with the site across the road. The applicant states that she continued to allow it to remain open space.

- It is stated that the land outside the walled entrance are the lands that were and remain the designated green areas for Glenanaar. It is stated that the site is inside the entrance and that it was never offered, designated or intended as public open space.
- It is stated that the Park's Department never maintained the land or its trees but that they cut down trees on the site without reference to the landowner.
- It is stated that the boundary wall was constructed by the applicant's father.
- It is submitted that there is a clear precedence for the proposed development. The site directly opposite the application site was previously developed. It is stated that it is considered inconsistent and inequitable to permit a house on one side of the entrance and to refuse the same on the other side on the grounds of "habitual use".
- It is respectfully submitted that the refusal does not align with the zoning objective, the City Development Plan, or the factual context of the site. The "habitual use" argument is not substantiated by objective planning criteria. The site was never designated open space it was always reserved for development and mirrors the opposite dwelling at no. 12. It is stated that the actual green areas of the original Glenanaar remain outside the walled entrance, unaffected by this proposal. It is highlighted that there are safer open space areas at the back of the Glenanaar estate.
- It is submitted that the proposed dwelling is fully consistent with the zoning, national and local policy and with the established pattern of development.

6.2. Planning Authority Response

- None

6.3. Observations

Observations to the first party appeal have been submitted by (1) Mark Donovan and Eleanor Downes (2) Ann Mc Namara. The issues raised are as follows;

(1) Mark Donovan & Eleanor Downes

- It is noted from the pre-planning meeting dated 30th January 2023 that whilst the site has been rezoned from public open space as Z0 02 “New Residential Development”, that there is a presumption against developments on all open space in residential estates in the city, including any green area/public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation/amenity open space and also including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes. The location of the site in question means that this policy objective is directly applicable. It is the only green area in the estate and would seriously affect the established amenity of the residents in the estate. The area has been used as a green area since the 1980’s.
- The applicant has indicated on question 15 of the application form that the site’s existing use is “residual site”. This is not correct. It was acknowledged by Cork City Council and subsequently by An Bord Pleanála in the applicant’s previous refusal of permission reference TP21/39873 that the site was “habitually” used as a public open space by residents of the existing housing area for a considerable period of time. The proposed development would therefore seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area. It cannot therefore under any circumstances be construed as a “residual site”. It was never fenced off by the applicant or her predecessor in title. The other homeowners in the estate have paid for the maintenance of same and arranged for the cutting of the grass there by way of a voluntary contribution every year. The applicant and/or her predecessor in title has not maintained this site in any way since the original development of the estate over 40 years ago. It has effectively de facto become the responsibility of the residents in the estate who each contribute €85 per annum to maintain it and have done

so for our entire ownership period, from 2013 to date. Cork City Council have dealt with fallen trees on the site.

- The design and scale of the proposed dwelling is not considered in keeping with the existing houses within the estate. The cream/yellow brick finish proposed to the front elevation would not compliment the look of the estate. The scale of the proposed dwelling would result in the blocking of light to surrounding properties most notably in the winter months.

(2) Ann Mc Namara

- The proposed dwelling would be built on an open space area located adjacent to the observer's home. Concern is expressed that the proposed development would overlook the observer's bungalow.
- The area of open space has been well maintained by the residents of Glenanaar and it is frequented by birds. It appears that it has always been a recreational green space for residents.
- With potential future developments of Busconnects and Luas the observer has expressed concern that there will be further loss and reduction in green spaces and trees in the area.

7.0 **Assessment**

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Development Plan Policy
- Design and impact on residential amenity

7.1. Development Plan Policy

- 7.1.1. The Planning Authority refused permission on the basis that the proposed development would materially contravene the provisions of the Cork City Development Plan 2024-2028. The refusal reason referred specifically to Objective 6.18(b) of the plan and paragraph 12.11 of the plan which refer to open space. As detailed in the reason for refusal the Planning Authority determined that the appeal site constituted an open space which forms part of an executed planning permission.
- 7.1.2. Objective 6.18(b) of the City Development Plan refers to Public Open Space, it states that, “there will be a presumption against development on all open space in residential estates in the city, including any green area/public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation/amenity open space, and also including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.”
- 7.1.3. Paragraph 12.11 of the City Development Plan refers to Open Space states that, “many green areas of open space in residential areas are not specifically zoned as public open space and may be zoned ZO 1 Sustainable Residential Neighbourhoods or another land use zoning objective. Irrespective of zoning, there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.”
- 7.1.4. These provisions of the Development Plan clearly specify that there will be a presumption against development on all open space in residential estates, irrespective of zoning where a green area formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space and also includes land has been habitually used as public open space.
- 7.1.5. It is submitted in the grounds of appeal that the appeal site is zoned ZO O2 – New Residential Neighbourhoods under the provisions Cork City Development Plan 2022-

2028 and that the zoning clearly supports the principle of residential development on serviced infill lands within the city, in line with national policy on compact growth. Therefore, the appellant considers that the refusal of the proposed dwelling on a zoned and serviced site is contrary to both local and national objectives for sustainable housing delivery.

- 7.1.6. In relation to the matter of the use of the site, the appellant submits that the site was never formally designated as public open space in any executed planning permission, nor was it laid out equipped or managed by Cork City Council as amenity land. Regarding the habitual use of the site as open space, the appellant stated that they acknowledge that the grass on the site has been cut historically, initially by residents and more recently, for the past 18 months that they have cut the grass on the site. The appellant further submitted that the site was never designated as open space and that it was always in private ownership. The explanation in relation to the grassed and open condition of the site is that the appellant's father did not fence the site off.
- 7.1.7. The appellant stated in the appeal that the site was never designated as open space. However, I would note that it was formally zoned ZO14 public open space under the provisions of the Cork City Council Development Plan 2015-2021. The appellant stated in the appeal that in relation to the use of the site that there is contraction among accounts from residents, that some objectors to the application referred to the site being used by children as a play area while other residents referred to antisocial behaviour on the site, including dumping, camping and illegal activity. In relation to this matter, I would note that there was no evidence of dumping, camping or antisocial behaviour on the site when I inspected the site.
- 7.1.8. The report of the Planning Officer in relation to the application described the site as an open area located inside the entrance of the Glenanaar residential development which is currently laid out as a flat grassed area. It was highlighted in the report that while the site is zoned for residential use that the site is considered to be a habitually used open space within the residential development. Furthermore, in relation to the use of the site, the planning history of the site was highlighted in the Planning Officer's report. They referred to the previous application on the site Ref. TP 21/39873 and ABP 310018-21.

- 7.1.9. Under Ref. TP 21/39873 and ABP 310018-21 permission was refused by the Board for the development of a dwelling on the site. The decision was made under the provisions of the previous development plan, Cork City Council Development Plan 2015-2021 and the site was zoned Public Open Space. Permission was refused on the basis that the proposed development would materially contravene the zoning objective.
- 7.1.10. In relation the use of the site, the report of the Senior Inspector referring to the appeal case ABP 310018-21 provided a detailed assessment of the matter. They stated that they considered that the planning history of the lands was not clear and that it was not identified what the identified use of the site was under the original permission for the 11 no. houses which have been developed. The report specifically referred to the matter of the habitual use of the land as open space. The Senior Inspector stated that it should be concluded that the land has been habitually used as public open space on the basis that it was laid out under grass and planted with trees and that it was located within a residential housing estate and was being maintained. It was further stated in the report that the land has functioned as open space for decades in terms of the visual amenity at the front of the estate.
- 7.1.11. Having regard to the detailed consideration of the matter of the use of the site in the report of the Senior Inspector referring to ABP 310018-21, this provides a solid basis to conclude that the site has been habitually used as public open space.
- 7.1.12. On inspection of the site, I observed that it was laid out under grass and planted with trees and was fully open to access from the surrounding footpaths. Accordingly, the condition of the site remains as it was when it was subject to the previous planning application and appeal.
- 7.1.13. Having concluded that the subject site has been habitually used as public open space within the Glenanaar residential housing estate and that it has been maintained as so, then I would concur with the assessment of the Planning Authority that notwithstanding the site being located on lands zoned objective 'ZO 2 – New Residential Neighbourhoods' under the provisions of the Cork City Development Plan 2022-2028 that the proposed development requires to be considered in the context of the provisions of Objective 6.18(b) and Paragraph 12.11 of the Development Plan.

7.1.14. It is set out in Objective 6.18(b) and Paragraph 12.11 of the Development Plan that there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Accordingly, on the basis that the subject site has been habitually used as public open space within the Glenanaar residential housing estate then the development of the proposed dwelling would materially contravene the provisions of Objective 6.18(b) and Paragraph 12.11 which specify that there will be a presumption against development on all open space in residential estates because this wording is clearly prohibitive.

7.1.15. Accordingly, I would concur with the decision of the Planning Authority to refuse permission and conclude that, having regard to the habitual use of the site as public open space which forms part of an executed planning permission, the proposed development would materially contravene the provisions of Objective 6.18(b) and Paragraph 12.11 of the Development Plan which specify that there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space.

Material Contravention

7.1.16. The Commission will note that the refusal reason no. 1 of the decision issued by Cork City Council states that the proposed development would materially contravene the provisions of the Cork City Development Plan 2024-2028 specifically Objective 6.18(b) and Paragraph 12.11. As set out in the assessment above in this report I would concur with the assessment of the Planning Authority in relation to the matter of material contravention.

7.1.17. Accordingly, one or more of the criteria as set out in Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended) applies, and must be met should the Commission be disposed to a favourable decision in this instance.

7.1.18. Having considered the file, and the provisions of the Plan, as outlined above, I do not believe that one or more of the criteria are met. In my opinion the proposed development is not of strategic or national importance, the objectives in the development plan are clearly stated, and I am not aware of any other comparable applications that have been granted since the adoption of the Cork City Development Plan 2022-2028.

7.2. Design and impact on residential amenity

7.2.1. The observations to the appeal raised the matters of the design of the proposed dwelling and impact upon residential amenity. In terms of its design character the proposed dwelling has a ridge height of 6.9m with a relatively low pitched roof. The ridge height and pitch are similar to the adjacent dwellings to the north. The proposed external finishes are indicated on the Proposed Elevations Drawing no. SK20-12 as a smooth painted render finish to the rear and side elevations and upper section of the front elevation with a cream/yellow brick to the lower section of the front elevation. I would consider that the proposed use of the cream/yellow brick to front elevation of the dwelling would integrate well with the design character of the existing housing which have a similar external brick finish. In relation to the scale of the proposed dwelling relative to the existing properties while I note that it has a façade length of 10m having regard to the site's location to the south of the terrace of seven dwellings which each have a façade length of 5m, I consider that it would integrate into the streetscape in the context of the elongated frontage of the terrace of properties.

7.2.2. The issue of loss of daylight was raised in the observations. Having regard to the siting of the proposed dwelling relative to the existing surrounding properties specifically with a separation distance of 16m to the closest neighbouring dwelling to the east and the siting of the proposed dwelling relative to the neighbouring dwelling to north whereby the gable of the proposed dwelling is in line with the adjacent dwelling, I am satisfied that the proposed dwelling would not unduly impact upon the outlook of neighbouring properties or their access to daylight.

7.2.3. The matter of overlooking was raised in the observations to the appeal, specifically in relation to the neighbouring property to the west of the site. The rear of the

proposed dwelling addresses the western site boundary. The neighbouring dwelling to the west is a single storey semi-detached property. In relation to the proposed siting of dwelling relative to that property, I note that a separation distance of 9m is provided between the rear elevation of the dwelling and side of the existing dwelling. The western boundary of the site is formed by a capped block wall and there are a number of existing mature trees on site which it is proposed retain and which provide screening. Accordingly, having regard to the siting and design of the proposed dwelling, I consider that it would not unduly impact upon the neighbouring property to the west in terms of overlooking.

8.0 AA Screening

- 8.1. I have considered case ABP-323455-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest European Sites, part of the Natura 2000 Network, is Cork Harbour SPA (Site Code 004030) which is located circa 1.57km to the south-east of the appeal site.
- 8.3. The proposed development comprises a residential development of 1 no. house.
- 8.4. No streams/watercourses are identified on site.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.6. The reason for this conclusion is as follows:
 - The nature and scale of the proposed development and the location of the site on developed serviced lands.
 - The absence of any ecological pathway from the development site to the nearest European Site.
 - Location-distance from nearest European site.
- 8.7. I conclude, 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.

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

9.0 **Water Framework Directive**

- 9.1. The subject site is located at Glenanaar, Boreenmanna, Cork. It is situated on the northern side of Boreenmanna Road circa 1.4km to the south-east of Cork City Centre. The Lee Estuary Upper is located to the north of the site. It is situated circa 860m from the site at the closest point. The ground waterbody Ballincollig (Code IE_SW_G_002) underlies the site.
- 9.2. The proposal comprises a residential development of 1 no. house, on a 0.02368 hectare site, located on serviced lands within the suburbs in south central Cork City. The grounds of appeal have not raised the matter of the Water Framework Directive.
- 9.3. I have assessed the proposed 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 waterbodies either qualitatively or quantitatively.
- 9.4. The reason for this conclusion is as follows:
- The nature and small scale of the development.
 - The distance to the nearest surface water bodies.

Conclusion

- 9.5. 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.

10.0 Recommendation

10.1. I recommend that permission be refused for the following reasons and considerations.

11.0 Reasons and Considerations

1. The appeal site is located on lands zoned objective 'ZO 2 – New Residential Neighbourhoods' under the provisions of the Cork City Development Plan 2022-2028, having regard to the habitual use of the site as public open space which forms part of an executed planning permission, the proposed development would materially contravene the provisions of Objective 6.18(b) and Paragraph 12.11 of the Development Plan which specify that there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. The proposed development would therefore seriously injure the residential amenities of the area and would 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.

Siobhan Carroll
Planning Inspector

6th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP 323455-25
Proposed Development Summary	Two storey detached dwelling, vehicular entrance and associated works.
Development Address	Glenanaar, Boreenamanna Road, Cork.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<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>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.</p> <p>The proposal is significantly below this threshold being 1 no. residential unit and the site has an area of 0.02368 hectares which is sub threshold.</p>

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP 323455-25
Proposed Development Summary	Two storey detached dwelling, vehicular entrance and associated works.
Development Address	Glenanaar, Boreenamanna Road, Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The development has a modest footprint, comes forward as a standalone project. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (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 removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
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).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
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)