



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323689-25

<b>Development</b>	Refurbishment, alterations and extension to dwelling together with all associated site works.
<b>Location</b>	7 Bandon Road, Abbey-Lands, Kinsale, Co Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	255316
<b>Applicant(s)</b>	Aidan O'Shea.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Cathryn Twohig.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	1 <sup>st</sup> December 2025
<b>Inspector</b>	Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site (0.0422ha) is located along Bandon Road within the development boundary of Kinsale town. The subject site is an end of row single storey derelict cottage. It is located directly along the footpath of Bandon Road. The subject site rises to the rear. A pair of semi-detached dwellings are located to the east of the subject site, and these are set back from the public road. The existing cottage is a late eighteenth/early nineteenth century building. The building is not a listed protected structure nor is it recorded by the NIAH as being significant. The site is not located in the Kinsale Architectural Conservation Area (ACA).

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
- Refurbishment, alterations and extension to the existing dwelling
  - Construction of 3no. rooflights to the rear of the existing dwelling
  - Construction of a new single and two storey extension
  - New below and above ground services
  - Ancillary works including boundary wall.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 6 conditions.

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

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

- The principle of development is supported in the CDP.
- The proposed two storey element is similar to the existing ridge height of the adjacent neighbouring dwelling. The potential for overlooking, loss of ambient

daylight and outlook from habitable rooms is very limited, given the angular difference between structures concerned.

- An appropriate building survey has been carried out. The existing roof is tin roof, and the original was most likely thatch. The last remaining brick chimney stack will be retained and incorporated into the structure. The subject building is not a protected structure, not listed on the NIAH and not within an Architectural Conservation Area (ACA).
- A building survey was carried out and informs a satisfactory approach to the conservation.
- Additional archaeological investigations can be carried out prior to the construction as there is currently limited access to the site.

### 3.2.2. Other Technical Reports

- Area Engineer: No engineering concerns once surface water is catered for on site.

### 3.2.3. Conditions

- Condition 2: The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out targeted sub-surface archaeological testing.

No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist shall carry out licensed archaeological testing.

Where archaeological material is shown to be present the Planning Authority and the National Monument Service of the Department of Culture, Heritage and the Gaeltacht (DCG&G) shall be immediately notified and will advise the Applicant with regard to these matters. Having completed the work, the archaeologist shall submit a report to Planning Authority for written approval prior to the commencement of the development.

Reason: To protect potential archaeological resource of the site and area.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

2no. observations were received. The following concerns were raised:

- Ownership
- Overdevelopment, excessive height
- Loss of sunlight and daylight
- Overlooking, loss of privacy in rear garden
- Traffic/parking
- Drainage
- Construction noise and disturbance

## 4.0 Planning History

None

## 5.0 Policy Context

### 5.1. Development Plan

#### Cork County Development Plan 2022-2028

The subject site is zoned as Zoning Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses.

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Spatial Policy Areas identified in the Development

Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Chapter 3 refers to Settlements and Placemaking

Objective PL 3-2: Encouraging Sustainable and Resilient Places

As part of the Council's commitment to deliver compact growth and resilient places, the Plan supports

- a. The use of the upper floors of the existing town centre building stock for appropriate uses, including Living Over the Shop. The separate access to the upper floors should normally be retained;
- b. The development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network;
- c. Addressing vacancy within the existing building stock;
- d. The preparation of additional guidance for priority town centre sites to aid land activation over the Plan period;
- e. The establishment of a database of brownfield, opportunity and regeneration-sites in order to manage and coordinate active land management priorities across multiple stakeholders on an ongoing basis.
- f. Supports the re-use and revitalisation of brownfield sites and heritage buildings in both urban and rural areas in the County.

Chapter 5 Rural refers to renovation or replacement dwellings.

Section 5.12 Renovation or Replacement of an Uninhabitable or Ruinous Dwellings.

Objective RP 5-30: Redevelopment of replacement of an Uninhabitable or Ruinous Dwelling.

Encourage proposals for the sensitive renovation, redevelopment or replacement of existing uninhabitable or ruinous dwellings subject to normal planning and

sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- The original walls of the dwelling structure must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.
- Existing mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by protected wildlife.
- Proposals must be acceptable in terms of public health and traffic safety.

Chapter 16 refers to Built and Cultural Heritage.

Section 16.3.20 – 16.3.23 refers to Vernacular Buildings

Objective HE 16-19: Vernacular Heritage

- a) Protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.
- b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant.
- c) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

## 5.2. Natural Heritage Designations

The subject site is not located within a designated site. The nearest are:

- James Fort pNHA (site code: 001060) is located approximately 1.3km south of the subject site.
- Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.
- Sovereign Islands NHA (site code: 000105) is located approximately 6km southeast of the subject site.
- Bandon Valley Below Inishannon pNHA (site code: 001515) is located approximately 7km south of the subject site.
- Garrettstown Marsh pNHA (site code: 001053) is located approximately 7km south of the subject site.
- Garrylucas Marsh pNHA (site code: 000087) is located approximately 7.4km south of the subject site.
- Old Head of Kinsale pNHA (site code: 000100) is located approximately 9.3km south of the subject site.
- Old Head of Kinsale SPA (site code: 004021) is located approximately 9.8km south of the subject site.

## 5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been received from the adjacent resident. The concerns raised are:

- Encroachment into separate ownership. The red line boundaries do not concur with the land registry boundaries.
- Overdevelopment of the site/excessive height and footprint: the extension is nearly twice the width and height of the existing cottage and extend to most of the rear garden. The ridge height is 3.8 metres higher than the ridge level of the adjacent cottage to the west. The proposed extension will dominate the existing streetscape at this important junction, at the entrance to Kinsale. The site area is 60% and is not acceptable given the steep sloping nature of the site. The proposal disrupts the rear building line. The proposed extension towers over the cottage. No recognition of the surrounding dwellings or design.
- No remaining green space and does not comply with the sustainable housing guidelines for dwelling of this size – effectively a 5 bedroom house.
- Overshadowing/loss of sunlight/loss of privacy and amenity: the two storey extension will cast the maximum shadow into the garden to the east and render it devoid of sunlight. The rear windows will overlook directly into the property and result in significant loss of privacy. The stairwell window is located only c.1m from the boundary and will totally diminish my privacy.
- Impact property values.
- Excavation/Boundary Wall: The proposed excavation of c.1.5m in depth on the western side immediately adjoining the party boundary is not achievable without undermining that boundary wall and the existing levels of the adjoining garden.
- Road safety/parking: no parking provided, the area already has limited parking and nowhere in the vicinity for parking. This will exacerbate parking issues and add to congestion and pose increased risk to pedestrian and road users.
- Drainage/Flood Risk: The proposal may alter surface water drainage patterns and increase the risk of flooding. It is not clear as to how the storm water from the rear is brought to the existing storm water sewer. There are no details provide other than a water buff catering for only 150 litres of water. The

complete site will become impermeable generating additional storm water flows which may potentially flood my property and garden.

- Noise and disturbance during construction: The building works will have a negative impact on the surrounding properties with construction noise, dust, traffic, access. No construction management plan.
- No consultation with local authority conservation officer or archaeologist. The building is not listed but given its age and its status on the streetscape, views from experts should have been sought.
- No consultation with adjacent neighbours

## 6.2. Applicant Response

The applicant has responded and states the following:

- The character of the area is made up of a variety of house types and recent extensions or renovations. The commission granted similar under reference PL04.302401, PL04.301779 and PL04.318212. The building is not a listed building, it is shown on the first edition of the OSI mapping and is not within the Zone of Archaeological Potential. An Archaeological and an Architectural Heritage Impact Assessment have been carried out. No negative impact predicted.
- The design meets the standards as set out in the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustainable Communities. And meets all the DM standards as per CDP. A section illustrates the relationship between the existing and proposed dwellings. A photomontage illustrates the proposed two storey extension will be generally hidden from view as one travel up the road. No significant visual impact. In regard to design, the site levels have been steeped to address the transition between the public roadway and cottage to the front, and the garden to the rear, the two storey extension is set back from the single storey cottage to reduce massing and visual impact.
- Given separation distance and the arrangement of windows, no undue overlooking, overbearance or overshadowing occurs, the dwelling is designed

to have regard to the height of adjoining dwellings, of which are diverse in range.

- The private amenity space is 120sqm and complies with SPPR 2 of the Guidelines.
- Separation distance is in accordance with SPPR1 of the Guidelines.
- No additional strain on water services. Uisce Eireann have provided a Confirmation of Feasibility
- Construction management plan will be agreed with the neighbouring residents and request a condition to reflect this.
- No requirement for parking as town centre location.

### **6.3. Planning Authority Response**

The Planning Authority have responded and made the following comments:

- The Planning Authority do not adjudicate on party boundaries.
- The proposed extension is site-specific and responses to the surroundings, it strikes a balance respecting adjoining owners' amenity and bring back into use a dis-used building.
- It is unlikely that the proposal will result in detrimental harm to overshadowing.
- The onsite parking requirements do not apply for development in the town centres. As it is refurbishment of an existing dwelling, no parking requirement.
- There is a report on surface water management. Surface water will be connected to existing surface water main, acting as overflow should proposed SuDs measures be overwhelmed. The site is classed as Flood risk zone C.
- The site is confined but possible to construct.
- Both archaeologist and conservation officer were present at preplanning meeting and concluded in an email to the planner the proposal was positive and responded to the existing character of the setting.

- The Planning Authority re-affirms its approach, given requirements to deliver 30% of all new urban development in town centres, and regenerated and bring back into uses buildings for sustainable residential living.

#### **6.4. Observations**

- None

#### **6.5. Further Responses**

- None

### **7.0 Oral Hearing**

- 7.1. An oral hearing request was made; however, it was advised that there is sufficient information on file for an Inspector to undertake an assessment and make a recommendation.

### **8.0 Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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 issues in this appeal to be considered are as follows:

- Overdevelopment & Design
- Overshadowing & Overlooking
- Boundary Treatment
- Traffic & Road Safety
- Flood Risk and Surface Water Management
- Other Issues – Landowners, Property Value, Construction & Consultation.
- Water Framework Directive
- Appropriate Assessment

## 8.2. Overdevelopment & Design

- 8.3. The subject site is an existing derelict single storey cottage located along the public road. The cottage is attached to a shed and a derelict cottage. There is a semi-detached two storey dwelling directly adjacent the subject site to the east.
- 8.4. The grounds of appeal state the proposed development is excessive in terms of height and footprint. The extension is nearly twice the width and height of the existing cottage and extends to most of the rear garden. The ridge height is 3.8 metres higher than the ridge level of the adjacent cottage to the west. The proposed extension will dominate the existing streetscape at this important junction, at the entrance to Kinsale. The proposal disrupts the rear building line. The proposed extension towers over the cottage and the cottage are dwarfed and afforded no respect in the overall scheme. No recognition of the surrounding dwellings or design. No remaining green space and does not comply with the sustainable housing guidelines for dwelling of this size – effectively a 5 bedroom house.
- 8.5. The applicant has stated that the character of the area is made up of a variety of house types and recent extensions or renovations. The design meets the standards as set out in the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustainable Communities. And meets all the DM standards as per CDP. A section illustrates the relationship between the existing and proposed dwellings. A photomontage illustrates the proposed two storey extension will be generally hidden from view as one travel up the road. In regard to design, the site levels have been stepped to address the transition between the public roadway and cottage to the front, and the garden to the rear, the two storey extension is set back from the single storey cottage to reduce massing and visual impact. The dwelling is designed to have regard to the height of adjoining dwellings, of which are diverse in range. The private amenity space is 120sqm and complies with SPPR 2 of the Guidelines.
- 8.6. I have reviewed the Design Report, the proposal seeks to create an extended house by sympathetically extending the existing structure with a new parallel block with a pitched roof form. I have assessed the proposed extension in relation to the existing cottage, the proposed extension is two storey with an overall height of 7.7metes, this is approximately 0.6 metres higher than the adjacent two storey dwelling. The two-

storey extension will be connected to the cottage via a single storey link to the rear and set back 2.9 metres from the cottage. The cottage's overall height is 4.3 metres. The cottage and the proposed extension will be finished in rough cast render and blue/black slate. The applicant has provided a photomontage of the proposed extension in relation to the existing cottage and the adjacent properties. I consider given the topography of the area, the set back from the existing cottage, the renovation of the cottage and the similar height of the proposed extension to the adjacent two storey dwellings, that the proposed extension will not dominate the existing streetscape or disrupt the rear building line. The proposed extension does not tower over the cottage due to the separation distance and the separation via a single storey link.

- 8.7. I note the appellant raised concerns in relation to the remaining private open space, I have reviewed the site layout plan and floor plans, and I note in excess of 120 sqm is provided to the rear garden space. In accordance with the CDP, objective GI14-6: Public/Private Open Space Provision Part C state the standards for private open space provision are contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development (Cork Design Guidelines).
- 8.8. The Cork Design Guidelines state for 3 bedroom houses and larger, a minimum size of 60m<sup>2</sup> is sufficient, the proposed development is for a 4 bedroom house, the applicant has provided in excess of 120m<sup>2</sup> therefore, adequate private open space has been provided. The 2009 Guidelines, state all houses (terraced, semi-detached and detached) should have an area of private open space behind the building line. The area of such private space will be influenced by the separation between buildings and plot widths. The proposed extension is located in excess of 30 metres from the nearest dwelling to the rear of the proposed development and a private rear garden in excess of 120m<sup>2</sup> has been provided, therefore, I consider adequate private open space has been provided.
- 8.9. In addition, the Compact Settlement Guidelines, SPPR 2 – Minimum Private Open Space Standards for Houses state a minimum of 50m<sup>2</sup> is standard for a 4 bed + house. Therefore, the proposed development is in accordance with SPPR 2.

8.10. Having regard to the proposed design, layout and separation distance to nearby properties in addition to the private rear garden space provided, I consider the proposed development sympathises with the existing derelict cottage and the set back of the two storey extension is generally in line with the adjacent two storey properties and of similar height will blend into the surrounding area and will not dwarf the existing cottage.

**8.11. Overshadowing and Overlooking**

8.12. The subject dwelling is an existing cottage and located along the footpath of the public road. The northeast corner is slightly to the front of the southwest corner of the adjacent two storey dwelling. The applicant proposes to renovate the cottage and provide a two storey extension to the rear via a link WC & utility room.

8.13. The grounds of appeal state the proposed development will overshadowing the rear private garden space of the adjacent dwelling and cast the maximum shadow into their garden. The rear windows will overlook directly into their property and result in loss of privacy. The stairwell window is located only c.1m from their boundary and will totally diminish their privacy.

8.14. I note the applicant is renovating the existing cottage and proposes to provide a kitchen, dining and living space and new rooflights. The cottage will be linked via a single storey extension to a two storey extension to the rear. The single storey link will provide a plant room, WC and utility, a window is proposed in the utility on the ground floor along with a side door entrance and this is approximately 1.5metres from the gable of the adjacent two storey dwelling. I note there are no side elevation windows proposed at first floor level. In accordance with Sustainable and Compact Settlement Guidelines SPPR 1 – Separation Distance state a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. There are no windows proposed on the first floor; therefore, the proposed development is in accordance with the Compact Guidelines. Therefore, I do not consider that the proposed development will overlook the adjacent neighbouring property. In regard to overlooking the rear private amenity space of the adjacent property, I note that the windows on the rear elevation (northwest) serve a hall and bedroom, I consider due to the location of the two storey section, which is

set back approximately 3 metres from the rear building line of the adjacent two storey dwelling and the orientation of the windows which look north east and the private neighbouring garden is located east of the proposed development. I do not consider that there will be undue overlooking into the private amenity space of the adjacent property that will negatively impact their enjoyment of this private amenity space.

8.15. In regard to overshadowing, the neighbouring property is located over 1metre east of the proposed development, I do not consider that the adjacent property will be impacted by shadow as the sun rises in the east and sets in the west, there may be some degree of sun loss in the evening, as the sun sets in the west, however, I consider due to the existing cottage and adjoining structure and the location of the neighbouring garden slightly northeast, the impact will be minimal. The proposed two storey extension is generally in line with the adjacent two storey dwelling however, protrudes by approximately 3 metres. In addition, BRE "Site Layout Planning for daylight and sunlight: a guide to good practice" sets out method, the "45° approach", for domestic extensions that adjoin the front or rear of a house, to assess the diffuse skylight impact on the adjoining house. It applies where the nearest side of the extension is perpendicular to the window. Therefore, in accordance with the "45° approach" the proposed extension doesn't measurably reduce the skylight received by the adjoining rear window as both of the 45° lines do not cross the centre line of the window.

8.16. Having regard to the location of the proposed development due west of the neighbouring dwelling, the siting of the proposed extension generally in line with the neighbouring two storey property and the lack of windows on the first-floor side elevation and taking into account the BRE guidelines, I do not consider that the proposed development will overlook or overshadow the neighbouring dwelling.

#### 8.17. **Boundary Treatment**

8.18. The existing cottage is level with the adjoining local road, and the site gradually rises to the rear. In order to accommodate the proposed extension, the rear garden levels will need to be reduced.

- 8.19. The grounds of appeal state the proposed excavation of c. 1.5m immediately adjoining the party boundary is not achievable without undermining that boundary wall and the existing levels of my adjoining garden. It will damage the boundary wall.
- 8.20. I have reviewed the existing and proposed site layout plans, the existing cottage has a finished floor level of 23.24, the rear garden rises from 23.4 to 26.25 at the rear boundary wall. The location of the proposed extension will require the excavation of between 0.2 to 1.5 metres of soil in order to create a level finished floor level for the proposed extension. However, I note less excavation is required on the northeastern section as the levels are less than 1 metres in the difference with the finished floor level of the dwelling, the site rises more to the west. I note the appellant has raised concerns that the proposed excavation works could undermine the existing boundary wall along the east. The proposed extension is located over 1.4 metres from the adjoining boundary with the appellant and given the separation distance and the low level of excavation required in the area closest to the boundary wall, I do not consider that the proposed development will negatively impact the boundary wall. However, in the event of a grant of permission, I recommend that a condition shall be attached requesting the applicant to submit an engineer's report outlining the proposed excavation works and the proposed mitigation measures in order to prevent any structural damage to the adjoining boundary wall prior to commencement.
- 8.21. Having regard to the limited excavation required along the eastern boundary, the distance to the nearest property, I consider the protection of the adjoining boundary can be dealt with via an appropriate condition and therefore, will not negatively impact the adjoining boundary wall or property.
- 8.22. **Traffic & Road Safety**
- 8.23. The subject site consists of an existing vacant cottage which is located directly along Bandon Road, the existing road is narrow with a narrow footpath in front of the property. The cottage is an end of terrace of two cottages and a shed. There is no access to the rear garden from the public road.
- 8.24. The grounds of appeal state no parking has been provided, the area already has limited parking. This will exacerbate parking issues and add to congestion and pose increased risk to pedestrian and road users.

8.25. I have reviewed the CDP, and I note Table 12.6: Car Parking Requirements for New Developments requires 2 car parking spaces per dwelling unit, however point 3 on this table states these requirements do not apply to development located in Town Centres as identified in the CDP where development involves the re-use/refurbishment of an existing occupied or vacant building, any change of use or where small scale infill developments (including residential) are proposed. Kinsale is identified as a Main Town and the development does involve the re-use/refurbishment of an existing vacant building. I note the site is located over 200 metres from the zoned town centre of Kinsale town; however, I consider given the walking distance to the town centre, the reuse of an existing vacant cottage and the public transport available in the area, I do not consider that car parking is required on site.

8.26. Having regard to the location of the subject site within the development boundary of Kinsale town and within 250 metres of the town centre, I consider that car parking is not required as outlined in Table 12.6: Car Parking Requirements for New Developments of the CDP.

**8.27. Flood Risk and Surface Water Management**

8.28. The subject site is located within an urban area with connection to public water, surface water and sewer.

8.29. The grounds of appeal state the proposed development may alter surface water drainage patterns and increase the risk of flooding. It is not clear as to how the storm water from the rear is brought to the existing storm water sewer. There are no details provide other than a water butt catering for only 150 litres of water. The complete site will become impermeable generating additional storm water flows which may potentially flood my property and garden.

8.30. The Area Engineer of CCC stated no engineering concerns once surface water is catered for on site.

8.31. The applicant has provided a Surface Water Management Plan with reference to Cork County Development Plan Objective WM11-10 and Cork County Council Advice Note No. 1: Surface Water Management (December 2022) and I have reviewed same. All surface water will be dealt with on site by means of various SuDs measures such as water butt (150 litre capacity or more based on water usage),

permeable paving, bio-retention planter, disconnect downpipe connection into drains and allow roof runoff into planter with means of overflow, rain garden (disconnect downpipe/RWP into the planted flower bed). Rainwater from the proposed extension roof and non-permeable hardstanding areas will discharge to main storm drainage network.

8.32. In addition, Condition 5 of the Planning Authority states surface water shall not be permitted to flow onto the public road from the site and any existing storm water drainage paths through the site & serving the public road shall be preserved in perpetuity. In order to prevent the flooding of the public road. I consider the proposed SuDs measures are sufficient to deal with surface water runoff on the existing site. In the event of a grant of permission, I recommend a condition shall be attached, requesting the applicant to finalise surface water measures with the Planning Authority prior to commencement of the proposed development.

8.33. Having regard to the proposed SuDs measures, no concerns raised by the Area Engineer of CCC and the connection to main storm drainage network from any additional rainwater, I consider the proposed development will not create potential flood risk to adjacent gardens or public road.

8.34. **Other Issues – Landownership, Property Value, Construction & Consultation**

8.35. Landownership

8.36. In terms of landownership dispute, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil Matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act, 2000, as amended.

8.37. Property Values

8.38. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### 8.39. Construction Issues

8.40. I note the appellant's concerns in relation to the construction period. The construction period will have a short impact on the surrounding area. However, in the event of a grant of permission, the applicant will be conditioned to provide a Construction Management Plan detailing compliance with noise and dust levels and outlining how construction traffic will enter the site.

### 8.41. Consultation

8.42. As part of the planning process, consultation with the neighbours is not a requirement, however, the planning process does allow for a 5 week period for concerned residents to make an observation to the Planning Authority following the valid receipt of a planning application. Therefore, I consider that the appellant had sufficient time to make an observation in relation to the subject site.

8.43. I note the appellant raised concerns in regard to lack of consultation with the Heritage Unit of CCC. I further note that during preplanning, the Planner consulted with Heritage Unit who carried out a brief site inspection and stated in terms of design approach, the proposal to restore vernacular structure would be positively received; subject to details and note requirement for archaeological assessment and conservation/building survey which was provided with the application. Therefore, I am satisfied that adequate consultation was carried out.

## 9.0 **AA Screening**

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site, Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.

The proposed development comprises of renovation and extension to an existing derelict cottage. No nature conservation concerns were raised in the planning appeal.

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.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing urban residential setting.
- Distance to the nearest European site, Sovereign Islands SPA (site code: 004124) is located approximately 6km southeast of the subject site.
- The lack of pathways to the SPA.
- Connection to public water, public sewer and public drain.

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

## **10.0 Water Framework Directive**

10.1. The subject site is located in the urban area of Kinsale, Co. Cork. Lower Bandon Estuary is located 550m southeast of the subject site. The proposed development comprises renovation and extension to an existing derelict cottage with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development within an urban zoned land
- Distance to the nearest waterbody at 550 metres southeast of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report 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.

## **11.0 Recommendation**

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

## **12.0 Reasons and Considerations**

Having regard to the location of the site within an established residential area, the refurbishment of a derelict cottage in accordance with Objective HE 16-19: Vernacular Heritage of the Cork County Development Plan 2022-2028 together with the scale and design of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 3<sup>rd</sup> day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason: In the interest of clarity.**

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason: To restrict the use of the extension in the interest of residential amenity.**

3. The location, design and construction details of any excavation, boundary treatment and proposals for retention of the existing boundary walls between the proposed development and the adjacent property to the east, shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

**Reason: In the interests of public safety.**

4. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the Local Authority Archaeologist in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site

preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.**

5. Prior to commencement of works, the developer shall submit to and agree in writing with the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason: In the interest of public safety and amenity.**

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason: In the interest of public health and to ensure adequate water/wastewater facilities.**

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason: In the interest of public health.**

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

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

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

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Jennifer McQuaid  
Planning Inspector

18<sup>th</sup> December 2025

## Appendix A: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323689-25
<b>Proposed Development Summary</b>	Refurbishment, alterations and extension to dwelling together with all associated site works.
<b>Development Address</b>	7 Bandon Road, Abbeylands, Kinsale, 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 checked="" 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><input 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>	

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

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