



An
Coimisiún
Pleanála

Inspector's Report PL-500052-CC

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| Development | Retention of an attic conversion, extension and an ancillary structure used as a domestic use garage/home gym/ home office space. |
| Location | Doctors Road, Sarsfield Court, Glanmire, Cork, T45 F670 |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 2544045 |
| Applicant(s) | Mick & Marian Young |
| Type of Application | Retention |
| Planning Authority Decision | Grant Retention with Conditions |
| Type of Appeal | First Party Normal Planning Appeal |
| Appellant(s) | Mick & Marian Young |
| Observer(s) | None |
| Date of Site Inspection | 23rd December 2025 |
| Inspector | Bernadette Quinn |

1.0 Site Location and Description

1.1. The appeal site, with a stated area of 0.36ha. is located on Doctor's Road, a cul de sac containing detached residential properties on large sites. The site contains a detached dormer dwelling and an ancillary garage structure in the side garden. The existing dwelling has a gfa of 203.6 sq.m. and the ancillary garage structure has a gfa of 120.1 sq.m.

2.0 Proposed Development

2.1. Permission for retention is sought for an attic conversion to a dwelling including rooflights to the front and rear and a dormer window to the rear and a rear single storey sun room extension. The total floor area of the attic conversion and rear extension is stated as 88.6 sq.m. Retention permission is also sought for an ancillary structure on site measuring 120.1 sq.m. used as a domestic garage, home gym and home office space.

3.0 Planning Authority Decision

3.1. Decision

By order dated 17th September 2025 the planning authority decided to grant permission subject to 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated 12/09/2025 can be summarised as follows:

- There is no objection to the retention of the attic conversion, rooflights, dormer window and sun room extension. There are no impacts on residential amenity of adjoining properties and no impacts on the visual amenity of the area.
- A check on Google Earth shows that the ancillary structure located to the east of the house has been in place since at least 2001 (note earlier years are not

available). The main use of this structure is for a garage and for purposes incidental to the house and the structure is ancillary to the dwelling.

- The granting of the application with conditions would address the unauthorised status of the structure and permit an acceptable use.

3.2.2. Other Technical Reports

Area Engineer's Report: No objection subject to conditions.

Contributions Report:

- Gross Internal Floor Area for New Development: 208.7m²
- Rate (as of 1st July 2025) 53.3988
- %age Reduction (Change of Use) 100.00%
- Development Contribution for New Development €11,144.33
- Total Contributions €11,144.33

3.3. Conditions

Condition no.7: The developer shall pay to the Planning Authority a contribution to Cork City Council in respect of the following classes of public infrastructure and facilities benefiting development in the City of Cork and that is provided or that is intended to be provided by or on behalf of Cork City Council, in accordance with the General Development Contributions Scheme ("the GDCS scheme") made under Section 48 of the Planning and Development Act 2000, as amended:

Class 1 - Roads, Transportation Infrastructure and Facilities

Class 2 - Water and Drainage Infrastructure and Facilities excluding Water and Wastewater

Class 3 - Parks, Recreation, Amenity and Community Facilities

The present value of the contribution as determined under the GDCS made by Cork City Council on the 13th February, 2023 is €11,144.33, which sum is subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment and subject further to such exemptions or reductions as apply to the proposed development having regard to the provisions of Tables 5 and 6 of the GDC Scheme.

Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: To comply with the General Development Contribution Scheme 2023 - 2029, which was adopted by Cork City Council on 13th February, 2023, and in the interests of the proper planning and sustainable development of the area.

3.4. Prescribed Bodies

None on file.

3.5. Third Party Observations

None on file.

4.0 Planning History

No recent relevant planning history.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

The appeal site contains the Zoning objective ZO 20, City Hinterland - To protect and improve rural amenity and provide for the development of agriculture.

5.2. Cork City Development Contribution Scheme 2023-2029

The Scheme was adopted on 13th February 2023.

Section 1.4 sets out the level of contribution and states that the Council will determine and levy the development contributions set out in Table 3 as a condition of planning on all development except where an exemption or post-decision adjustment of payment (outlined in Table 5 and/or Table 6) applies. Table 3 outlines that the rate of contribution is €49.87 per square metre. Section 1.4.2 states that the rates of contribution will be subject to indexation and will be updated on a quarterly basis.

Section 1.4.4 states that the floor area of the proposed development shall be calculated as the gross internal floor area of all relevant floorspace.

Section 1.5 outlines exemptions and reductions in respect of the categories set out in Table 5 (also subject to paragraphs 1.6, 1.7 and 1.8). Within Table 5, Cat. Ref. 5.14 states that the first 40 sqm of extensions to residential development is exempt.

Section 1.6 refers to retention permission and states that in the case of retention permissions, no allowance/reductions shall apply, apart from organisations which are considered to be exempt from planning fees as outlined in Part 12, Article 157 of the Planning and Development Regulations 2001 as amended (i.e. development designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious purpose denomination, and is not to be used mainly for profit or gain, is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain).

5.3. Natural Heritage Designations

The closest designated sites to the appeal site are Cork Harbour SPA (Site Code: 004030) located 3.5km south of the site and Great Island Channel SAC (Site Code: 001058) located 5.7km south east of the site.

5.4. EIA Screening

This case relates to a first party appeal against a financial contribution condition attached to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been made and can be summarised as follows:

- The contribution required for the 120.1 sq.m ancillary structure is appealed as it is believed it is exempt from planning. It was constructed in 1992 and the applicant sought advice from Cork County Council as to whether permission was required. The applicant received a letter from the Council in 1993 stating retention permission was not required as the structure was exempt from planning permission.
- A letter from Cork County Council dated 08th November 1993 and addressed to the applicant is attached to the appeal. The letter states that on the basis of the information and plans submitted on 05/11/1993 it appears that a proposal to retain a domestic garage is exempted development. The letter states 'any material departure from the proposals as submitted may remove the development from the exempted category and require the submission of an application for permission under the acts.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

7.0 Assessment

- 7.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 7) attached to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c) I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the scheme itself.

- 7.2. The consideration of the Commission is restricted to whether the terms of the Scheme have been properly applied and there is no discretion to the Commission to selectively apply those terms.
- 7.3. The development for which retention permission is sought comprises the following elements:
- an attic conversion and rear extension with a total floor area of 88.6 sq.m.
 - an ancillary structure with a gfa of 120.1 sq.m. comprising a garage, home office, home gym, WC and hall.
- 7.4. I note that the appellant has not raised objection to the contribution applied in relation to the attic conversion measuring 75.3 sq.m. and rear sunroom extension measuring 13.3 sq.m. The grounds of appeal outline that the contribution required for the ancillary structure is appealed as it is believed it is exempt from planning and the applicant received confirmation of same from Cork County Council in 1993. In this regard a copy of a letter from Cork County Council dated 1993 is attached to the appeal. I note that no drawings are attached to this correspondence or the appeal other than drawings relating to the subject retention application. Whilst I acknowledge this correspondence from the PA relating to the stated exempted status of the ancillary structure, I also note that the current planning application and appeal before the Commission has sought retention permission for this structure. As such I do not consider it appropriate to disregard this aspect of the proposal for the purposes of calculating development contributions.
- 7.5. I note that the PA Contributions Report on file states that the contribution rate as of 1st July 2025 is €53.3988 which was applied to a total floor area of 208.7 sq.m amounting to a total contribution requirement of €11,144.33 (i.e. 208.7 x €53.3988) as required in Condition 7.
- 7.6. I note that Table 5 of the Cork City Council's General Contribution Scheme outlines exemptions and reductions in respect of certain categories, subject to paragraph 1.6. In Table 5 Cat. Ref. 5.14 states that the first 40 sqm of extensions to residential development is exempt. Section 1.6 states that no allowances or reductions in the case of retention permissions shall apply (with the only exception relating to charitable organisations). The planning application sought permission to retain the ancillary structure. The scheme in Section 1.6 does not permit allowances/reductions

in the case of retention permission and I consider the planning authority was applying the terms of its scheme as set out therein based on the development for which retention permission was sought.

- 7.7. The Commission are limited to considering whether the terms of the general development contribution scheme have, or have not, been applied properly and does not consider the merits or otherwise of the scheme itself. Being limited to these considerations, I consider the terms of the general development contribution scheme have been applied properly and I consider it reasonable that Condition 7 should be attached to the permission.

8.0 **AA Screening**

- 8.1. I note the screening determination of the planning authority and the finding of no significant effect in respect of the proposed development. The first party appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

9.0 **Water Framework Directive**

- 9.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

10.0 **Recommendation**

- 10.1. I conclude that, in accordance with section 48 of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area have been properly applied in respect of condition number 7, and recommend that the Council be

directed to attach said condition and the contribution payable thereunder for the reasons stated.

11.0 Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 7 and the reason therefor.

Having regard to the nature of the development, which is a development for retention that is subject to the provisions of Cork City General Development Contribution Scheme 2023-2028 and to Section 1.6 therein which states that in the case of retention permissions no allowance/reductions shall apply, it is considered that the terms of the development contribution scheme have been properly applied.

Condition 7. The developer shall pay to the planning authority a financial contribution of €11,144.33 (eleven thousand one hundred and forty four euro and thirty three cents) 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.

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.

Bernadette Quinn

23rd January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

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|---|---|----------------------|---|
| An Coimisiún Pleanála Case Reference | PL-500052-CC | | |
| Proposed Development Summary | Retention of an attic conversion, extension and an ancillary structure used as a domestic use garage/home gym/ home office space. | | |
| Development Address | Doctors Road, Sarsfield Court, Glanmire, Cork, T45 F670 | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small> | Yes | | |
| | No | X | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | Class..... | EIA Mandatory EIAR required |
| No | | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| | | | Conclusion |
| No | | N/A | No EIAR or Preliminary Examination required |
| Yes | | Class/Threshold..... | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

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| No | | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____ **Date:** _____