



An
Coimisiún
Pleanála

Inspector's Report PL-500160-CK

Development	Construction of a dwelling on service site no. 177 and all associated site works, (as permitted under Planning Ref. 16/7217 and extended under Planning Ref: 22/4692).
Location	Harbour Heights, Rochestown Road, Ardmore, Passage West, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	25/4325
Applicant(s)	O'Brien and O'Flynn
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Carol and Peter Butler
Observer(s)	None
Date of Site Inspection	8th January 2026

Inspector

Suzanne White

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1.0 Site Location and Description

- 1.1. The site is located within the settlement boundary of Passage West, within a residential estate development which is currently under construction. The Harbour Heights development is a relatively modern housing estate located on the northwest perimeter of Passage West. The site bounds an established residential estate, The Brambles, to the east. The lands directly south of the application site comprise a vacant plot, also part of the wider Harbour Heights development. Further south/southeast is the established residential cul-de-sac of Hillcrest. Directly north is an existing row of semi-detached houses, The Gardens, within the Harbour Heights estate which are either occupied or close to completion. To the west are agricultural lands.
- 1.2. The site itself has been cleared and is being used for storage of construction materials presently. A section of the rear boundary wall serving the row of houses to the north has been extended partially into the application site. This sits inside a natural 'ditch' type feature which is vegetated and beyond which are the rear boundary walls of Nos. 41 & 42 The Brambles (the latter property is occupied by the appellants in this case). The northern boundary of the site is demarcated by the side boundary wall and fence of No. 176 (referred to as No. 26 The Gardens on the submitted plans) of the same development. Ground levels rise on site from east to west. The ground level at the rear boundary of the site is c. 35m, while that at the front boundary is c. 38.5m. The agricultural lands to the west rise steeply.
- 1.3. The site area is c. 0.0448ha.

2.0 Proposed Development

- 2.1. The proposed development relates to a single detached 4bed 2 storey dwelling house of 156.67sqm. The dwelling would be located within a housing estate, Harbour Heights, which is currently under construction. It would be situated within a row of two storey detached and semi-detached dwellings which have been permitted previously and of which those to the north are nearing completion on site. The dwelling would have two parking spaces within its front curtilage, accessed from the existing estate road. A rear garden area of 158.6sqm useable area is indicated on

the submitted plans. The dwelling is proposed to be connected to public water supply and wastewater systems.

3.0 Planning Authority Decision

3.1. Decision

Planning permission GRANTED subject to four conditions, by Cork County Council order dated 29th September 2025.

Condition 2 required that the development comply with the terms and conditions of PRR 16/7217 and extended by PRR 22/4692, save where amended by the terms of this permission.

Condition 3 related to development contributions.

Condition 4 required that the design and finishes are in accordance with the details submitted on the 3rd September 2025.

Further information

Further information was requested by the Planning Authority on 24th April 2025 seeking the following:

- That the applicant submit information in compliance with Condition 4 of PRR 16/7217.
- Submission of an updated topographical survey showing the as constructed finished floor levels and ridge heights and confirm in writing that they correspond to permitted levels and heights.
- Revised proposals showing the windows serving bedrooms 1 and 2 on the eastern elevation omitted and relocated to the northern elevation and the full length windows on the northern elevation reduced in height, or a revised house design submitted.

Clarification of further information was requested by the Planning Authority on 24th July 2025 seeking the following:

- Confirmation of compliance with Condition 4 of PRR 16/7217 from the Planning Authority must be submitted.

- A topographical survey is required, showing the date of survey, the site, the houses in the Brambles and Hillcrest and units 173, 174, 175 and 176 on plan with ground levels, boundaries and other features of the site on same.
- Revised proposals showing no bedroom windows at first floor level on the side elevations and window length/height on the northern elevation of no greater than 1.2m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The application was subject to requests for Further Information and Clarification of Further Information by the Planning Authority. Three Planner's Reports were prepared and these are summarised in turn below.

Planner's Report dated 22nd April 2025

- The proposed development is acceptable in principle, having regard to the zoning of the lands 'PW-R-02' for medium density residential development.
- The proposed density is in line with that of the governing permission 16/7217.
- The principle of a dwelling was established under PRR 16/7217. It was indicated as a serviced site. No evidence of compliance with Condition 4 of the parent permission identified. Further information required.
- The indicated finished floor level and height of the proposed dwelling would be in accordance with the requirements of Condition 4 of PRR 16/7217.
- The house design for site 177 is not acceptable as it results in overlooking of site 178 to the southeast. Also, it is considered that full length windows do not integrate well in this area and are prominent and overbearing and should be reduced to standard size.
- The third party objection raises a number of issues. The first of these relates to levels. There is no site section drawing showing this part of the site in the governing permission. Agree with the third party there is a discrepancy between the contiguous elevation submitted and the correct heights of house types B1 & B2. The applicant should be asked to demonstrate with updated

surveys that the dwellings and proposed site are constructed at the correct level.

Planners Report dated 23rd July 2025

- The applicant's response shows that a compliance submission was made in respect of Condition 4 of PRR 16/7217, but no confirmation of same has been received.
- The drawings have been revised but the topographical survey was not submitted. The report includes a table comparing the approved building heights and floor levels with those shown on the revised plans received. Non-conformities are identified, but on initial review it is stated that these appear to be non-material and, in any case, relate to dwellings situated outside the red line for this application.
- The revised plans are unacceptable in terms of overlooking, having simply moved the windows to the other side elevation.

Planners Report dated 29th September 2025

- Confirmation of compliance with Condition 4 of PRR 16/7217 submitted and is acceptable.
- A Topographical Survey has been submitted. The date of the survey is not stated. Ideally this would have been indicated.
- A revised design, featuring a different roof profile, has been submitted and is generally acceptable.

3.2.2. Other Technical Reports

None on file.

3.3. **Prescribed Bodies**

No comments on file.

3.4. **Third Party Observations**

One submission, from the third party appellants in this case, was received by the Local Planning Authority in relation to the application. In addition to the issues raised

in the grounds of appeal (see Section 7 below), the following substantive planning issues were raised in the submission:

- Current construction activity is not adhering to planning granted, and the site plans submitted are therefore inaccurate and misleading.
- The gradient of Road G from the point at which it intersects with Road H is significantly steeper and the centre line higher than the plans submitted as part of planning application 16/7217.

The ground level of the houses is higher than indicated in the permitted plans. The visual impact is massively and unacceptably overbearing.

The current planning application seeks to build at a steeper gradient again.

The planning application seeks to present a misleading representation of the degree to which the sought changes will impact on neighbouring properties, and will result in excessive height, obtrusiveness and undue overlooking, impacting significantly on existing homes.

The 'line of sight' in the Section drawing seeks to show that the impact on neighbouring properties will be minimal.

4.0 Planning History

Application site

24/5275: planning permission refused for a) the construction of 2 no. semi-detached and 1 no. detached dwellings (3 dwellings in total) in lieu of 3 permitted serviced sites "no. 27, 28 & 29 The Gardens", b) all associated site works. The proposed development is a change of plan from that originally permitted under Cork County Council Ref. 16/7217 and extended under Ref. 22/4692. The reasons for refusal were:

1. *The proposed development by virtue of the omission of the serviced sites from the overall development permitted under Planning Permission Reg. No 16/7217 would materially contravene zoning objective PW-R-02 of the Cork County Development Plan 2022 and to permit this development would be contrary to the proper planning and sustainable development of the area.*

2. *On the basis of the information submitted to the Planning Authority and having regard to the proximity, relationship and variance in levels between the proposed dwellings and the adjoining properties at no. 13 Hillcrest and no. 42 The Brambles it is considered that the applicant has not demonstrated to the satisfaction of the planning authority that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties adjoining the proposed development site by way of overlooking, overshadowing and overbearing impacts. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.*
3. *On the basis of the information submitted to the Planning Authority and having regard to the elevated nature of the site, the proposed floor levels and relationship between the proposed site no. 29 (originally site no. 179) and the Hillcrest development it is considered that the applicant has not demonstrated to the satisfaction of the planning authority that the proposed development will not result in an obtrusive feature in this elevated landscape and will not negatively impact upon the visual amenities of the area.*
4. *The Planning and Development Regulations 2001 (as amended) require an applicant to provide a brief description of the nature and extent of the development. The development description references 'the construction of 2 no. semi-detached and 1 no. detached dwellings (3 dwellings in total) in lieu of 3 permitted serviced sites'. This is inaccurate and does not accurately reflect the full extent of development. The Planning Authority considers that the content of the public notices are misleading to the public and fail to accurately describe the development. Accordingly, it would be inappropriate for the Planning Authority to consider a grant of permission for the proposed development in such circumstances.*

22/4692: Extension of Duration to Permission granted under Planning Ref. No. 16/7217 granted. The duration of the permission was extended to 29/01/2028.

16/7217: planning permission granted for construction of 244 no. dwellinghouses, 4 no. residential serviced sites and all associated ancillary

development works including a roundabout onto the Rochestown Road (R610) at the entrance to the site, footpaths, foul and storm water drainage (including the provision of surface water attenuation and water storage tanks), landscaping and amenity areas (including a viewing area on the southern portion of the site).

Condition 4 of this permission stated: “Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit a revised 'Serviced Sites Design Guide' and corresponding site layout plan which provides for the following: (A) Omission of unit 179 and resulting area to be included as part of the public open space and retained as such in perpetuity, (B) Range of height of units 177 and 178 shall be between 7.6m to 8.2m (C) The finished floor level of units 177 and 178 shall be as per site layout plan submitted on 10/11/2017. Reason: In the interests of visual amenity.”

Condition 5 of this permission stated: “The siting, design, external finish and architectural standard of any future dwelling on the proposed serviced sites shall be to the Planning Authority’s satisfaction and in character with the existing and permitted housing estate and shall be subject to a full planning application. Reason: In the interests of visual amenity.”

Adjacent site: Site no. 178

25/4329 – permission granted for a) Construction of 1 No. detached dwelling on service site no. 178, b) All associated site works, (as permitted under Planning Ref. 16/7217 and extended under Planning Ref. 22/4692).

LV-500166-CK: leave to appeal in respect of the above permission was refused.

Other nearby sites:

ABP-314946-22 (22/5827): The construction of 49 no. residential units comprising of the construction of 20 no. detached and semi-detached 3 bed houses as well as 29 no. apartment across three no. blocks comprising of 6 no. 1 bed units, 21 no. 2 bed units and 2.no 3 bed units. The applicants are also applying for permission for the construction of soft landscaped play spaces, an east-west ecological corridor (1.432 hectares), and strengthening the existing pedestrian pathways. The site area

including the ecological corridor spans a total of 3.193 ha [7.89 acres] with developed site area of 1.761ha [4.352 acres]. Access to the site is proposed to the south of the existing Pembroke Wood estate via the existing right of way. The proposed development also includes the provision of car parking [80 no spaces] and bicycle parking [79 no. spaces], disabled car parking spaces, motorbike parking bays and electric vehicle (EV) charge points, drainage works, landscaping and boundary treatments, bin storage, surface treatments and all ancillary site development works.

ABP-319297-24 (23/6568): Retention and planning permission for completion of houses number 132, 133, 134, 135 and 136. Permission for retention comprises revised position of footprints, revised finished floor level to lower elevation and all associated site works. The proposed development is a change of plan from that originally permitted under Cork County Council Planning Ref. 167217 and extended under Planning Ref: 22/4692. This appeal was withdrawn.

ABP-317276-23 (23/4491): permission refused for the construction of a 1.5 storey dwelling house with new site entrance and all associated site works.

5.0 Policy Context

5.1. National Policy and Guidance

National Planning Framework – First Revision April 2025

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

5.2. Development Plan

- 5.2.1. The operative Development Plan is the Cork County Development Plan 2022-2028. The site is located within the Development Boundary of Passage West/Glenbrook/Monkstown and is zoned “PW-R-02 - Residential” with the objective: Medium A density residential development to include serviced sites and a mix of house types. Medical centre and nursing home and crèche to also be provided.

Volume 4 (South Cork)

Section 1.5 Passage West/Glenbrook/Monkstown

General Objectives for Passage West/Monkstown/Glenbrook

PW-GO-01: Secure the development of 379 new dwellings in Passage West/Glenbrook/Monkstown between 2022 and 2028 in order to facilitate the sustainable growth of the town's population from 5,843 to 6,835 people over the same period.

PW-GO-03: All new development will be located within the development boundary of the town established by this plan and which defines the extent to which Passage West/Glenbrook/Monkstown may grow during the lifetime of the plan.

Volume 1 (Written Statement)

Chapter 2 Core Strategy

Passage West is located within the County Metropolitan Cork Strategic Planning Area. The Plan outlines that the County Metropolitan Area (CMA) as set out in the RSES for the Southern Region and the Cork MASP (Metropolitan Area Strategic Plan) Area is the main engine of population and employment growth for the region.

Passage West/ Glenbrook / Monkstown is designated as a Metropolitan Town.

Chapter 4 Housing

HOU 4-8 Building Height and Amenity

Support the provision of increased building height and densities in appropriate locations within the County, subject to the avoidance of undue impacts on the existing residential amenities. In mixed use schemes, proposals will include details of the sequencing of uses to enable the activation of supporting services. New development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018).

Chapter 14: Green Infrastructure and Recreation

Section 14.8 refers to the Landscape Character Assessment of County Cork. Passage West is located within an area designated as a High Value Landscape as illustrated in Figure 14.2 of the County Development Plan.

The Plan outlines that *“High sensitivity landscapes are vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape’s limitations the character of the landscape may change”*.

GI 14-9: Landscape

- a) Protect the visual and scenic amenities of County Cork’s built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Cork County Council Residential Estates Design Guide, May 2011

This document provides guidance in relation to estate development, covering topics including urban design at the estate level, technical requirements including separation distances and access and movement.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within a designated Natura 2000 site.
- 5.3.2. The nearest designated European sites to the appeal site, including SAC’s and Special Protection Areas (SPA’s) include the following:
 - Cork Harbour SPA (004030)- c.1km north and c. 3km south
 - Great Island Channel SAC (001058) – c.1.8km northwest
 - Great Island Channel p NHA (001058) – c.1.8km northwest
 - Douglas River Estuary p NHA (001046) – c.1km north
 - Owenboy River p NHA (001990) – c.5.1km south
 - Cuskinny Marsh p NHA (001987) – c. 7.6km southeast

6.0 EIA Screening

6.1. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (ii) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

6.2. The proposal comprises the construction of 1no. residential unit on 0.0448ha site. The site area is therefore well below the applicable threshold for urban development. The proposed development falls below the development threshold and mandatory EIA is therefore not required. The site is located within the environs of Passage West. The nature of development within the vicinity of the site is defined by a residential land uses. The development will not have an adverse impact in environmental terms on surrounding land uses.

6.3. I have given consideration to whether sub-threshold EIA is required. The introduction of a residential development on a serviced site within the development boundary of Passage West will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of natural or cultural heritage and the proposed development, in my view, is not likely to have a significant effect on any designated Natura 2000 site as detailed further in Section 9 of this report.

6.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Eireann and Cork County Council, upon which its effects would be marginal.

6.5. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site in a residential estate within the development boundary of Passage West, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

6.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary.

7.0 The Appeal

7.1. Grounds of Appeal

The 3rd party Appellant’s grounds of appeal may be summarised as follows:

- This planning application has been approved based on site plans that are substantially inaccurate.
- The siting of proposed Unit 177 would be c. 3.5-4m further southeast than shown in the revised site plan submitted with the application. This is because the adjacent Unit No 176 The Gardens (permitted under PRR 16/7217) has been constructed partly within the site of No. 177. Note: no. 176 has been renumbered 26 The Gardens. Units 177 and 178 (the latter is subject to a

separate planning application) would encroach into the land designated public space under PRR 16/7217.

- The submitted drawings are incorrect in terms of the separation distance between proposed Unit 177 and existing dwellings Nos. 41 and 42 The Brambles. This is because the adjacent Unit 176 The Gardens has been constructed closer to those dwellings than was approved and, if the proposed dwelling is constructed on the same line, as indicated in the plans it will also be closer to those dwellings than indicated in the submitted plans. Also, the distance from the rear wall of the proposed unit differs in two of the documents submitted.
- The construction of the row of houses ending at 176 The Gardens, granted under planning application number 16/7217 and subsequently renumbered to end at 26 The Gardens, is not being executed according to permission granted.
- The submitted plans inaccurately represent the site boundaries of permitted units ending at No. 176 The Gardens, units 177 & 178 and the public green space.
- Correspondence from Cork County Council dated 20th August 2025 notes receipt of a submission on 26th June 2025 that complies with Condition 4 of PRR 16/7217, however this is not attached to either PRR 16/7217 or PRR 25/4325.
- The Planner's Assessment of Further Information dated 29th September 2025 references an updated survey drawing, however this is not evident in the scanned files. A site survey dated 27th August 2025 is available to view but is inaccurate and does not contain the level of detail expected in a topographical survey.
- The submitted plans show a block wall to the rear garden of Unit 177. PRR 16/7217 allows for a concrete and post fence behind the adjacent units, however a solid wall of concrete panels has been constructed. This, combined with the significant height difference between The Gardens and The Brambles, has resulted in an excessively high, obtrusive and visually ugly

boundary treatment that has a significant detrimental impact on neighbouring residential amenity.

7.2. Applicant Response

A response was received from the first party, which may be summarised as follows:

- The dwellings are positioned as per the site layout granted and not off neighbour's garden fences/boundaries. A survey was included as part of the applicant's RFI submission. The Planning Authority assessed the response and deemed it compliant as a grant of planning was given.
- The appeal claims that the distance between 176 and 41 is 31m. The planning drawing has a dimension of 37.5 where it is actually 38.5m.
- As part of the RFI submission, confirmation of compliance with Condition 4 was shown.
- The claim that the topographical survey was inaccurate and does not contain levels of detail expected in a topographical survey is unsubstantiated. Detailed information was provided to the Planning Authority to allow them to consider and evaluate the application.
- A wall is proposed on the rear boundary because most people prefer a wall for security reasons. Timber would deteriorate in a short time as the rear side of the fence would be inaccessible for maintenance and painting.

7.3. Planning Authority Response

The response received states that it is the opinion of the Planning Authority that all the relevant issues have been covered in the technical reports already forwarded to the Bord as part of the appeal documentation, and has no further comment to make in this matter.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Accuracy of the submitted plans
- Impact on adjoining residential amenities

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including compliance with residential standards, house design including external materials and connection to services. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. Permission is sought for the construction of a new 2 storey dwelling house on lands zoned PW-R-02 for which the objective is '*Medium A density residential development to include serviced sites and a mix of house types. Medical centre and nursing home and creche to also be provided*'. This zoning is specific to the application site and wider residential development (10.95ha) of which it is part. I note that the original permission for the wider development, PRR 16/8217, included the provision of serviced sites in this location and that a reason for refusal by the Planning Authority of the previous application (PRR 24/5275) for the appeal site was that the proposal for a semi-detached pair of dwellings on the site was not equivalent to the provision of serviced sites. In this case, a single detached dwelling is proposed, which was accepted by the Planning Authority as being in accordance with the zoning objective. I concur with this view.
- 8.1.2. I also note that the Planning Authority required, as part of their further information requests, confirmation of compliance by the developer with Condition 4 of PRR

16/8217, which related to the serviced sites, and required that a 'Serviced Sites Design Guide' and corresponding layout plan was submitted and approved. I note correspondence on file from the Planning Authority dated 20th August 2025 which confirms that details submitted were in compliance with Condition No.4. I also note that the proposed dwelling meets the specific requirements relating to the height and finished floor level of dwellings on the serviced plots set out in Condition 4. Therefore, there is no conflict between the proposed development and the 'parent' permission, PRR 16/8217.

- 8.1.3. Consequently, therefore, I consider that the proposed development is acceptable in principle, having regard to the zoning objective for the site and the planning history for the wider development.

8.2. Accuracy of the submitted plans

- 8.2.1. The third party grounds of appeal raise concern that the submitted plans (specifically the site layout plans and topographical survey) are inaccurate and that, therefore, the proposed dwelling would be sited closer to the boundary of No. 42 The Brambles (the Appellant's property) and would also be sited further southeast than is indicated in the drawings submitted with the application. The Appellant's argument is derived from their observation that the row of dwellings under construction to the north of the appeal site, ending at No.176 The Gardens, has not been constructed in accordance with the approved plans (under PRR 16/7217, as extended) resulting in a knock-on effect on the current proposal. The grounds of appeal state that the revised site plan as submitted by the applicant under PRR 16/7217 shows the boundary of unit 177 as starting behind No.41 The Brambles, whereas they maintain that it has been built c. 3.5-4.5m further south-east, past the boundary line between Nos. 41 & 42 The Brambles. The Appellants refer to the latest satellite imagery on Google Maps as evidence of the incorrect siting of the dwellings under construction and to their own observations from their property.
- 8.2.2. I note that the application boundary for the present application relates only to the proposed dwelling and its curtilage and does not include any part of the wider residential development. I also note that the current site sits within the 'serviced

sites' area approved under PRR 16/7217. I further note that any issues associated with the parent permission (PRR 16/7217) are an enforcement matter for the planning authority and not the Commission. Notwithstanding, I do note variance between the site layout plans approved under PRR 16/7217 (Site Layout Plan Dwg. No 15029-P-001 and the partial Site Layout Plan 3/3 Dwg. No PL03A received on the 10th November 2017) and the site layout and topographical survey plans submitted under this current application in respect of the layout and siting of the subject site and the dwellings constructed to the north. Also of relevance is Condition 4 of PRR 16/7217:

“Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit a revised 'Serviced Sites Design Guide' and corresponding site layout plan which provides for the following: (A) Omission of unit 179 and resulting area to be included as part of the public open space and retained as such in perpetuity, (B) Range of height of units 177 and 178 shall be between 7.6m to 8.2m (C) The finished floor level of units 177 and 178 shall be as per site layout plan submitted on 10/11/2017. Reason: In the interests of visual amenity.”

In this regard, the Planning Authority confirmed, in their letter to the applicant dated 20th August 2025, that the applicant's submission received on the 26th June 2025 in respect of Condition 4 of PRR 16/7217 was deemed to be in accordance with Condition 4 of the permission. The details submitted by the applicant included a site layout plan, as required by Condition 4. That site layout plan shows serviced sites 177 & 178 repositioned further south on the site than originally approved under PRR 16/7217. The layout plans submitted under the current application are in accordance with the site layout plan submitted and approved by the Planning Authority under Condition 4. Having regard to the wording of Condition 4 attached to PRR 16/7217 and to the details submitted and approved under that condition, I do not consider that the proposed development would materially contravene that condition. I also note that planning permission (PRR25/4329) has been granted for a dwelling on serviced site No. 178 directly south of the subject site.

8.2.3. I turn now to the question of inaccuracy in the drawings submitted for the present application itself. I note that the Planning Authority sought, as further information and clarification of further information from the applicant, a topographical

survey of the 'as constructed' dwellings, including finished floor levels and ridge heights. Following submission by the applicant of a topographical survey drawing on 3rd September 2025, the Planner's Report (dated 29th September 2025) noted that the topographical survey was not dated, but indicated that it was sufficient and proceeded to recommend a grant of permission.

- 8.2.4. The Applicant, in their response to the grounds of appeal, states that the dwellings are positioned as per the site layout granted, that a survey was included as part of the applicant's RFI submission and that the claim that the topographical survey was inaccurate, and does not contain levels of detail expected in a topographical survey, is unsubstantiated.
- 8.2.5. The Applicant submitted a revised proposed site layout plan as further information on the 9th July 2025 and stated in the accompanying covering letter that discrepancies in the heights and floor levels of Nos. 173-176 (located outside this application site boundary) were due to human error. In response to a clarification of further information request from the Planning Authority, the existing site survey drawing underpinning the revised proposed site layout plan was submitted. The revised proposed site layout plan and existing site survey plan show the northwestern boundary of the application site, adjoining No.177 The Gardens, aligned slightly to the north of the boundary between Nos. 41 & 42 The Brambles. From my observations on site, I consider that the northern boundary of the application site, as shown on the revised proposed site layout plan and existing site survey plan received by the Planning Authority on 3rd September 2025, corresponds to the position on site.
- 8.2.6. In this case, based on my review of the submitted plans, the Appellant's submissions and my own observations on site, I do not have any reason to doubt the accuracy of the existing site survey submitted by the Applicant. Consequently, I do not consider that there is an apparent inaccuracy in the submitted plans.
- 8.2.7. With regard to the separation distance between the proposed dwelling and Nos. 41 & 42 The Brambles, I note that No. 177 was originally permitted as a serviced site, leaving matters of siting and design reserved for a subsequent planning application. As such, there is no established separation distance for No. 177 and, in any case, such matters fall within the scope of a full planning application.

8.3. Impact on adjoining residential amenities

- 8.3.1. The 3rd Party grounds of appeal raise concern in relation to the proposed rear boundary treatment to No. 177, consisting of a block wall. They refer to the impact of the concrete panel wall constructed to the rear of the adjacent units to the north which, combined with the height difference between The Gardens and The Brambles, they consider has resulted in an excessively high, obtrusive and visually ugly boundary treatment that has a significant detrimental impact on neighbouring residential amenity. I note that the Appellants, in their submission to the Planning Authority, also raised as an issue, the elevated ground level of the proposed dwelling relative to their own, which they stated would result in a visual impact that would be massively and unacceptably overbearing. In addition, that submission raised the issue of potential overlooking of neighbouring properties.
- 8.3.2. The Applicant states, in their response to the grounds of appeal, that a wall is proposed on the rear boundary because most people prefer a wall for security reasons and that timber would deteriorate in a short time as the rear side of the fence would be inaccessible for maintenance and painting.
- 8.3.3. The Planner's Report does not identify an issue with regard to impacts on the amenity of existing neighbouring properties, but did require amendments to the design of the proposed dwelling to remove side facing windows which could give rise to overlooking.
- 8.3.4. The matter of conformance of the adjacent dwellings with the boundary treatment approved under PRR 16/7217 falls within the jurisdiction of the Planning Authority and not that of the Commission.
- 8.3.5. In the case of this application, the proposed rear boundary wall of No.177 is proposed to be set further away from Nos. 41 & 42 The Brambles than the rear boundary wall of No. 176 adjacent. This also marks a change to the rear boundary treatment line indicated in the approved plans under PRR 16/7217. The resulting intervening space between the rear boundary wall and the rear gardens of Nos 41 & 42 The Brambles is proposed to be planted with native tree species - 4no. trees are indicated.

8.3.6. On review of the plans submitted to the Planning Authority on the 3rd September 2025, I note some discrepancies in the measurements annotated on the plans and those scaled from the plans. These are set out in the table below, together with minimum and maximum distances scaled from the plans, noting that the depth of the rear garden varies.

Measurement	Site Layout Plan 1:500 @ A3 (Dwg. 24.P.02A-PL03A)	Site Section AA 1:200 @ A3 (Dwg 24.P.02A-PL06)
Distance from rear elevation to proposed rear boundary wall	11.4m (annotated) 11m (scaled from plan) 10.5m (min- scaled) 12m (max - scaled)	10.2 (scaled)
Distance from rear elevation to the boundary with No. 42 The Brambles	16.2m (annotated) 15m (scaled from plan) 15.6m (min - scaled) 16.8m (max - scaled)	15.85m (annotated) 17.2m (scaled)
Distance between the rear elevations of No. 42 The Brambles and the proposed dwelling	35m (scaled)	36.65m (annotated) 35m (scaled)

8.3.7. Whilst I note the discrepancies set out above, I consider that they are minor in nature. I also note that the key measurement in respect of adjoining residential amenity, that of the separation distance between habitable room windows, scales consistently across the proposed site plan and section drawing at c. 35m.

8.3.8. I note the Council's Residential Estate Design Guidance (2011), which provides guidance on the design of new housing areas and is referenced at Section 16.3.33 in the Development Plan 2022-2028. Whilst Objective GI14-6 of the Development Plan requires that Public Open Space within residential developments is provided in accordance with the standards contained in this Guidance document and with the "Guidelines on Sustainable Residential Development in Urban Areas", there is no equivalent requirement relating to separation distances set out in the Development

Plan. In any case, the separation distance between proposed Unit 177 and Nos. 41 & 42 The Brambles would exceed the minimum separation distance of 22m required by the Residential Estate Design Guidance 2011. In addition, the depth of the rear garden of No. 177 would exceed the minimum rear garden depth of 11m required by the Guidance. Having regard also to SPPR1 of the Compact Settlement Guidelines 2024, the proposed development would meet the minimum separation distance of 16 metres required between opposing windows serving habitable rooms at the rear or side of houses/apartments. I consider that the separation distance proposed would be sufficient to mitigate the increased overlooking arising from the higher ground level of the proposed unit relative to the existing dwellings in The Brambles, noting also the suburban context within which the dwellings are situated and the pattern of development in the area, whereby rows of dwellings rise gradually with the topography from east to west.

- 8.3.9. The rear boundary wall of No. 177 would be located c. 25m distance from the rear elevation of Nos. 41 & 42 The Brambles. A 1.8m high block wall is proposed. I consider that this should be capped and cement rendered on the external side given that it will be visible from the public realm. Notwithstanding the level difference between these dwellings, given the separation distance indicated and with the tree planting proposed and a condition in respect of finish, I consider that the proposed boundary wall would not result in a material negative impact on the residential amenity of neighbouring occupiers.
- 8.3.10. Overall, having regard to the separation distance between the proposed and existing dwellings and the proposed additional planting along the existing ditch boundary, I consider that the proposed development would not have a material impact on the amenity of adjoining residential occupiers.

9.0 **Appropriate Assessment Screening**

- 9.1. I have considered the proposed dwelling and site works at site no 177 Harbour Heights (The Gardens), Rochestown, Passage West Co. Cork in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located c. 1km from the nearest European Site.

9.3. The proposed development comprises the construction of an infill dwelling within a wider permitted residential estate development which is under construction. See Section 2 above for a more detailed description.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location of the site within a wider serviced residential estate development which is under construction.
- The qualifying interests and conservation objectives of the Cork Harbour SPA (004030) and Great Island Channel SAC (001058).
- Taking into account the screening determination of the Planning Authority

9.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Screening

10.1.1. The subject site is located within an existing residential estate, c.2.4km east of the Moneygurney _010 watercourse (WFD status: 'Review') and c.1km west of north of the Lough Mahon, IE_SW_060_0750, transitional waterbody (WFD status: 'at risk'). The underlying groundwater body is Ballinhassig East, IE_SW_G_004, (WFD status: not at risk) which is categorised as poorly performing bedrock.

10.1.2. The proposed development comprises an infill dwelling within a wider residential estate development which is under construction.

10.1.3. No water deterioration concerns were raised in the planning appeal.

10.1.4. I have assessed the proposed dwelling at site no. 177 Harbour Heights and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.1.5. The reason for this conclusion is as follows:

- the small scale and nature of the development; and
- the distance from the nearest water bodies and lack of hydrological connections.

10.1.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the zoning of the lands 'PW-R-02' for medium density residential development, the planning history of the site, the pattern of development in the area and the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>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 3rd September 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the terms and conditions of Planning Permission Reg. No. 16/7217 and extended by 22/4692 which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein.</p> <p>Reason: In the interests of clarity.</p>
3.	<p>The tree planting shown on drawing number 24.P.02A-PL04 Rev C, as submitted to the planning authority on the 3rd day of September 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

4.	<p>a) The side boundary wall (with No. 178 to the south) of 1.8m in height shall extend only between the front building line and the rear boundary wall of the proposed dwelling.</p> <p>b) Prior to commencement of development, details of the proposed front boundary treatment shall be submitted to and agreed in writing by the Planning Authority.</p> <p>c) The rear garden boundary wall shall be capped and rendered on the external side.</p> <p>Reason: In the interests of residential and visual amenity.</p>
4.	<p>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 the 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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

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.

Suzanne White

28th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500160-CK		
Proposed Development Summary	Construction of a dwelling on service site no. 177 and all associated site works.		
Development Address	Harbour Heights, Rochestown Road, Ardmore, Passage West, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No	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	X		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)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	Class 10(b) of Schedule 5 to Part 2 of the Regulations	Proceed to Q.4

		<p>(i) construction of more than 500 dwelling units,</p> <p>(ii) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</p>		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Suzanne White **Date:** 28th January 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-500160-CY
Proposed Development Summary	Dwelling and all other site works
Development Address	Harbour Heights Rochestown Road, Ardmore, Passage West, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The c.0.0448ha site comprises a vacant, serviced plot within a residential development which is under construction. The estate roads and footpaths are in place.</p> <p>The proposed development would not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p>
<p>Location of development</p> <p>(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).</p>	<p>The site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> • Cork Harbour SPA (004030)- c.1km north and c. 3km south • Great Island Channel SAC (001058) – c.1.8km northwest <p>The development would be located within wider residential development which has been permitted and is under construction. It would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to</p>

	significantly affect other significant environmental sensitivities in the area.
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).	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
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.

Inspector: Suzanne White Date: 28/01/2026