



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500276-CC-25

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<b>Development</b>	<b>Protected Structure. Renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks.</b>
<b>Location</b>	<b>Chillee House , Blackrock Road , Cork</b>
<b>Planning Authority</b>	<b>Cork City Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>2543645</b>
<b>Applicant(s)</b>	<b>Stewart and Cleo Hosford</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Grant Permission + Conditions</b>
<b>Type of Appeal</b>	<b>Katie and Matthew Golden Maggie and Ciarán Kelleher Byrne</b>
<b>Appellant(s)</b>	<b>Stewart and Cleo Hosford</b>
<b>Observer(s)</b>	<b>Bord na Móna Plc</b>
<b>Date of Site Inspection</b>	<b>29<sup>th</sup> January 2026</b>
<b>Inspector</b>	<b>Irené McCormack</b>

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## 1.0 Site Location and Description

- 1.1. The appeal site is located with the grounds of Chiplee House, Blackrock Road, Co. Cork.
- 1.2. Chiplee House is a detached Georgian House, it is a Protected Structure (RPS No. 513) and recorded on the National Inventory of Architectural Heritage (NIAH ref. No. 20867017) and considered to be of regional importance.
- 1.3. The existing structure on site is a located on the southwestern site boundary to the north of the site entrance. The existing structure is a stone building consisting of 4 upstanding walls and no roof and has a floor area of 26.4sqm. The structure shares a portion of its western boundary with the adjoining property to its immediate west.

## 2.0 Proposed Development

- 2.1. Permission is sought for the renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks within the grounds of Chiplee House.
- 2.2. The proposed extension is a contemporary modern single stoney extension connected via a new glazed link from to the existing structure. The proposed floor area of the extension is 23.4sqm.
- 2.3. A request for further information was made on 14<sup>th</sup> April 2025 requesting a short Conservation Report on the existing structure as the details submitted differed to those show under the 2019 application (CCC19/38345), clarification was later sought regarding works at the entrance, details regarding wastewater disposal and retention of mature trees on site. Further clarification was sought of 19<sup>th</sup> September 2025 regarding the wastewater demand generated by the existing dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Order dated 23<sup>rd</sup> October 2025 Cork City Council issued notification of a decision to GRANT permission for the proposed development subject to 10 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

## Planner Report

3.2.2. The report provides a summary of the proposed development and submissions received. The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan. Subsequent to additional information received in response to the RFI and CRFI the Planning Authority (PA) recommended planning permission be granted.

3.2.3. Conditions of note include:

- No. 2. Relates to use incidental to the main dwelling.
- No. 9 – relates to standard wastewater treatment system condition.

3.2.4. Other Technical Reports

Conservation Officer (dated 27/08/2025) – No objection subject to conditions. The report notes;

*'The applicant has made clear in the FI response that the current application is based on a recent survey of the building, post the previous application, which was carried out after the building was made safe. This explains the misalignment of the drawings. The proposals have been further updated and involve the reinstatement of the original building form, including the chimney stack. A Conservation Report recording the building and detailing its condition has been provided. A brief outline of the recent repair works has not been outlined, but it is understood that this included works such as the removal of the corrugated iron roof which had badly deteriorated. The report does, however, include a method statement for the repair and refurbishment of the historic structure, which would have been requested by condition.'*

Drainage (dated 21/3/2025) – No objection subject to conditions.

Rural Water (dated 22/10/2025) - No objection subject to conditions.

Contributions (dated 26/03/2025) – No contributions

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

The PA note that several third - party submissions were received. Some observations are in support of the proposal while others have raised concerns with

the development.

A brief summary of the observations/ submissions is set out below.

- Structure is not a gate house as Chiplee would have originally had its entrance on the Blackrock Road. The subject building is the ruin of an outbuilding not a cottage.
- Concerns as regards reliance on shared boundary wall and absence of third party consent
- Impact on existing boundary which severs an ecological habitat in neighbouring property and trees on site.
- Previous consent on site (19/38345) relied to an extraordinary extent on use of the party wall between 17 Botanika and Chiplee. No reliance should be made on the face that a previous permission was granted as this permission was not actionable without the adjoining landowner's consent and no consent to use of party wall would have been given for the project.
- Impact on shared parties' residential amenity including visual amenity
- Proposal would not meet development plan criteria for a family flat.
- New/ additional car parking is proposed which contradicts claim that it is ancillary as it is evidently intended to be a separate and stand - alone dwelling.
- Additional car parking would create noise and fumes, causing negative impacts on existing neighbouring properties.
- Negative impact on property values.
- Construction impacts

#### 4.0 Planning History

**CCC 19/38345** – Permission granted for the renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks within the grounds of Chiplee House, a protected structure.

**CCC 17/37420** – Permission for retention granted for: 1) Retention permission for the re - slating and modifications to the existing dwelling roof to include for the replacement and relocation of existing dormer windows with roof - lights and additional roof - lights,

and 2) planning permission for modifications to existing conservatory to the southern side of the dwelling with all ancillary site development works.

**CCC 06/31539** – Outline permission refused to construct four two storied dwelling houses with site access road and the demolition of ruined out building on the northern portion of the land of Chiplee which is a Protected Structure.

## 5.0 Policy Context

### 5.1. Development Plan

The site is zoned ZO 01 'Sustainable Residential Neighbourhoods' in the Cork City Development Plan 2022-2028.

Other relevant designations-

#### Volume 3 Built Heritage Objectives

- Record of Protected Structures - Part 2 of Volume 3 identifies Chiplee House as a Protected Structure (Ref PS 513).
- Chiplee House also listed on the National Inventory of Architectural Heritage (NIAH) as being of regional significance (Ref: No. 20867017).
- The site is located within an Area of High Landscape Value.

#### Volume 1 – Chapter 12 – Land Use Zoning Objectives

The objective for ZO 01 is “To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.”

ZO 1.1 The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built - up area, including inner - city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

ZO 1.2 Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the

primary objective of this zone will be resisted.

ZO 1.3 Primary uses in this zone include residential uses, crèches, schools, home - based economic activity, open space and places of public worship.

ZO 1.4 Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small - scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live - work units; service stations (petrol filling stations); local medical services; third level education institutes; community-based enterprise or social enterprises, health facilities including hospitals.

ZO 1.5 Where it can be suitable, the expansion of zoned Neighbourhood and Local Centres is open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 7 Economy and Employment.

ZO 1.6 The employment policies in Chapter Economy and Employment designate particular locations for offices, office - based industry and major retailing development, and these uses are not generally permitted in this zone, unless they are community - based enterprises or social enterprises.

ZO 1.7 Many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

#### Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

### **Chapter 3 - Delivering Homes and Communities**

Adaptation of Existing Homes, Infill Development and Conversion of Upper Floors - Objective 3.9 -Adaptation of Existing, Homes, Infill Development and Conversion of

Upper Floors - Cork City Council will support and encourage the adaptation of existing homes (consistent with NPO 35 of the NPF), infill development and the conversion of upper floors in commercial areas in principle to ensure that homes, small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

Section 3.45 –‘Cork City’s existing housing stock provides a valuable resource in terms of meeting the needs of a growing population and its retention and management is of considerable importance. Retaining and adapting, as appropriate, existing housing stock is important to ensure that homes meet the requirements of modern society whilst still ensuring that this is not done at the expense of unreasonable impact on adjoining properties.’

## **Chapter 6 - Green and Blue Infrastructure, Open Space and Biodiversity**

Objective 6.13: Areas of High Landscape Value - To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings structures and landmarks ; and the ecological and habitat values of the landscape.

Section 6.23 sets out ‘New development in AHLV must respect the character and the primacy and dominance of the landscape...

## **Chapter 8 - Heritage, Arts and Culture**

Strategic Objective 7 - Heritage, Arts & Culture - *To identify, protect, enhance and promote Cork’s unique cultural heritage and expression in an authentic and meaningful way. To foster and support the arts and culture in Cork City by encouraging new and improved facilities and by ensuring that arts and culture infrastructure are integrated into large - scale developments on key sites.... To ensure that heritage elements of archaeological, architectural and cultural significance are identified, retained and interpreted wherever possible, and the knowledge placed in the public*

*domain. Proposals for new development must have regard to the historic built heritage of the city, particularly Protected Structures, archaeological monuments and archaeological heritage and Architectural Conservation Areas, and any development that has a detrimental impact on these assets will not normally be acceptable.*

- Objective 8.17 – Conservation of the City’s Built Heritage
- Objective 8.18 - Reuse & Refurbishment of Historic Buildings -

*‘a. The City Council will actively encourage the re-use of historic buildings in the interests of conservation and environmental sustainability to minimise waste and optimise on the embodied energy in existing buildings.*

*b. Uses which will have a minimal impact on the character of historic structures will be*

*encouraged.*

*c. Alterations will adhere to best practice conservation standards.*

*d. The reinstatement of lost features and removal of unsympathetic additions will be encouraged where appropriate.*

*e. It is recognised that the protection and retention of historic buildings within the medieval city, has the dual advantage of protecting the rich archaeological resource and the Recorded Monument of the City Wall.’*

- Objective 8.19 - Record of Protected Structures
- Objective 8.21 -*Enabling Development -To allow for the enabling of development Cork City Council will consider permitting the following, notwithstanding the zoning objectives of the area:*

*a. The restoration of a Protected Structure, or other buildings of architectural or other merit, currently in poor condition, to conservation best practice for any purpose compatible with the character of the building;*

*b. The conservation of a Protected Structure or other building of architectural or other merit, independently of its current condition, for a range of potential uses such as tourism, social, cultural amenity as a priority, or housing and business uses as a secondary use, in cases where, in Cork City Council’s opinion, that the converted building is capable of functioning as an important*

*additional tourist attraction or facility, and the use is compatible with the character of the building;*

*c. Cork City Council will promote by whatever means it considers most appropriate the temporary or short-term use, in particular arts, community or tourist uses, of vacant or underused structures or sites of built heritage interest for any use which is compatible with the character of the structure or site*

- Objective 8.22 – National Inventory of Architectural Heritage
- Objective 8.27: Elements of Built Heritage -Cork City Council will ensure the protection of important elements of the built heritage and their settings as appropriate.
- Section 8.20 -*Sympathetic maintenance, adaptation and re-use can allow architectural heritage to yield aesthetic, environmental and economic benefits to the city, even when the original use may no longer be viable. Conservation can be recognised as a good environmental choice as the reuse of buildings rather than their demolition contributes to sustainability by retaining the embodied energy of buildings and reducing demolition waste. In some cases, it is also more cost effective to renovate than demolish and rebuild.*

## **Chapter 9 -Environmental Infrastructure**

- Objective 9.3 -Group Water Schemes, Private Wells and Individual Treatment Systems
  - a. To require that all developments where public water mains are available or likely to be available and have sufficient capacity, shall connect to them.*
  - b. To ensure that all new developments connect to the public wastewater infrastructure, where available, and to encourage existing developments that are in close proximity to a public sewer to connect to that sewer, subject to a connection agreement with Irish Water.*
  - c. To discourage the provision of single house septic tanks and treatment plants to minimise the risk of groundwater pollution in line with the rural housing policy of this Plan. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021),*

will be  
required.

*d. Residential development that requires the provision of private wastewater treatment facilities (i.e. Developer Provided Infrastructure), other than single house systems will generally not be permitted.*

*e. To ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.*

## **Chapter 11 - Placemaking and Managing Development**

- Objective 11.1 -Sustainable Residential Development
- Section 11.147 -Applications for such ancillary family accommodation shall demonstrate:

*'1. A bona-fide need for such a unit including details of the relationship between the occupant of the main dwelling and the occupant of the ancillary accommodation;*

*2. The unit shall comprise a physical extension of the main house with direct access to the main dwelling and shall be located at ground floor level;*

*3. The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area;*

*4. The entrance to the family flat shall be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear;*

*5. The accommodation shall revert back to being part of the original house when no longer occupied by a member of the family;*

*6. No sub-division of the garden shall be permitted.'*

- Objective 11.3 - Housing Quality and Standards
- Objective 11.5 - Private Amenity Space for Houses
- Table 11.13 Maximum Car Parking Standards

Land Use Category	Zone 1	Zone 2	Zone 3	Zone 4
	City Centre & Inner City	Accessible to mass transit (existing/committed public transport)	City Suburbs and Urban Towns	Hinterland Villages and Hinterland
Minimum Standards: 1 space for each unit of gross floor area sq m unless otherwise indicated.				
RESIDENTIAL DEVELOPMENT				
Residential (1-2 Bedroom)	0.5	1.0	1.25	1.25

11.261 All new developments (including amendments / extensions to existing developments) will generally be required to incorporate Sustainable Urban Drainage Systems (SUDS), which offers a total solution to rainwater management and is applicable in both urban and rural situations.....

## 5.2. Section 28 Ministerial Guidelines

5.2.1. The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
  - SPRR 1 -Separation Distances
  - SPPR2- Minimum Private Open Space Standards for Houses
- The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

## 5.3. Natural Heritage Designations

5.3.1. There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site it or within the immediate context of the site. The closest European site to the proposed development is Cork Harbour SPA (Site code: 004030), situated c. 2.17km to the east at its nearest point.

## 5.4. EIA Screening

The proposal is for the restoration, renovation and extension of an existing structure and all associated site works. The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.

The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two no. third party appeals were submitted. The following issues were raised:

- It is argued that the existing building on site can 'at best be described as the ruin of an old and direct outbuilding'. No evidence to support that the structure was in use as residential has been submitted.
- Noting that the Conservation report refers to the property as a "Gate Lodge", it is argued that the map submitted deliberately excludes the road frontage onto Blackrock Road where the historic map includes a 'lodge' to Chiplee at the entrance from Blackrock Road and not the building the subject of this application.
- It is obvious from the photographs in the Conservation report that the building is an outbuilding and not a 'renovation' as the structure is in poor condition used and in use as a bin store. The Council did not engage in this aspect of the proposed development.
- Concern is raised that the design and layout provides for a standalone residential unit with its own dedicated amenity space and car parking and this goes beyond the definition of 'ancillary' and contrary to the conditions under which permission was granted.
- No justification submitted for the development in line with the requirements of the Development Plan as regards 'ancillary accommodation'.
- Condition no. 2 on which this permission relies cannot be met as by its nature the development is a independent dwelling.
- The development would result in negative impacts on residential amenities
- Concern about the direct impact on adjoining owners, in particular the shared boundary wall, the view of the proposed gable of the development and the location 16.33m from no. 17 Botanika with the proposed rear terrace looking directly into the garden of no. 17.

- Concern that the works cannot be carried out without impact on the lime tree within the grounds of no. 17 Botanika. This has not been addressed in the Method Statement and Tree Protection Strategy submitted. It is unlikely that the applicant will be able to carry out works without disturbing the tree roots.

## 6.2. Applicant Response

A response to the appeal was received on the 11<sup>th</sup> December 2025. The response notes the following:

### Condition of the Existing Structure and Conservation Approach

- Relating to the condition of the existing structure it is set out that a Conservation and Heritage Assessment was submitted as part of the RFI and included a detailed photographic record of the surviving historic fabric, an evaluation of the structures condition and assessment of significance within the curtilage of Chiplee House and a methodology for stabilisation and repair.
- The CC Conservation raised no concerns.
- The restoration is consistent with Objective 8.18, 8.19, 8.23 and section 8.20 of the CCDP with respect to repairing, reinstating and reusing existing buildings.

### Nature of the Proposed Use and Ancillary Status

Condition no. 2 of CCC Notification confirms the role of the cottage as supplementary to the main residence.

- Objective 8.19 recognises that a 'broad range of uses will be considered for the regeneration /reuse of protected structures that are derelict/underutilised.'
- The inclusion of standard domestic facilities and car parking space does not later the fundamental relationship between the cottage and Chiplee House.

### Residential Amenity (including Boundary Matters & Trees)

- The development is single storey with limited window openings and no elevated vantage points that would result in meaningful overlooking of adjoining properties.
- The design, height and orientation of the cottage will not result in any unacceptable loss of privacy.
- Separation distances between the cottage and nearest dwellings range from

16.333m to 28.6m.

- The height and position of the cottage will not result in any material reduction in sunlight to the adjoining properties.
- Regarding the western gateway wall issue, it is set out that a FI stage the Conservation officer advocated for the retention of most of the wall. In response the applicant revised the drawings to preserve nearly the entire wall with the exception of a 30cm section (where necessary to address site levels and prevent water ingress). It is further set out that boundary alignment and ownership disputes are not a matter for planning.
- The trees on site were subject to an Arboricultural Impact Assessment and Tree Protection Strategy which confirmed the retention of trees on site and outlined construction protection measures.

#### Technical Matters: Drainage, Wastewater and Levels

- Reference is made to the RFI and CFI requests which sought clarification on the existing wastewater treatment system including its condition, population capacity and suitability to serve both Chiplee House and the cottage. It is set out that the Rural Water Section of CCC accepted the proposed upgrade of the system to a Biokast P10 treatment system to serve both properties.
- Surface water will be directed away from the cottage to prevent ingress , a 30cm adjustment to the wall and the introduction of stepped access were incorporated to resolve level differences.
- Reference is made to condition no. 7 and 8, the CCC notification relation to drainage and compliance with relevant standards and 9 and 10 in relation to wastewater.

#### Access, Traffic and Parking

- The development will not alter the existing vehicular access arrangements nor introduce any additional entrance or intensification of traffic movements that would adversely affect the surrounding road network.
- It is set out that the cottage will remain functionally connected to the main dwellings. A single space was required by the Council to ensure orderly access and reinforce

the ancillary nature of the unit.

#### Cited Planning Case

- The response seeks to address reference made in the appeal to a planning decision on a cottage in Co. Louth and cites the difference between the two cases.

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

None

### 6.4. **Observations**

One no. observation was received from Bord na Mona (BnM). In brief, the following concern was noted:

- The proposed wastewater treatment plant and soakaway are located BnM lands and as such will be a constraint on the future use and/or development of the BnM lands.

## 7.0 **Assessment**

### 7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Residential Amenity
- Drainage
- Other Matters

**Note: The Commission may consider issue of ‘wastewater disposal’ a New Issue.**

### 7.2. **Principle of Development**

#### *Proposed Development*

7.2.1. Permission is sought the renovation of the existing 26.4sqm cottage and the construction of a contemporary modern 23.4sqm single stoney extension connected via a new glazed link from to the existing structure and associated drainage,

boundaries, landscaping and siteworks within the grounds of Chiplee House. The Commission will note that permission was previously granted under CCC 19/38345 for the renovation and extension of the cottage.

- 7.2.2. Chiplee house is a Protected Structure (Ref PS 513) and listed on the National Inventory of Architectural Heritage (NIAH) as being of regional significance (Ref: No. 20867017). The cottage forms part of the attendant grounds of Chiplee House.

#### *Zoning*

- 7.2.3. The appeal site is zoned ZO 01 'Sustainable Residential Neighbourhoods' in the Cork City Development Plan 2022-2028 with the stated objective "To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses."

- 7.2.4. Furthermore, the adaptation and reuse of vacant/derelict structures is supported by Section 3.45 and Objective 3.9 of the Cork City Development Plan 2022-2008 which seek to retain, support and encourage the adaptation to ensure that homes, small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

- 7.2.5. Therefore, I am satisfied that the principle of residential development is considered with the zoning objective for the site.

#### *Existing Structure – Condition, Proposed Use including Conservation Approach*

- 7.2.6. The third parties argue that the existing building on site can 'at best be described as the ruin of an old and direct outbuilding' and the historic map includes a 'lodge' to Chiplee at the entrance from Blackrock Road and not the building the subject of this application. It is further set out that there is no evidence to support that the structure was in use as residential.

- 7.2.7. As regards the existing structure on site, site inspection determined significant remains of the four external walls remain upstanding including evidence of windows and door. I refer the Commission to the Conservation Report and Heritage Impact Assessment dated July 2025 submitted in response to RFI. Contrary to the third party assertions, I am satisfied having regard that the evidence on the ground and the contents of the Conservation Report and Heritage Impact Assessment, including images of the structure from 2018, the evidence of door and window openings and

original chimney, that the structure was at some stage in use for residential purposes. I would further note that it would have been uncommon in the 18<sup>th</sup> and 19<sup>th</sup> century to have secondary lodges within estate grounds in addition to the gate lodge/s at the main road/s.

- 7.2.8. A number of concerns have been raised about the future use of the cottage. Concern is raised that the design and layout provides for a standalone residential unit with its own dedicated amenity space and car parking and this goes beyond the definition of 'ancillary' and contrary to the conditions under which permission was granted. It is further argued that no justification for the development has been submitted in line with the requirements of the Development Plan as regards 'ancillary accommodation' and as such condition no. 2 on which this permission relies cannot be met as by its nature the development is a independent dwelling.
- 7.2.9. In the first instance, I draw the Commissions attention to the application documentation clearly states that it is the applicant's intention that the development be 'used solely for the purposes incidental to the residential use and enjoyment of Chiplee House' (letter from O'Mahony Pike dated 06/02/2025) and the Commission will note that it is proposed to connect to the shared and upgraded wastewater treatment system that will service both Chiplee House and the 'ancillary' cottage.(I will address this matter separately in section 7.4 below).
- 7.2.10. The Development Plan at Section 11.147 - *Applications for such ancillary family accommodation* which sets out a number of criteria relating to ancillary accommodation including the theses are provided as an extension to the main residence and where 'a *bona-fide need for such a unit including details of the relationship between the occupant of the main dwelling and the occupant of the ancillary accommodation*' has been demonstrated. In this case the existing cottage and proposed extension are removed from and independent of the main dwelling and therefore cannot be provided as an extension of the main house.
- 7.2.11. While no specific need for the cottage has been identified in line with section 11.147 due regard must be given to the site context and the fact that this development relates to the renovation and extension of an existing structure within the grounds of a Protected Structure and the structure is therefore part of the attendant grounds and historical context of the site.

- 7.2.12. Therefore, the identification of a bona-fide need must be balanced against the benefits of the restoration, extension and active use of the structure, which will ensure the protection and longevity of the building into the future. The restoration of elements of built heritage is fully support in the Development Plan. Objective 8.21 encourages *'The restoration of a Protected Structure, or other buildings of architectural or other merit, currently in poor condition, to conservation best practice for any purpose compatible with the character of the building'* while Objective 8.27 seeks to ensure the protection of important elements of the built heritage and their settings as appropriate. Furthermore, as regards use, section 8.20 states that *'sympathetic maintenance, adaptation and re-use can allow architectural heritage to yield aesthetic, environmental and economic benefits to the city, even when the original use may no longer be viable. Conservation can be recognised as a good environmental choice as the reuse of buildings rather than their demolition contributes to sustainability by retaining the embodied energy of buildings and reducing demolition waste. In some cases, it is also more cost effective to renovate than demolish and rebuild'*.
- 7.2.13. In this instance, while I accept that no specific need has been identified for the independent living unit, the applicant is clear in their documentation that the use will be 'solely for the purposes incidental to the residential use and enjoyment of Chiplee House' While I note the third parties consider that the use cannot be controlled by condition (condition no. 2 of the CCC notification relates), I do not agree and I am satisfied that this can be addressed by an appropriately worded condition should the Commission be minded to grant permission. However, I would refer the Commission to section 7.4 below as regards my concerns with respect to the disposal of wastewater on site.
- 7.2.14. I note concern is also raised that the design and layout provides a dedicated amenity space and car parking and this goes beyond the definition of 'ancillary'. With respect to the identified amenity space, I am satisfied that this is a consequence of site context in this instance and although a terrace area has been identified on the drawings no walled segregation is proposed and this area forms part of the wider open space grounds of the property and is therefore acceptable.
- 7.2.15. However, as regards car parking, I would share the concerns of the third parties in this regard. In the context of the proposed development as 'ancillary' to the main dwelling, I do not consider the provision of car parking outside of the existing entrance gates

appropriate or justified in so far as there is ample vehicular parking to the front of Chiplee House within 20/25m of the cottage. The Commission will note that the universal ramp access to the cottage is also located adjacent to this area. In this context and on the basis that the proposed development is 'ancillary' to the primary dwelling, in my opinion, independent car parking is therefore not required. Similarly, I consider the provision of car parking outside of the entrance walls on the avenue approach to Chiplee House would result in a negative impact on the character and setting of this Protected Structure and for this reason is also not justified. In the event the Commission is minded to grant planning permission, I recommend the proposed car parking be omitted from the development.

### Conclusion

7.2.16. The proposed development is located on zoned lands in an urban area. The proposed development provides for the restoration and renovation of an existing cottage and the construction of a contemporary extension to provide a one-bedroom residential unit. The Conservation Officer was satisfied that the proposed design is acceptable, I would agree. A clear design distinction has been provided between the old and the new such that the original cottage will maintain its original built heritage. The Conservation and Heritage Assessment included a detailed photographic record of the surviving historic fabric, an evaluation of the structures condition and assessment of significance within the curtilage of Chiplee House and a methodology for stabilisation and repair. The restoration and reuse of structures of built heritage is consistent with the objectives of the Development Plan, in particular, Objectives 8.21 and 8.23 and section 8.20 with respect to repairing, reinstating and reusing existing buildings. Therefore, subject to detailed consideration below and compliance with recommended conditions as set out above, I am satisfied that the principle of the proposed development is acceptable.

### **7.3. Residential Amenity**

- 7.3.1. Concerns were raised that the development would impact on the residential amenities of the adjoining properties to the west, in particular the shared boundary wall, the view of the proposed gable of the development and the location 16.33m from no. 17 Botanika with the proposed rear terrace looking directly into the garden of no. 17.
- 7.3.2. In response to the appeal the applicant sets out that the development is single storey with limited window openings and no elevated vantage points that would result in

meaningful overlooking or overshadowing of adjoining properties and that the design, height and orientation of the cottage will not result in any unacceptable loss of privacy. In this regard, I note that the separation distance between the cottage and nearest dwellings range from 16.333m to 28.6m. The Commission will note that SPPR 1 of the Compact Settlement Guidelines sets out a minimum separation distance of 16m between opposing windows serving habitable rooms above ground floor level. There are no first floor windows in this instance, therefore SPPR1 has been complied with. Notwithstanding, I note the deciduous screening between the site and no. 17 Botanika and in the interest of proper planning and residential amenity, in the event the Commission is minded to grant planning permission, a condition requiring appropriate screening around the proposed external terrace is recommended.

- 7.3.3. Regarding concerns raised about works to the shared boundary wall. The Commission will note that the planning system is not a mechanism to resolve disputes over land or title and Par. 5.13 of the Development Management Guidelines clearly states that 'these are ultimately matters for resolution in the Courts' and 'In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.'
- 7.3.4. Third party concern was also raised that the works cannot be carried out without impact on the lime tree within the grounds of no. 17 Botanika and that has not been addressed in the Method Statement and Tree Protection Strategy submitted. I refer the Commission to the Arboriculture Impact Assessment Report and accompany drawing. The tree in question is identified as 0304 -lime. Works have been identified to facilitate the development where the tree overhangs the applicant's property. Such works are permissible. The Tree Protection Plan and Method Statement include that construction stage supervision and protection measures are required (I refer the Commission to Tree Protection Plan Drawing No. TPP2825). I am satisfied that subject to compliance with these measures the proposed development is acceptable.

#### Conclusion

- 7.3.5. Overall, I am satisfied that the proposed development is acceptable and will not have an detrimental impact on the established amenities of the adjoining properties subject to compliance with the attached schedule of conditions. This conclusion is based on the existing site context and the fact that the application is for the renovation and

extension of an existing house.

#### 7.4. Drainage

- 7.4.1. The Commission will note that the current proposal seeks to connect to an upgraded wastewater treatment system that will serve both Chiplee House and the proposed development. Following an RFI and CFI request on the existing wastewater treatment system including its condition, population capacity and suitability to serve both Chiplee House and the cottage, the applicant proposed to upgrade the system to a Biokast P10 treatment system to serve both properties with a population equivalent (PE) 10. The RFI included a site layout plan indicating the location of the new treatment system only and the CFI response set out the Chiplee House is currently occupied by four people and that the proposed treatment system has the capacity to treat the combined waste from both. No Site Characterisation Report and/or treatment system specifications accompanied the RFI or CFI response.
- 7.4.2. The applicants in their appeal response note that the Rural Water Section of CCC accepted the proposed upgrade of the system to a Biokast P10 treatment system to serve both properties and the PA addressed this matter through Condition no. 9 of CCC Notification to Grant which relates to a standard condition with respect to wastewater treatment systems.
- 7.4.3. In the first instance, in the absence of a Site Characterisation Report, the appropriateness or not of the proposed system to adequately dispose of effluent generated cannot be determined notwithstanding the proposed use of a wastewater treatment system. Accordingly, in the absence of any information, I am not satisfied that the proposed development would not be prejudicial to public health.
- 7.4.4. In any case, the Commission will note the subject site is located within the urban area of Cork City surrounded by residential development including more recent housing developments with connections to the Uisce Eireann network. Objective 9.3 -Group Water Schemes, Private Wells and Individual Treatment Systems of the CCDP 2022-2028 sets out that it is an objective of the Council to:
- a. To require that all developments where public watermains are available or likely to be available and have sufficient capacity, shall connect to them.*
  - b. To ensure that all new developments connect to the public wastewater*

*infrastructure, where available, and to encourage existing developments that are in close proximity to a public sewer to connect to that sewer, subject to a connection agreement with Irish Water.*

*c. To discourage the provision of single house septic tanks and treatment plants to minimise the risk of groundwater pollution in line with the rural housing policy of this Plan. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) (2021), will be required.*

*d. Residential development that requires the provision of private wastewater treatment facilities (i.e. Developer Provided Infrastructure), other than single house systems will generally not be permitted.*

*e. To ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.*

7.4.5. It would appear the PA never requested the applicant address compliance with Objective 9.3 and it is not readily apparent from the documentation on file why connection to the public wastewater infrastructure cannot be achieved. Having regard to the site context and the location relative to the public infrastructure network serving the immediate and wider area and in the absence of any information on the contrary the proposed development would appear contrary to Objective 9.3 of the Cork City Development Plan 2022-2028.

7.4.6. In summary, no Site Characterisation Report has been submitted to determine if the proposed Biokast P10 wastewater treatment system is suitable for the site and the applicant has not demonstrated why connection to the public network cannot be achieved in accordance with Objective 9.3 of the CCDP. Permission should be refused for this reason.

7.4.7. The Commission may consider this a new issue, and the Commission may wish to seek the views of the parties.

7.4.8. An observation was received from Bord na Mona (BnM) stating that the proposed wastewater treatment plant and soakaway are located BnM lands and as such will be

a constraint on the future use and/or development of the BnM lands. The planning application includes these lands within the site as outlined in red. However, as set out above the planning system is not a mechanism to resolve disputes over land or title and section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.'

### Conclusion

- 7.4.9. In the absence of a Site Characterisation Report, I am not satisfied that the proposed development would not be prejudicial to public health. In the event that the site would be suitable for the installation of a wastewater treatment system this is contrary to Objective 9.3 of the Cork City Development Plan 2022-2028 which seeks to *'discourage the provision of single house septic tanks and treatment plants to minimise the risk of groundwater pollution'* and to *'ensure that all new developments connect to the public wastewater infrastructure, where available..'*

## 7.5. Other Matters

### *Traffic*

- 7.5.1. Some minor reference made to traffic generated by the development.. In the contexts of the proposed one-bedroom residential unit, it is unlikely that the development would generate significant traffic and any additional traffic generated during construction works would be temporary and or a short time only.

### *Reference to similar Decisions by An Bord Pleanala*

- 7.5.2. Reference is made by third parties to other planning appeal cases. In this regard, the Commission will note that the proposed application will be assessed on its own merits with regard to the details and documentation submitted and the relevant site context, policies and objectives, as applicable.

## 8.0 Water Framework Directive (WFD) Screening

- 8.1.1. Please refer to Appendix 2 of this report. The Lee (Cork) Estuary Lower IE\_SW\_060\_0900 (Poor Status) is located c.650m north of the site and the groundwater body is Ballincollig IE\_SW\_G\_002 (good water body status).
- 8.1.2. As noted in Appendix 2 below, it appears that based on the information available to me that there is sufficient capacity within the WWTP serving the Cork City. However,

in this instance the proposal seeks to install a wastewater treatment system rather than connect to the public sewer. While I have set out above my concerns as regards the absence a Site Characterisation Reprot determining the suitability or otherwise of the proposed wastewater treatment system discharging to ground in section 7.4 above, I am mindful of the small scale nature of the proposal and the fact that domestic waste water has not been identified as a 'pressure' and the groundwater body has a 'Good' overall groundwater status and was classified as 'Not at Risk' for the period 2019-2024 under the WFD. Similarly, the site is removed form the River Lee separated by established urban development with no direct hydrological connection. I further note surface water will be disposed of via an on-site soak pit in accordance with required design standards. Therefore, I am satisfied that the proposed development would not result in a deterioration in water quality or aquatic habitats degradation arising from an overall increase in biological loading from treated effluent discharges.

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

The reason for this conclusion is as follows:

- The small-scale domestic nature of the development, and
- lack of direct hydrological connections to the River Lee.

- 8.1.4. 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.

## 9.0 **Appropriate Assessment**

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the

Planning and Development Act 2000 as amended.

- 9.1.2. The closest European site to the proposed development is Cork Harbour SPA (Site code: 004030), situated c. 2.17km to the east at its nearest point.
- 9.1.3. The proposed development comprises the renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks.
- 9.1.4. No nature conservation concerns were raised in the planning appeal.
- 9.1.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Scale and nature of the development
  - lack of direct connections to nearest European site
- 9.1.6. 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 Recommendation

It is recommended that the proposed development is refused for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

1. In the absence of a Site Characterisation Report to determine the suitability of the site for the proposed wastewater treatment system, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. It is the policy of the planning authority, as expressed in Objective 9.3 of the current Cork City Development Plan 2022-2028, to 'discourage the provision of single house septic tanks and treatment plants to minimise the risk of groundwater

pollution' and to 'ensure that all new developments connect to the public wastewater infrastructure, where available..' This policy is considered reasonable. The proposed development would contravene this policy and would be contrary to the proper planning and sustainable development of the area.

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

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Irené McCormack

16<sup>th</sup> February 2026

## Appendix 1 - EIA Pre-Screening

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	PL-500276-CC-25
<b>Proposed Development Summary</b>	Renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks
<b>Development Address</b>	Chiplee House , Blackrock Road , 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>	<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 <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> . <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<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	<i>Not of a Class</i>

development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	

<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>

## Appendix 2 - Water Framework Directive Screening Determination

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Coimisiún Pleanála ref. no.</b>	<b>PL-500276-CC-25</b>	<b>Townland, address</b>	Chiplee House , Blackrock Road , Cork
<b>Description of project</b>		Renovation and extension to an existing cottage and associated drainage, boundaries, landscaping and siteworks	
<b>Brief site description, relevant to WFD Screening,</b>		The Lee (Cork) Estuary Lower IE_SW_060_0900 (Poor Status) is located c.650m north of the site and the groundwater body is Ballincollig IE_SW_G_002 (good water body status).	
<b>Proposed surface water details</b>		On site soak pit.	
<b>Proposed water supply source &amp; available capacity</b>		connection to the public network identified.  The Commission will note that a review of the Uisce Eireann Capacity website on 11/2/2026 indicated Capacity Available - LoS improvement required = Capacity Available to meet 2034 population targets - Level of service (LoS) improvement required.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		On site wastewater treatment system.  Proposals to replace existing system with a new Biokast P10 wastewater treatment system. No Site Characterisation Report has been submitted. I refer the Commission to Section 7.4 of this report and the recommendation set out in Section 11.0.	

<b>Others?</b>			N/A			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Transitional Waterbody	650m north of site	Lee (Cork) Estuary Lower IE_SW_060_0900	Poor	At risk	UR: Urban Run-Off UWW: Urban Wastewater	Not hydrologically connected to surface watercourse
Groundwater body	Underlying Site	Ballincollig IE_SW_G_002	Good	Not at Risk	No pressures	No –Low permeability due to conditions -Man made subsoils.

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.)
1.	Clearance works/ Construction	Lee (Cork) Estuary Lower IE_SW_060_0900)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices/conditions	No	Screened out

**OPERATIONAL PHASE**

2.	Surface water runoff	Lee (Cork) Estuary Lower IE_SW_060_0900)	No direct pathway exists.	None	Standard construction practices/conditions	No	Screened out
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4.	Discharges to ground	Ballincollig IE_SW_G_002	Surface water disposal	None	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA	NA	NA	NA	NA	NA	NA

