



An
Coimisiún
Pleanála

Inspector's Report PL-500319-CK-25

Development	Permission for: retention of the existing lower ground floor granny flat, alterations and extension to dwelling, a new wastewater treatment system and all associated site works.
Location	Kumbi, Castlepark, Kinsale, Co Cork P17 VE81
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	255401
Applicant(s)	Simon & Julie Daukes
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	1. Mary & Anthony Caroll 2. Paul & Wendy Moody
Observer(s)	None

Date of Site Inspection

30/01/2026

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located in Castlepark, Kinsale, c. 180m south of Castlepark Marina, 430 south of James Fort on a headland to the southwest of Kinsale town.
- 1.2. The appeal site is 0.0804ha. in area and is currently occupied by an existing 169sqm split level dwelling. The site is an infill site located between two existing houses, a single storey to the north at a lower level and a larger two storey to the south at a height level. The building lines are staggered with the single storey to the north located closer to the road.
- 1.3. The site is served by an existing access off the local road. The site rises away from the public road. The site overlooks the Bandon River to the west with Kinsale town beyond. To the rear of the site is Dock Beach.

2.0 Proposed Development

2.1. Permission is sought for:-

- Retention of the existing lower ground floor granny flat,
- Removal of the existing roof and its replacement with two mono-pitched roofs linked by a flat roof section and including one rooflight,
- Alterations to elevations of the dwelling house and the provision of external cladding and insulation,
- Construction of a rear (eastern) ground floor extension to the main dwelling,
- Replacement of the existing metal railing with a glazed balustrade,
- Construction of a new detached garage to the front (western side) of the property,
- Development proposes a new wastewater treatment system, all associated site works, including landscaping, drainage, sewerage treatment and services as required.

- 2.1.1. The proposed extensions consist of retention of existing lower ground level (29m²) and rear ground level (91m²), attic space 35m² amount to a significant extension to the existing dwelling (169m²). The proposed detached garage is 45m².

- 2.1.2. A new waste water treatment system is proposed with accompanying Site Plan that forms part of the Site Suitability Assessment form. Detailed calculations for surface water and proposed soakpits, together with Drainage Impact Assessment supplied. The application was also accompanied by an Architects Report, CEMP, Shadow Study Analysis, & Landscape Plan.
- 2.1.3. In response to a requested for Furrher information on 4th September 2025 and response was received on 1st October 2025 in relation to established Right of Way/Access arrangements, use of attic accommodation/space, measures to address privacy and overlooking issues, use of the property as a holiday home and not for short-term letting, an alternative garage location should the original proposal not be deemed acceptable.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 24th October 2025, Cork County Council issued notification of a decision to GRANT permission for the proposed development subject to 11 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner noted development plan provisions, reports received, and objections made.
- It is noted that this is an ageing 2nd hand house in vacant possession in need of refurbishment and updating. In the wider surrounds there are all sorts of different styles and approaches; especially when it comes to existing houses.
- The considered design response to the site is noted and that the proposed development has been integrated into the site context and put through Daylight and Shadow Study and passes recognised guidelines comfortably.
- The matter of retention of the very small two room lower level is not considered significant in terms of floor area etc. and has been in place so long that it is statue barred from planning enforcement actions.
- A planning condition restricting the use required.

- Nothing the RFI response received, it is set out that there would appear to be a reasoned explanation for ambiguity or uncertainty re: the preservation of right-of-way / boundaries that have been discussed between relevant parties according to the submission received.

The proposed garage footprint is shown on the Site Plan as interfering with right-of-way – but this is not accurate. The proposed alternative location of the garage could be helpful in addressing this matter – and could be factored into a final decision using planning condition (Ref: 2)

At this stage, having regard to Development Management Guidelines, and Section 5.17 which states, *‘the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land’*, I consider the matter is essential one that is between relevant owners, not the PA, other than to say, S.34(13) of planning act should be noted, *‘a person shall not be entitled solely by reason of a permission under this section to carry out any development’*

- Subsequent to response to request for further information as set out in section 2.0 above the PA were satisfied that the visual and residential amenity impacts were acceptable.

3.2.2. Other Technical Reports

Local Engineer - no objections subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA report notes that two no. 3rd party submissions were received. The following concerns were raised:

- Intended use of granny flat and main house.
- size of proposed extension and garage.
- design - roof line height should not exceed height of existing Bungalow chimney, mono-pitch roof.
- hammerhead area - access to adjacent property sewage system.
- right-of-way / interference with adjoining garage.

- Residential amenity.
- retention and unauthorised works.
- environmental, traffic and usage impacts.
- inconsistencies and documentation issues.

4.0 Planning History

Site

CCC 84/1657 – Relates to permission for the existing dwelling on site.

Adjoining (to the south)

CCC 16/6758 – Permission granted to: 1. Demolish existing western front porch and existing northern ground floor wing which is attached to existing dwellinghouse, 2. Construct a new ground floor extension with large glazed windows and sliding door, flat parapet roof with skylight and covered entrance porch, all attached to the existing dwellinghouse, to the western and northern plan and elevations, 3. Carry out all associated site works at Castlepark House, Castlepark, Kinsale, Co. Cork.

5.0 Policy Context

5.1. Development Plan

- Section 5.6.3 states that the planning and sustainable development criteria, against which an application is assessed, would include:
 - Whether the siting, design and scale of the proposal is appropriate to the surroundings;
 - Whether the siting, design and scale of the proposal is appropriate to the surroundings (See Chapters 14, 15 and 16);
 - Whether the proposal involves excessive site excavation or mounding;
 - Whether the site is in an exposed or visually sensitive location
 - Whether any proposed vehicular entrance would endanger public safety or give rise to a traffic hazard;
 - Whether an excessive length of roadside hedgerow or trees need to be removed to provide an entrance.
 - Whether there are any sewage disposal, drainage, water supply or other environmental concerns;

- Whether the proposal would unduly affect other properties in the area;
- Section 5.6.5 sets out that those intending to build houses in rural areas are advised to consult the Cork Rural Design Guide for advice on site choice, design, and landscaping at an early stage in their preparations.

- **Section 5.9 Holiday Home and Second Home Development**

Section 5.9.4 states - In order to provide an alternative to the development of second and holiday homes in rural areas, this plan will encourage the utilisation of disused and derelict housing / building stock in towns and villages or the re use of the existing housing stock in the countryside. This positive approach to the regeneration of the existing building stock of towns and villages and the reuse of existing housing stock in the countryside will help contribute to compact growth and the revitalisation of rural settlements, communities and the rural economy, while helping to satisfy market demand in areas experiencing significant pressure for holiday and second home development, particularly in the 'Tourism and Rural Diversification Areas' of the county. This approach will also support efforts to limit the impact of climate change and promote carbon sequestering.

- **Objective RP 5-26: Demand for Holiday and Second Home Development -** Recognise that sensitive scenic areas such as coasts, lakeside areas and uplands are limited in their capacity to carry significant levels of development and that such capacity as exists needs to be carefully managed to prioritise the needs of rural communities rather than for holiday and second home development.
- **Objective RP 5-27: Holiday Home Accommodation -** Encourage appropriately scaled holiday home development to locate within existing settlements, where there is appropriate infrastructure provision, where they can contribute to the maintenance of essential rural services and help act as a revitalising force in counteracting population decline.

Provision of Ancillary Accommodation

- Section 6.6.23 Ancillary accommodation units provide a step down residential accommodation model option for older or disabled persons and consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for an older or disabled family member. This would include circumstances

where a member of the family requires separate living space which is on the same property as the main dwelling. Such units can be established in conjunction with a dwelling house either within or attached to the house but within the bounds of the site.

Plan Objective GI 14-9 in the CDP 2022 seeks to protect the landscape and visual amenities in these ‘high value’ scenic areas taking a pro-active approach while maintaining respect for the environment.

Policy Objectives for the Cork Joint Housing Strategy 2022-2028

- Objective P014 - The Councils will promote the design and delivery of environmentally sustainable and energy efficient housing, including through the refurbishment and upgrading of existing stock. The Councils will support housing design that contributes to climate resilience and climate mitigation, including innovative low-carbon construction methods and the reduction of embodied energy in newly built homes.

- **Section 14.8 Landscape Character Assessment of County Cork**

The site is located within a High Value Landscape.

Section 18.8.9 states – *‘Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.’*

**County Development Plan Objective
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.

5.2. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Sovereign Islands SPA (004124) located c.4.7kms to the southeast of the site.

5.3. **Environmental Impact Assessment (EIA) Screening**

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. appeals were received from Mary & Anthory Carroll and Paul & Wendy Moody.

1. Mary & Anthory Carroll, Castlepark, Kinsale.

The appeal raised the following concerns:

- Residential Amenity - Privacy, overlooking and perception of overlooking from additional height, overshadowing, loss of light and visual relationship between the properties.
- Concern is raised that the increase in the roof height would have a considerable and lasting impact because of the distinctive topography and sensitive relationship between the three houses. The increased height would make the building more visually prominent.
- Concern also raised about the location of the proposed garage.
- It is noted that the site notice clearly makes reference to two mono-pitch roofs. However, the drawings show three-mono pitched roofs.
- Referring to the applicant's response to the RFI as regards the retention of the right-of-way in its current position and privacy enhancements it is set out that in

the absence of conditions these are not enforceable. And while the proposed position of the garage may not interfere with the right of way concerns is raised about its final location and potential impacts.

2. Paul & Wendy Moody, Castlepark House. Castlepark, Kinsale.

The appeal raised the following concerns:

- Concern raised that the sale of the appeal site included a hammerhead to the east to the rear of their property, an area which had been maintained by the appellants for years and used as right of way to the beach and access to their septic tank etc.
- Concern as regards the intended use of the property and the potential to accommodate 11 bedrooms.
- It is set out that a granny flat never existed on the site to be retained.
- Concerns as regards the size of the proposed garage and statements within the documentation that the garage has been designed for future adaptability for residential accommodation.
- It is argued that the scale of the proposed development is not modest and will be three times the size of the original dwelling. The increase in length of the southern elevation which is 1m from the appellants property is from 8.2m to 16.4m.
- Concerns about the roof profile and reference to application stating 2 mono-pitch roofs with there are 3 mono-pitch roofs in the architects' drawings.

6.2. Applicant Response

A first party response to the third party appeals was lodged on 22/12/2025. The response notes the following:

Housing Policy/Short term letting

- The dwelling will be refurbished for the applicants own occupation.
- Appellants point as regards short term letting have no relevance
- Condition no. 3 of the PA decision addresses this matter.

Design

- The 1980s dwelling is in need of modernisation. The dwelling will be upgraded from a BER rating of E1 to A1.
- The existing wastewater treatment system requires upgrading.
- The design is a considered approach for this exposed coastal location and existing and immediate site context. Given the varying house types in the area, it is set out that the proposals would not be out of keeping with the established pattern. The mono-pitch roofs evolved from pre-planning where the PA requested the applicants reflect the typological language of Castlepark.
- All qualitative standards for housing have been met.
- The proposal will not impact on protected views and would not be visually obtrusive in the landscape.

Impact on Residential Amenity

- In arriving at the design, the applicants have sought to address the concerns of the neighbours.
- It is set out that the roof profile remains below the ridgeline of the neighbouring property to the south and sits consistently within the established descending roofscapes of the three houses.
- Regarding concerns raised that increasing the roof height would create additional overshadowing to the northern side, it is set out that the design responds to the original 20-degree slope of the 1980's gable on this side. This ensures the roof profile remains consistent with the geometry of the house and prevents additional overshadowing to the north. Reference to Shadow Study report submitted.
- In terms of overlooking the windows of the north and west will remain the same size as existing. Further screening was proposed to address concerns at RFI stage including lower ground floor (north elevation) directional vertical louvered screening between the existing structural columns and granny flat to be retained. The 1980's metal balustrade which is transparent will be replaced with vertical slatted directional metal railing which will provide for greater privacy while maintaining light. In addition to enhanced landscaping measures.

- In respect of the property to the site, it set out that this is at a higher level and no overlooking will occur.
- It is also noted that while there is no right to a view , it is not considered that the revised roof will materially affect views from the property to the southern side of the site.

Other Matters

- 2 no. mono-pitch reference in application description relates to principal elevation.
- Mattes relating to ownership, boundaries and access do not for a basis for objection to the planning merits of the proposal.
- Location of the proposed garage is compliant with the need to provide Right of Way.
- The development complies with all standards and does not constitute overdevelopment.

6.3. Planning Authority Response

The PA response sets out the following:

Re. Paul & Wendy Moody appeal, the following is noted:

- The southern elevation drawing show the existing dwelling at ground/first floor level of 14m versus proposed at 17.11m. The increase is to the rear ground level only and is substantially lower than the appellant's property.
- The PA set out that the additional height in the roof to max. OS Datum 24.3m is barely over the cill level of the appellants two windows that look over.
- Shadow analysis show impact on the appellants property will be minimal.

Re. Mary and Anthony Carroll appeal , the following is noted:

- It is set out that the roof height will have no additional adverse impacts.

Other Concerns Raised and comments of PA:

- Regard access and right of way concerns the PA refer to S34(13) of the Planning Act and Par 5.13 of the Development Management Guidelines.

- It is also noted that a restrictive condition was included preventing short-term commercial letting.

6.4. Observations

- 6.4.1. One no. observation was received from Paul & Wendy Moody in support of the appeal from Mary & Anthony Carol. The observation also reiterates the concerns raised in their original appeal and reference to local traffic concerns.

7.0 Assessment

- 7.1. 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 having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this case to be considered are as follows:

- Principle of Development
- Design Strategy and Impact on Residential Amenity
- Other Matters

7.2. Principle of Development

- 7.2.1. In brief the application relates to the extension and renovation of the existing 1980's split level house on site and the retention of the existing lower ground floor granny flat and associated site works.
- 7.2.2. The appellants have raised concerns as regards the intended use of the property and granny flat and the planning condition measures to control this. It is also argued that there is no granny flat on site to be retained.
- 7.2.3. The Commission will also note that the application was accompanied by an Architects Report which sets out that the house on site does not reflect the permission granted in 1984 including the existing split level design. As such it is set out that the application seeks to regularise development on site. The report further notes that the existing dwelling is structurally sound 'but underperforms and that the proposed development will retain and enhance the existing building fabric while upgrading performance and improving visual coherence with neighbouring properties and landscape.' This approach is consistent with the Policy Objectives for the Cork Joint Housing Strategy

2022-2028, in particular, Objective P014 to promote the design and delivery of environmentally sustainable and energy efficient housing, including through the refurbishment and upgrading of existing stock that contribute to climate resilience and climate mitigation, including innovative low-carbon construction methods and the reduction of embodied energy..' and the National Residential Retrofit Plan 2026 and the Climate Action Plan 2025.

- 7.2.4. As regards future occupation and use, the development is intended to be used as the applicants second (holiday) home. Provisions for *Holiday Home and Second Home Development* are provided for in section 5.9 of the CCDP which sets out that 'the plan will encourage the utilisation of disused and derelict housing / building stock in towns and villages or the re-use of the existing housing stock in the countryside.' The documentation on file and the PA assessment set out that the house has been vacant for some time as such the development is consistent with section 5.9. Therefore, the principle of the use as a holiday home is acceptable.
- 7.2.5. Regarding the independent living unit, site inspection on 30th January 2026 determined that the lower ground floor was empty and there was no evidence that the rooms were previously used as a granny flat, indeed there was no evidence that the room previously identified as the kitchen area was plumbed for any use. Provision of ancillary accommodation is set out in section 6.6.23 *Ancillary accommodation* of the CCDP which states that 'consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for an older or disabled family member..' The lower ground floor independent living unit is c45sqm in area and accessed via the side (northern) elevation. The Architects Report states that the unit would be suitable for extended family use or carer accommodation and will future proof the house. No identified need has been demonstrated in accordance with section 6.6.23. I am also mindful that this is a second/holiday home and not a primary place of residence.
- 7.2.6. Therefore, in the absence of any evidence of any granny flat existing on site and any identified requirement/need for the independent living unit in accordance with section 6.6.23, I consider the granny flat should be omitted for the proposed development and the two. no. lower ground floor rooms used as storage ancillary to the primary residential unit. I recommend a split decision issue in this regard and the use of the

rooms be controlled by way of condition should the Commission be minded to grant planning permission.

Conclusion

- 7.2.7. Having regard to the above I consider the retention of the granny flat should not be permitted. However, I am satisfied that the principle of renovating and extending a vacant house for use as a second/holiday home is acceptable and in accordance with the provisions of the Development Plan (Section 5.9) and the climate action objectives as set out in the Plan. I am further satisfied the future uses can be controlled by way of condition restricting any use to domestic and ancillary uses with no part of the site be let for short term let or long term rental use.
- 7.2.8. The Commission will note that the PA are satisfied that all qualitative standards for housing have been met including drainage and wastewater disposal (which will be upgraded as per the Drainage Report and Site Suitability Assessment accompanying the application. The existing septic tank will be decommissioned) and as such the development does not represent overdevelopment of the site. I would agree.

7.3. Design Strategy and Impact on Residential Amenity

- 7.3.1. The third parties raised concerns as regards the design, in particular, the roof profile and ridge line and the impacts of the design of their respective residential amenities.

Design Context

- 7.3.2. The Architects Reports includes a series of CGIs of the proposed development. The proposed design reflects a contemporary modern uplift to the existing 1980's house with the introduction of a new roof profile, revised glazing opens. and the introduction of contemporary external finishes. The works include the removal of the existing roof and its replacement with two mono-pitched roofs linked by a flat roof section and including one rooflight. The primary extension works are located at the rear of the site. The Architects Report and the applicants appeal response set out that that the design is a considered approach for this exposed coastal location and existing and immediate site context. Site inspection determined that there are a mix of house types in the area and the immediate dwellings either side reflect a single storey to the north and a split level over two floors to the south with contemporary style slate hanging to upper level western (roadside) façade and large sections of glazing.

- 7.3.3. As regards particular concerns raised about the roof profile, the Commission will note that the mono-pitch roofs evolved from pre-planning where the PA requested the applicants reflect the typological language of Castlepark and existing mono-pitch roofs established in the settlement of the north of the site. In the context of the varying house types in the area, I agree with the PA and the first party that the proposal would not be out of keeping with the established pattern. I am further satisfied that the roof profile remains below the ridgeline of the neighbouring property to the south and reflects a tiered ridge line within the established descending roofscapes of the three houses from south to north. The stepping of the roof profiles is acceptable in my opinion.
- 7.3.4. The design approach is nothing unusual in the context of the surrounding landscape and in my opinion, the simple design form, choice of materials and the scale and mass of the proposed dwelling are acceptable and in accordance with design criteria set out in Section 5.6.3 and the Cork Rural Design Guide. And while I note the third parties refer to the site being located within an Area of Outstanding Beauty and while I note the site is located within a High Value Landscape in the Development Plan, the site is not subject to any Protected Views and in the Cork County Development Plan the. The relevant objective is objective GI14-9 *Landscape* which seeks to ensure that new development meets high standards of siting and design and protects skylines and ridgelines from development. Having regard to the design context as set out above, including the tiered ridgeline, I am satisfied that the development is consistent with objective GI14-9 and will not result in a detrimental impact on the already modified landscape context at this location.

Proposed Garage

- 7.3.5. Concerns have been raised as regards the scale of the proposed garage and the location which the Commission will note traverses the identified right of way. The matter was raised by the PA and in response to the RFI the applicant submitted a revised site layout plan indicating that the position of the garage could be relocated further south outside of the highlighted right wayleave area if deemed necessary. I refer the Commission to Topographic Survey Drawing no. HDS251998A.
- 7.3.6. Condition no. 2 of CCC Notification to Grant stipulates *'The site layout for the proposed garage can be either as proposed or switched to alternative option - and, 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, a final Site Layout Plan providing or confirming same shall be submitted to and agreed with the Planning Authority. I am unsure as to how enforceable this condition is and while the PA in their assessment refer to S34(13) of the Planning Act and Par 5.13 of the Development Management Guidelines and ultimately these are civil matters and not and matter for the PA and I would agree, in this instance no party disputes the right of way/wayleave location nor that the proposed garage infringes on the right of way/wayleave. Therefore, there is no dispute on this matter and in my opinion the proposed garage shall be relocated so as not to impact of the established right of way/wayleave.

- 7.3.7. As regards the scale of the garage at 45sqm designed to accommodate three no. cars, I agree with the third parties that the scale of the garage particularly, when viewed from the northwest at 10.9m long is excessive from any visual amenity perspective. In this context, I consider it appropriate to omit the forward projection (western section) of the garage and submit revised drawings in this regard with a flush front elevation (any revised garage design will still accommodate two no. cars). I am satisfied that the revised design, location and the use of the garage can be addressed by way of condition should the Commission be minded to grant planning permission.

Residential Amenity

- 7.3.8. The third parties both raise concerns about the impact of the development on their residential amenities including privacy, overlooking and perception of overlooking from additional height, overshadowing, loss of light and visual relationship between the properties.

Overlooking

- 7.3.9. In the first instance the rear of the existing dwelling to the north is already overlooked by the existing house and terrace and the proposed development will not worsen this scenario as no additional windows are proposed along the immediate northern elevation overlooking this property. Similarly, the only windows on the southern elevation are two no. bathroom windows located beyond the rear building line of the property to the south and positioned at a lower level. I am satisfied that there will be not overlooking of the proposed to the south as a result of this development.
- 7.3.10. As regard the perception of being overlooked as a result of the increased height of the development, the adjoining properties are off set from the development, and the

proposed development does not provide additional windows overlooking the adjoining properties. The proposed glazing in the gable of the mono-pitch on the front elevation is located within a double height space and will not generate any overlooking concern. Therefore, any perception of overlooking is mitigated by the fact that the development will not generate significant overlooking of the adjoining properties over and above that already established.

- 7.3.11. In addition, I note further screening was proposed to address overlooking and privacy concerns at RFI stage including lower ground floor (north elevation) directional vertical louvered screening between the existing structural columns and granny flat to be retained and the replacement of the 1980's metal balustrade which is transparent with vertical slatted directional metal railing which will provide for greater privacy while maintaining light. While these measures are welcome sufficient details including drawings have not been submitted to determine their impacts. Should the Commission be minded to grant planning permission revised drawings are required.
- 7.3.12. Furthermore, I note a landscaping plan accompanied the application. However, the details are difficult to understand, and the drawing provides limited details and/or clarity and have not been updated to include additional screening proposed as part of RFI response. In the event the Commission is minded to grant planning permission, I recommend a comprehensive landscaping plan to include both hard and soft landscaping be submitted to include measures to address all site boundaries, in particular the northern site boundary to ensure sufficient privacy is afforded to the existing dwelling house and its rear garden as this would not appear to have been addressed in the landscaping scheme submitted.

Overshadowing/Loss of Light

- 7.3.13. With respect to concerns raised about overshadowing and loss of light, the Commission will note that the application was accompanied by a Shadow Study Analysis. The analysis determined that the shadows cast are largely limited to the confines of the site and some in the northern neighbouring garden. The existing house to the north and south are sufficiently far away that they will be 'unaffected by shadow cast by the proposed development'.
- 7.3.14. Regarding the specific concern about increasing the roof height would create additional overshadowing to the northern side, it is set out that the design responds to

the original 20-degree slope of the 1980's gable on this side. This ensures the roof profile remains consistent with the geometry of the house and prevents additional overshadowing to the north.

- 7.3.15. I refer the Commission to the accompanying report. I am satisfied that there will be detrimental overshadowing of the existing houses to the north and south as a result of the proposed development.

Extension Length

- 7.3.16. The appellants to the south raised a particular concern as regard the length of the proposed extension adjacent to their northern site boundary. The drawings accompany the application identify the existing southern elevation is 8.286m long. The proposed rear extension will increase this to 16.92m with a maximum ridge height of 6.850m stepping down to 4.668m. While this does double the length of the elevation at this location, the FFL of the site is identified ca. 2.8m lower the existing dwelling to the south (I refer the Commission to drawing 41K STH&EST ELEV) as a result the wall plate of this new extension area does not rise much above the FFL of the appellants property thereby mitigating any impacts. I am satisfied that the proposed extension length will not have a detrimental impact on the appellant's property to the south.

- 7.3.17. Regarding any loss of established views as result of the extension and increased building height, the Commission will note that there is no right to a view and consistent with the PA, I do not consider that the revised roof will materially affects views from the property to the southern side of the site.

Conclusion

- 7.3.18. Overall, I am satisfied that the proposed contemporary design approach 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. Other Matters

Hammerhead lands and Ownership

- 7.4.1. The third parties have raised a number of concerns as regards ownership of the

hammerhead to the east of the site which stragglers all three rear side boundaries and form part of the proposed site area. It is argued that this area has been used by the adjoining properties for beach access and as ancillary garden space.

- 7.4.2. 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.’

Development Description

- 7.4.3. Regarding reference to the two mono-pitch roofs in the development descriptions, In the context the reference relates to the ‘removal of the existing roof and its replacement with two mono-pitched roofs linked by a flat roof section and including one rooflight’ Whilst there is a third mono-pitch roof proposed this relates to the rear extension as referenced in the development description. I am satisfied that the development description is acceptable.

Traffic

- 7.4.4. Regarding reference made in the observation to traffic in the area. The management of traffic in the wider area is not a matter for the Commission.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest Natura 2000 sites is the Sovereign Islands SPA (004124) located c.4.7kms to the southeast of the site. The proposed development comprises the renovation and extension of an existing house. Refer to Section 2 of this report for further details.
- 8.3. No nature conservation concerns were raised in the planning application/appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.4. The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening determination by the PA

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.

9.0 Water Framework Directive

- 9.1.1. The subject site is located c63m east and c.68m west of c177m north of the Lower Bandon Estuary, transitional waterbody (IE_SW_080_0100) (poor water body status), 680m northwest of Kinsale Harbour coastal waterbody (IE_SW_080_0000) (good water body status), and the groundwater body is IE_SW_G_086 Bandon Groundwater body (good water body status).
- 9.1.2. The proposed development comprises the renovation and extension of the existing dwelling house.
- 9.1.3. I have assessed the proposed dwelling 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 including the implementation of SUDs measures on site, 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:
- Nature of works e.g. small scale and nature of the development.
 - Location-distance from nearest water bodies and lack of direct hydrological connections.
- 9.1.4. 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.

10.0 Recommendation

Having regard to the above assessment, I recommend a SPLIT DECISION. I recommend that permission be REFUSED for the retention of the existing lower ground floor granny flat for the reasons and considerations marked (1) below and I recommend that permission be GRANTED for the remainder of the development as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below

11.0 Reasons and Considerations (1)

In the absence of any evidence that the lower ground floor was in use as a granny flat and in the absence of any identified need for a granny flat on the site in accordance with section 6.6.23 *Ancillary accommodation* of the Cork County Development Plan 2022-2028 and having regard to the intended use of the primary residence as a second/holiday home, the Commission is not satisfied on the basis of the evidence presented that any granny flat existed on the site to be retained and or that a granny flat has been justified in accordance with the requirements of the Development Plan. Therefore, it is considered that the proposed retention of the granny flat would be contrary to section 6.6.23 *Ancillary accommodation* of the Cork County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

12.0 Reasons and Considerations(2)

Having regard to Section 5.9, Objective RP 5-27 and development standards of the Cork County Development Plan 2022-2028, specifically to Section 5.6.5 and Objective GI 14-9 as they relate to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would

not seriously injure the amenities of adjoining properties, and 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 information received by the planning authority on the 1st October 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>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised plans and particulars as follows:</p> <ul style="list-style-type: none">a) Revised drawings to provide for a reduction in the floor area of the proposed garage. The proposed garage shall be revised to provide for the omission of the forward projection (western section) of the garage and a flush front elevation provided.b) The proposed garage shall be relocated in its entirety outside of the mapped wayleave/right of way. No part of the proposed garage shall encroach on the wayleave/right of way.c) A comprehensive hard and soft landscaping scheme for the entire site shall be submitted. The landscaping scheme shall address all site boundaries; particular attention should be paid to the northern site boundary to ensure sufficient privacy is afforded to the existing dwelling house and its rear garden including full design details and drawings of louvered panels and balustrade details.

	<p>Reason: In the interest of proper planning and orderly development and in the interest residential amenity.</p>
3	<p>The dwelling shall be used solely for applicants' family use, and a change of this use (to short-term commercial letting) shall not take place without benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, as amended.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
4	<p>The proposed garage and the lower ground floor rooms identified as 'granny flat' shall only be used for the purpose incidental to the enjoyment of the dwelling house only. These structure/s as described, shall not be used as residential living, commercial or business purposes.</p> <p>Reason: In the interest of proper planning and orderly development and in the interest residential amenity.</p>
5	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent \leq 10)" – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and</p>

	<p>operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
6	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
7	<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 commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</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.

Irené McCormack
Senior Planning Inspector

16th February 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500319-CK
Proposed Development Summary	Permission for: retention of the existing lower ground floor granny flat, alterations and extension to dwelling, a new wastewater treatment system and all associated site works.
Development Address	Kumbi, Castlepark, Kinsale, Co Cork P17 VE81
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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)?

Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)