



Inspector's Report

PL-500729-CK-26

Development	Retention of works to dwelling and all associated site works as amended from application no. 22/00330.
Location	Ardagh, Union Hall, Cork, P81AD05
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256010
Applicant(s)	Liam & Ailish Connolly
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Aidan & Debbie Dunlea
Observer(s)	None
Date of Site Inspection	1 st April 2026
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.17ha) is located within the development boundary of Union Hall settlement. There is an existing constructed dwelling (floor area 180sqm) on site. The subject site is elevated overlooking the Harbour to the south. The site to the west is currently under construction.

2.0 Proposed Development

- 2.1. The development consists of retention of dwelling including:

- Revised site entrance walls and piers and adjusted internal road alignment.
- Revised dwelling position on site
- Revised septic tank position on site.
- Provision of 1.54m high concrete post and metal panel fence section to western site boundary
- Revised and reduced patio areas to the front elevation of constructed dwelling
- All associated site works

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 2 conditions

3.1.1. Conditions

Condition 2: All landscaping works and boundary fencing shall be completed in accordance with the landscape drawing plan (no. 1002) submitted and agreed with the Planning Authority on the 18/12/2025. Any trees and hedgerows that are removed, die or become seriously damaged or diseased, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed by the Planning Authority.

Reason: In the interests of biodiversity and the visual and residential amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- No objection to the re-orientation of the dwelling or reduction in the patio size as carried out on site which are considered to be minor deviations from the permitted plans and do not alter the appearance of the dwelling in the landscape nor does adversely impact on the residential amenity of the area.
- The dwelling has been moved 1 metre closer to the western boundary thereby reducing the separation distance from the dwelling house currently under construction from 9m to 8m.
- A 1.5m high solid timber fence has been erected along part of the western site boundary which provides privacy to the rear of the site. There is no objection in principle to the existing fence being retained subject to changes being made to omit a section of the fence where it projects 6 metres beyond the front building line of the existing dwelling on site. It is recommended that revised drawings shall be submitted showing the existing fence setback to maintain the same front building line with the main house and proposals to provide a native hedgerow along the remaining undefined boundaries on site in accordance with the landscaping plan previously agreed.
- Further information required in relation to the existing fence, landscaping plan, cross section of the newly formed gradient levels and submit details on the measures in place to stabilise the ground.

Further Information Report

- The further information submitted includes a revised site layout plan showing the existing panelled fence located along the western site boundary will be lowered in front of the building line to 1.2m in height which complies with the limitations/conditions under Class 5.
- A 1.2m post and wire fence is proposed to be installed along the remainder of the western site boundary and along the entire eastern boundary which is acceptable.

- The revised landscaping plan is acceptable. The plan proposes to create large areas of lawn to the rear and front of the property where excavations have occurred which will help to bind the slopes permanently and assist with the visual integration of the proposed development into the landscape.
- The site sections submitted appear to be accurate with the excavations carried out on site and there is no objection to the retention of these changes carried out on site to facilitate the proposed development.

3.2.2. Other Technical Reports

- Ecology: No comments.
- Public Lighting: No comments.
- Area Engineer: Further information requested; an engineer's report is required along with a cross-sectional drawing detailing the newly formed gradients and measures in place to stabilize the ground for both the applicant's safety and their neighbours, elevation/section drawing required, indicating step effect on fence line towards the south to reduce visual impact on neighbouring dwellings. Further information received and no objection subject to the attachment of the existing conditions under PI. Ref. No. 22/330.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

One number observation was received, the concerns raised are:

- Excavation to the north of the dwelling appear to be materially more than the authorised plans. No cross sections or gradient details submitted on the terrain changes.
- Risk of partial collapse/subsidence from the lands.
- Dwelling constructed 1 metre closer to the western boundary.
- Dwelling has been reorientated on site.
- Solid fence extends 6 metres beyond front building line of dwelling which is overbearing and visually obtrusive.

- Landscaping plan agreed has not been implemented.

4.0 Planning History

- **PA Reg. No: 22/330:** Permission granted for a single storey dwelling house.

Enforcement:

- **SKB24047:** Alleged non-compliance with conditions pertaining to planning reference no. 22/330 specifically the positioning and orientation of the dwelling and unauthorised excavation to the rear of the site.

Subsequently the owners erected a high solid timber fence along part of the western common boundary which is breach of planning condition no. 4 and the landscaping plan agreed for this site include proposals to provide a native hedgerow along the perimeter boundaries.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The site is located within the settlement boundary of Union Hall village, which is identified as a Key Village. The strategic aim for Union Hall is to encourage the consolidation of the village within its coastal setting, preserve the unique architectural character and landscape setting of the settlement and to promote sympathetic development in tandem with the provision of services. One of the key considerations for the future development of the village is the provision of wastewater treatment facilities.

Key Villages: Establish key villages as the primary focus for development in rural areas in the lower order settlement network and allow for the provision of local services, by encouraging and facilitating population growth at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available. Supporting the retention and improvement of key social and community facilities and inter urban public transport.

DB-01: Within the development boundary encourages the development of up to 31 additional dwelling units during the plan period.

DB-02: Protect and enhance the attractive coastal setting and landscape character of the village.

Objective WM 11-9 relates to Wastewater disposal.

Policy Objective WM 11-10 relates to Surface Water, SuDs, and Water Sensitive Urban Design.

Objective HE 16-21 relates to Design and Landscaping of New Buildings.

The site lies within a High Value Landscape, and the site is visible from a nearby scenic route S81 linking Rosscarbery to Glandore to the east.

The landscape character is defined as Indented Estuarine Coast.

5.2. National and Regional Policies

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2023)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.
- Design Manual for Urban Roads and Streets (DMURS)

5.3. Natural Heritage Designations

The site is not located within or adjacent to a protected site. The following are located in close proximity:

- Myross Wood SAC located c. 1km north of the site.
- Castletownshend SAC is located c. 2.8km to the northeast of the site.

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal have been received from the adjacent property to the west of the subject site. The following concerns were raised:

- **Structural Safety and Ground Stability (Northern Boundary):** The area engineer required an engineering report, and this was omitted. A partial collapse of this slope has already occurred, extending beyond the applicant's property line, a photograph submitted. Request that the Commission attach an appropriate condition to prevent further structural failure and to fully address the safety concerns originally identified by the Council's own expert.
- **Boundary Treatment:** There is a significant level difference between the appellant property and the applicant property (applicant FFL: 20.00m and appellant FFL: 19.20m), and the separation distance has been reduced from 9 metres to 8 metres therefore the proposal has an overbearing impact. The solid metal fence on an elevated datum results in an effective height of 2.36metres when viewed from the appellant's property. By reason of its height, solid massing, and proximity to our dwelling, this structure results in a significant overbearing impact that is prejudicial to residential amenity, contrary to the First Schedule of the original grant. The current 1.5m concrete posts and wire fence are perched atop the 2-metre berm, resulting in an effective vertical height of 3.5 metres when viewed from the applicant's property.
- **Landscaping:** The proposed non-native Whitebeam can grow to 10-12 metres in height and was not part of the original native landscaping strategy under condition 4 of planning reference 22/330. When planted on top of the berm will create a vertical impact of approximately 14-15 metres. The planting of large-scale canopy trees is excessive and will create overshadowing and a material injury to the daylight and

sunlight of the appellant's property. This is contrary to the BRE Guidelines. Request the following condition:

7.2. Applicant Response

The applicant has submitted the following response:

- Due to the significant gradients on site, the ground bearing capacity required careful consideration and testing, a process which involved engineer, architect and building contractor. The best location was chosen and required re-orientation further north towards the rear and slightly more to the southeast than originally planned.
- During excavation works, significant layers of rock were found which were cut into forming the driveways and embankments front and rear. Large site excavated stone was bedded into any soft spots found, and the slopes supplemented with heavy gravel.
- To provide further stability and on recommendation of an engineer, the northern boundary to the rear of the house was stepped, reducing the slope angle significantly and each level compressed and reinforced at significant expense to ensure complete stability and safety.
- As part of the further information request, a cross section was provided. The Area Engineer and Executive Planner visited the site and were satisfied as to the stability and safety of the northern boundary and both recommended permission for retention of same.
- The applicant submitted an engineer's report dated 23rd February 2026 which examined the northern boundary. It is noted in the photograph submitted by the appellant is dated March 2024 and this was at the early stages of construction and a partial collapse had occurred near the top of the embankment at that time, and that was highlighted by the engineer following a site visit. Following that, works were carried out which stabilised the embankment by substantially reducing its slope angle. The engineer confirms that work was carried out to his satisfaction and this it is his opinion that the embankment has been in a stable condition since Summer 2024. A further site visit was carried out on 5th February 2026, and the engineer can confirm that further works have now been carried out which have further reduced the

slope angle. The engineer is satisfied that the embankment in its current state is stable and not at risk of collapse. Photographs attached indicating same.

- A solid structure along the western boundary was required due to the ongoing works on the appellant's site. The fence has been constructed at a height of 1.56m just inside the applicant boundary line. The applicant was not aware that the fence could not exceed 1.2m beyond the front line of the house, and it is proposed to reduce the height beyond the front line of the house to 1.2m accordingly.
- The relocation of the dwelling and the reduced patio size to the front have significantly reduced any overbearing impact on the appellant's side.
- The appellant refers to a 2-metre berm and an effective vertical height of 3.5 metres when viewed from the appellant's property. The applicant's have been left with no berm at all to work with in parts which will require reconstruction of the ground levels on their side. It is likely that once works completed, the concrete post will be no higher than 1.2m at most. The concrete posts and wire are located at a level significantly lower than the appellant's own residence and are flanked on the appellant's side by a driveway and septic tank. They are also located quite a distance away from either house. Hence, it is argued that they have no effect on either the appellants or the applicant's residential amenity, nor would the planting of any hedge.
- The gradients are significantly different on each side of the boundary hence similar treatment is not possible.
- As per site layout and landscape masterplan, all boundary planting will be of native species in line with the plan as per conditions of the planning permission. To restrict the height of any planting will have a huge negative impact on our own residential amenity and enjoyment of their garden. All slopes will be planted in due course in line with the submitted landscape masterplan (2021-48-1002) which will bind the slopes permanently.

Condition 2 of planning reference 25/6010 states "all landscaping works and boundary fencing shall be completed in accordance with the landscaping drawing plan (no. 1002) submitted and agreed with the Planning Authority on 18/12/2025. Any trees and hedgerows that are removed, die or become seriously damaged or diseased, shall be replaced within the next planting season by trees or hedging of

similar size and species, unless otherwise agreed by the Planning Authority". This condition supersedes the previous permission which included whitebeam), however, it is not intended to use this variety but rather the native Rowan. All boundary planting will be of native variety and will be regularly trimmed and maintained to very reasonable height. A neat planting scheme in keeping with the natural surrounding landscape is of utmost importance to us in addition to shelter and privacy, particularly from an overlooking window to protect our own residential amenity.

7.3. Planning Authority Response

- None

7.4. Observations

- None

7.5. Further Responses

A further response was received from the appellant in response to the applicant's response. The following concerns were raised:

- Entrance Design and Visibility – the entrance is not built as per site plans, the pillars are approximately 1.3m high and an adjoining wall is approximately 1.2m high, positioned at the boundary. The structures are the primary elements obstructing visibility at the applicant's entrance. The appellant's front boundary does not obstruct visibility from the applicant's entrance sightlines.
- Structural Stability of the Northern Embankment – the northern embankment failed in early 2024 and this was acknowledged by the applicant's engineer but was not disclosed in the retention application and no independent assessment of its stability has been provided. A condition should be applied requiring an independent certification of the embankment remains appropriate, proportionate and consistent with the Planning Authority's own earlier concerns.
- Boundary Treatments and Overbearing Impact – the solid fence presents an effective height of approximately 2.36m when viewed from the appellant's lower ground level, the concrete post and wire fence sites on the elevated berm. The boundary treatment exceeds the 1.2m height limit applicable to

front boundary treatments. The boundary is overbearing and inconsistent with the original masterplan requirement for soft boundary treatments on the exposed front portions of these elevated sites.

- Impact of the applicant's reduced setback – the dwelling was constructed at approximately 1.9, from the adjoining boundary. The reduced separation increases the sensitivity of the boundary, heightens the overbearing impact of the applicant's fencing and proposed planting and strengthens the need for appropriate mitigation.
- Landscaping and overshadowing – the proposed trees will reach heights of 10-12m in height planted on a berm. The berm is not stable or natural datum. This will have an overbearing and overshadowing impact. The proposed planting will materially alter the visual openness between the two properties and is inconsistent with the BRE daylight/sunlight standards. The appellant request height restricted, native planting at natural ground level is proportionate and necessary to protect residential amenity.

8.0 **Assessment**

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

- Structural Stability
- Boundary Treatments & Overlooking/overbearance
- Landscaping
- Other Issues (Site Entrance)
- Appropriate Assessment
- Water Framework Directive

8.2. **Structural Stability**

- 8.3. The subject dwelling is located on an elevated site. The entrance to the driveway is located at 11.5m level, the dwelling has a finished floor level of 20m and the rear of the garden rises from 23 to 25+m. The site consists of rock. There is a dwelling under construction to the west and additional dwellings with planning permission to the east of the subject site.
- 8.4. The grounds of appeal state that part of the northern boundary slope collapsed and photographic evidence submitted. The area engineer of CCC required an engineering report and this was omitted. The appellant requests that the Commission attach an appropriate condition to prevent further structural failure and to fully address the safety concerns originally identified by CCC.
- 8.5. The applicant has responded and stated that consultation was carried out with an engineer, and he recommended to step the northern boundary to the rear of the dwelling. The slope angle was significantly reduced and each level compressed and reinforced to ensure stability and safety. The northern boundary is flanked by sheer solid rock along the back boundary with the appellants to the west. In regard to the further information request, the Area Engineer and Executive Planner visited the site and were satisfied as to the stability and safety of the northern boundary and both recommended permission for retention of same.
- 8.6. The applicant has submitted an independent Engineer's report dated 23rd February 2026 which examined the northern boundary. A site visit was carried out on 5th February 2026 and the engineer confirmed that further works have now been carried out on the northern embankment which have further reduced the slope angle. The engineer is satisfied that the embankment in its current state is stable and not at risk of collapse. Photographs attached indicating same.
- 8.7. I note that initially the Area Engineer of CCC had concerns regarding the stability of the ground to the north of the dwelling and requested an engineer's report along with a cross-sectional drawing detailing the newly formed gradients and measures in place to stabilise the ground for both the applicant's safety and their neighbours.
- 8.8. The applicant submitted a site section drawing and no engineer report was submitted. However, the applicant explained the driveway and intermediate slopes were formed shortly after the lodgement of the Building Commencement Notice in

early November 2023 to facilitate site access. During the excavation works, significant layers of rock were found moving up the site, which were cut into forming the driveway. Large site excavated stone was bedded into any soft spots found, and the slopes supplemented with heavy gravel. These works were completed in late December 2023 to establish site access and have remained in place without issue. The applicant intends to overplant, which will bind the slopes permanently. I note the Area Engineer has no objection to the further information submitted. In addition, the Executive Planner was satisfied with the cross section submitted and had no objection to the retention of the works carried out.

- 8.9. I note in the applicant's response that he states, the Area Engineer and Executive Planner carried out a site visit and viewed the works to the northern slope. It is a pity that the Planner did not outline this site visit in their report, however, I further note the Planner and Engineer did not raise any further concerns. Therefore, I am satisfied that the works carried out to the northern slope are satisfactory. In addition, I have reviewed the Engineering Report submitted by the applicant as part of the appeal response and that the engineer is satisfied with the works carried out have stabilised the northern slope and that it is not at risk of collapse. However, in the event of a grant of permission, I recommend a condition shall be attached requesting the applicant to submit a detailed Engineering Report for written agreement from the Planning Authority in relation to the stability of the northern slope.
- 8.10. Having regard to the applicant's response, the engineer's report submitted as part of the appeal response and the area engineer and planners report stating no objection to the works carried out on the northern slope, I am satisfied that the works carried out have stabilised the northern slope and that future planting proposed will further bind the northern slope, therefore, it is my opinion that the works carried out to the northern slope will not negatively impact the existing dwelling on site or the adjacent dwelling to the west.
- 8.11. **Boundary Treatment & Overshadowing/Overbearance**
- 8.12. The applicant is seeking retention permission for a 1.54m high concrete post and metal panel fence section to the western site boundary for approximately 18 metres,

the fence extends approximately 6 metres beyond the front elevation of the dwelling.

- 8.13. The grounds of appeal state there is a significant level difference between the appellant property and the applicant property (applicant FFL: 20.00m and appellant FFL: 19.20m) and the relocation of the dwelling and has an overbearing impact. The solid metal fence on an elevated datum results in an effective height of 2.36metres when viewed from the appellant's property. By reason of its height, solid massing, and proximity to the appellant's dwelling, this structure results in a significant overbearing impact that is prejudicial to residential amenity, contrary to the First Schedule of the original grant. The current 1.5m concrete posts and wire fence are perched atop the 2-metre berm, resulting in an effective vertical height of 3.5 metres when viewed from the applicant's property. The appellant requests that the solid fence shall be retained to the front building line in order to avoid overlooking, any boundary treatment beyond the front building line shall be restricted to a maximum mature height of 1.2 metres when measured relative to the corresponding ground level of the appellant's site to protect residential amenity and that all heights shall be referenced to the appellant's finished floor level (FFL) (19.2m) of the appellant's site.
- 8.14. The applicant has responded to the appeal and has stated a solid fence has been constructed at a height of 1.56m just inside the applicant boundary line. The applicant will reduce the height beyond the front line of the house to 1.2m. The concrete posts and wire are located at a level significantly lower than the appellant's own residence and are flanked on the appellant's side by a driveway and septic tank. A hedgerow and berm are located on the eastern elevation due to the difference in gradients.
- 8.15. I have carried out a site visit, and I have observed the solid fence along the western boundary, I note it is required to in order to provide privacy for both the applicant and the appellant to the rear of the two properties and therefore I consider it acceptable. I further note that the Executive Planner also has no objection to the existing boundary fence to the rear of the front building line of the dwelling.
- 8.16. In regard to the solid fence beyond the front building line, this shall be reduced to 1.2 metres in line with the exemptions as per Planning and Development

Regulations 2001, as amended. This will allow privacy between the two properties and ensure no overlooking between the two properties. I note the applicant is willing to reduce the height of the solid fence in front of the building line. I acknowledge that the appellant requests that any measurement shall correspond to their ground level at an FFL 19.2m of the appellant's site. I consider that this is unreasonable as the appellant has significantly reduced the finished floor level on their side of the boundary, this will significantly reduce the overall height of the boundary fence on the applicant's side and potentially increase overlooking from the applicant's side into the appellant's site. I further note that the appellant has reduced the FFL level from that permitted under planning reference 21583. In my opinion, it is reasonable for the applicant to install a solid 1.2 metre fence to the front building line of their property in line with the planning exemptions in order to prevent overlooking.

- 8.17. In relation to the remainder of the boundary, a 1.2m post and wire fence is proposed to be installed along the remainder of the western site boundary and along the entire eastern boundary which is acceptable. As stated above, the overall height of 1.2 metres is in accordance with the planning exemption for boundary treatment and therefore, I consider the proposal is acceptable in order to retain separate boundaries.
- 8.18. Overall, I note that due to the topography and gradients of both sites, the levels are significantly different in places and I recognise that the location of buildings/walls are dependent on site investigations and that it is only when works commence that the builder can determine the suitability of the soil/rock to construct on and this has resulted in the relocation of the main dwelling. The dwelling is approximately 1 metre closer to the appellant's boundary, the overall separation between the dwellings is 8 metres reduced from 9 metres. I consider this is acceptable as the appellant's property is located 8 metres from the applicant's property at the closest corner of the appellant's property and the remainder of the dwelling is significantly further than 8 metres. As the dwellings are single storey, there is no requirement for a statutory separation distance, the Compact Settlement Guidelines refer to a separation distance of 16 metres, this relates to opposing windows serving habitable rooms above ground floor level. Therefore, the separation distance of 8 metres at ground level is acceptable and will not impact on residential amenity.

- 8.19. Having regard to the topography of the subject site along with the steep gradients experienced, it is my opinion that the solid fence to the rear of the building line is acceptable at 1.5 metres measured from the applicant's finished floor level. The proposed 1.2 metres to the front of the building line for 6 metres is in my opinion acceptable as it is in keeping with the planning exemption and will provide extra privacy between both properties. In addition, I consider the installation of wire and post fence to the remaining boundaries will provide defined boundaries around the subject property.
- 8.20. **Landscaping**
- 8.21. The applicant is proposing to carry out landscaping throughout the subject site with a mixture of native trees and shrubs.
- 8.22. The grounds of appeal state that the proposed non-native Whitebeam can grow to 10-12 metres in height and was not part of the original native landscaping strategy under condition 4 of planning reference 22/330. When planted on top of the berm will create a vertical impact of approximately 14-15 metres. The planting of large-scale canopy trees is excessive and will create overshadowing and a material injury to the daylight and sunlight of the appellant's property. This is contrary to the BRE Guidelines. The appellant requests that the five non-native trees (*Sorbus intermedia*) proposed for the common boundary with the appellants property shall be omitted.
- 8.23. The applicant has responded and has stated that all landscaping will be carried out in accordance with condition 2 of planning reference 25/6010 which states all landscaping works and boundary fencing shall be completed in accordance with the landscaping drawing plan (no. 1002) submitted to the Planning Authority on 18/12/2025. This condition supersedes the previous permission which included whitebeam species; however, it is not intended to use this variety but rather the native Rowan. All boundary planting will be of native variety and will be regularly trimmed and maintained to very reasonable height.
- 8.24. I have reviewed the landscaping plan submitted with the planning application and I note that Whitebeam is an English native tree rather than Irish native species. The proposed Rowan is a native Irish species and contributes to biodiversity, supporting wildlife. Therefore, I consider that the proposed planting of Rowan is acceptable and

will contribute to biodiversity. I note the applicant has clarified that they will not plant Whitebeam, I consider this can be dealt with by way of a condition.

- 8.25. In relation to restricting the overall height of the proposed trees and the appellants concern that the proposed trees will create overshadowing and material injure daylight and sunlight of the appellant's property which is not in accordance with the BRE Guidelines. I note that the western boundary at the closest point is located approximately 6 metres from the appellant's property and this distance increases along the western boundary to the south. Given the separation distance between the proposed planting along the western boundary to the appellant's property, I do not consider that the proposed landscaping will negatively impact appellant's property or create overshadowing, a slight overshadowing may occur when the sun is rising in the east, but any overshadowing will be minimal and will not impact on the appellant's residential property. The BRE Guidelines for daylight and sunlight are used to assess the impact of a proposed development on daylight and natural light received from the sky and sunlight. In this regard, I do not consider that it is necessary to carry out a full Daylight and Sunlight Assessment as the proposed development will not significantly overshadow or impact natural light onto the adjacent appellant's property due to the separation distance and the location of the appellant's property west of the subject site.
- 8.26. Having regard to the proposed landscaping scheme, whereby the applicant will omit the planting of Whitebeam trees and plant Rowan which is a native Irish species, and given the separation distance of the planting proposed along the eastern boundary of the appellant's property, it is my opinion, that the proposed planting will not negatively impact the sunlight or daylight of the appellant's property, therefore, I do not consider that it is necessary to restrict the height of the proposed trees along this boundary nor is it practical.
- 8.27. **Other Issues (Site Entrance)**
- 8.28. In the appellant's further response to the applicant's response to the appeal, the retention of the site entrance is mentioned. The appellant has stated that the entrance pillars are approximately 1.3m high and the adjoining wall is 1.2m high and these do not correspond to the retention drawing submitted. It is these elements that are obstructing visibility at the entrance.

8.29. I note the submitted site layout plan states the revised entrance has 1metre high entrance walls/piers. I further note that the Area Engineer did not raise any concerns in relation to the retention of the entrance as constructed. In my opinion, the site entrance is in accordance with DMURS and provides the adequate sightlines required.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed retention is not located within a designated site, the nearest natura 2000 site is Myross Wood SAC located c. 1km north of the site.

The proposed retention relates to works to a detached dwelling and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the retention development.
- Distance to the nearest European site, is Myross Wood SAC located c. 1km north of the subject site.
- The lack of pathways to the SPA.

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

10.0 Water Framework Directive

10.1. The subject site is located in the settlement village of Union Hall, Co. Cork. Glandore Harbour is located approximately 100 metres south of the subject site.

The proposed retention consists of retention of relocation of dwelling, boundary treatment and entrance. No water deterioration concerns were raised in the planning appeal.

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

- Scale and size of the retention development.
- Distance to the nearest waterbody at 100 metres south of the subject site.

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

11.0 Recommendation

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

12.0 Reasons and Considerations

- 12.1. Having regard to the location of the subject site within a key village of County Cork as identified in Cork County Development Plan 2022-2028 and the planning history on site, it is considered that the retention development will not negatively impact the residential amenity of the adjacent property, the retention development would therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd day of September 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The landscaping scheme shown on drawing number 1002, as submitted to the planning authority on the 18th day of December 2025 shall be carried out within the first planting season following substantial completion of external construction works. The planting of Whitebeam is not permitted, and only native Irish species shall be planted.
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

3. Within six months of this decision, the applicant shall submit to the Planning Authority for written approval, a detailed engineering report in relation to the stability of the northern slope to the rear of the dwelling.

Reason: In interest of residential and visual amenity.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Jennifer McQuaid
Planning Inspector
28th April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500729-CK-26
Proposed Development Summary	Retention of works to dwelling and all associated site works as amended from application 22/330.
Development Address	Ardagh, Union Hall, Cork, P81AD05.
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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	

<p>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?</p>	
<p><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.</p>	<p>The retention development relates to alterations to an existing permitted dwelling.</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><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)</p>	
<p>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)?</p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____