



An
Coimisiún
Pleanála

Inspector's Report

PL-500923-CK-26

Development

Construction of 4 houses and all associated site works.

Location

Kingsfort Gardens Castlepark,
Castlelands, St. Joseph's Road, Mallow,
Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

254903

Applicant(s)

Reside (Castlepark) Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Reside (Castlepark) Ltd.
Aaron Whitbread

Observer(s)

None

Date of Site Inspection

17 May 2026

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site measures 0.21 hectares, is irregularly shaped, and located within the Castlepark housing estate, Mallow, Co. Cork. It is surrounded on all sides by two- and three-storey houses, with the rear gardens of 24-34 Kingsfort Avenue forming the north boundary; the side garden wall of 7 Kingsfort Gardens and the front gardens of 7-9 Kingsfort Gardens forming the east boundary; the side garden wall of 6 Kingsfort Gardens forming the south boundary, the rear gardens of 3-11 Laurel View forming the south-west boundary, and with vehicular access from the south-east from Kingsfort Gardens.
- 1.2. The site slopes down from north to south, with a modest level change. The houses at Kingsfort Avenue to the north are elevated over the site, with a retaining wall of roughly 2 metres topped with rear garden fences. The site is mainly under grass, with a large area of tarmac to the south and west of 7-9 Kingsfort Gardens in use for turning and parking.
- 1.3. The site is c. 20 minutes' walk from the town centre; c. 15 minutes' walk to Market Square Shopping Centre; c. 10 minutes' walk to the entrance to Mallow Castle Park and playground, and c. 8 minutes' walk to Mallow Community National School. It is 30 minutes' walk or 11 minutes' drive to Mallow Train Station.

2.0 Proposed Development

- 2.1. The original application was for a terrace of four two-storey three-bedroom houses, with 8 car parking spaces (6 in-curtilage spaces, and 2 spaces adjacent to communal open space to the south).
- 2.2. Following a request for Further Information, revised drawings were submitted, with a terrace of three three-storey houses, and one detached three-storey house. Each house had four bedrooms and two in-curtilage car parking spaces.
- 2.3. Following a request for Clarification of Further Information, the detached house was reduced in height to be two storeys. This house was subsequently omitted by condition.

3.0 Planning Authority Decision

3.1. Decision

Grant permission.

3.1.1. Conditions

Twenty-five conditions, largely standard conditions of a technical nature. The following amending conditions are of note:

2. Prior to the commencement of any development on site, the developer shall submit revised plans, illustrating the following revisions to the proposed development, for the written agreement of the Planning Authority:

(a) Proposed unit 1 (type C1) shall be omitted;

The area released by the omission of (a) above shall be subject to a separate planning application.

Reason: In the interests of residential and visual amenity.

3. This permission is for 3 dwellings only.

Reason: To clarify the extent of the permitted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 04/07/2025 – this noted the site context, planning history, national and county policy, reports and submissions received. Enforcement file (EH25012) re fencing off of site noted. Non-provision of creche (permitted as part of 2004 permission) noted; creche provision as part of reg ref 24/6036 noted. Site recently taken in charge (although it remains in ownership of the applicant). Development complies with standards of Compact Settlement Guidelines. Further information required on overall public open space provision in estate/taking in charge, creche provision in estate, revised design of houses, and parking/turning concerns.
- Report dated 18/12/2025 – this noted the 122-place creche recently permitted for the estate, considered sufficient and appropriately sited. Revised house types more

appropriate, apart from detached unit type C1 – revised placement is concerning, and further revisions are required, to avoid impacts on proximate houses to west. Parking and turning and open space acceptable.

- Report dated 06/02/2026 – revised house type on same footprint not satisfactory. Recommend a grant with conditions, including a condition omitting the detached house.

3.2.2. Other Technical Reports

- Public lighting – no objection subject to condition.
- Archaeologist's report – no archaeological intervention required.
- Area Engineer's report – revised layout for car parking and turning bay for fire tender and refuse vehicles required.
- Area Engineer's report (post FI) – no objection subject to conditions.
- Estates Engineer (post FI) – no objection subject to conditions.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

Eleven received, all from local residents objecting to the proposal. Concerns raised included the following:

- Lack of community consultation and consideration for existing residents, loss of open space
- Non-compliance with zoning, policy and standards
- Traffic and parking concerns
- Impacts on residential amenity
- Inappropriate design, layout, and overdevelopment

4.0 Planning History

4.1. Planning history on site (as per planner's report):

- Mallow Town Council ref 55037/04

Permission granted for 153 dwellings and a creche. The creche (never constructed) was permitted on the appeal site.

4.2. Adjacent to site:

- ABP PL04.321927/CCC ref 24/4519 – Application for 99 residential units.

Permission granted subject to 26 conditions.

- ABP-322540-25/CCC ref 24/6036 – LRD application for 469 residential units, creche, community room, interpretive centre and café. Ten-year permission granted subject to 31 conditions.

5.0 Policy Context

5.1. Cork County Development Plan 2022-28

- 5.1.1. The subject site is located within the development boundary of Mallow in an area zoned '*Existing Residential / Mixed Residential and Other Uses*'.
- 5.1.2. Section 18.3.3 of the County Development Plan notes, "*...that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties...*"
- 5.1.3. Relevant Objectives and text contained in the Plan include:

Chapter 2 Core Strategy

Objective CS 2-7: Network of Settlements – Higher Order Settlements

This sets out that Mallow is one of 2 Key Towns (the other being Clonakilty), and it is a strategic aim to sustainably strengthen the employment-led growth and town centre-led regeneration of Mallow as a regional economic driver.

Table 2.9 Cork County Core Strategy Table sets out that an additional 1,105 housing units will be required in Mallow during the lifetime of the plan, with 237 of these to be delivered within the built footprint of the town.

Chapter 3 Settlements and Placemaking

Sections 3.5.13-3.5.15 address infill housing. These sections note that *“the planning authority will encourage the development of infill housing on suitable sites, subject to adherence to residential amenity standards and avoiding any undue impacts on the established character of an area. The layout and design of infill schemes should respect existing building lines and should generally follow established roof profiles, buildings heights and use of materials within the street.”*

Objective PL 3-2 Encouraging Sustainable and Resilient Places, which supports as part (b) of a longer text *“the development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network”*.

Chapter 4 Housing

Section 4.10 deals with *Building Height and Mix*, and notes there is no restriction on building height across the county, with the suitability of a site to accommodate increased building heights informed by its location, proximity to public transport, and whether it is identified as a priority site.

Objective HOU 4-8 Building Height and Amenity, which supports *“the provision of increased building height and densities in appropriate locations subject to the avoidance of undue impacts on the existing residential amenities...”*

The Approach to Density within lands zoned Existing Residential/Mixed Residential and Other Uses is set out at Sections 4.9.8 and 4.9.9. This notes a general support for proposals for increased densities to optimise the development of lands within the built up area, subject to protecting existing residential amenities and adhering to proper standards. In limited situations, *“a reduction in the 22 metre separation distance between units may be considered where high-quality architectural responses can be delivered without undue impacts on established residential amenities.”*

Brownfield Sites and Regeneration is addressed in sections 4.9.10 – 4.9.13. This notes in part that this may include *the provision of higher building heights than had previously prevailed on-site in order to promote a more efficient use of available, accessible land and more focused and efficient investment in infrastructure.*

Chapter 14 deals with Green Infrastructure and Recreation.

Objective GI 14-6: Public/Private Open Space Provision

This objective refers to the standards for public open space and private open space set out in “*Cork County Council’s Design Guidelines for Residential Estate Development*”.

Chapter 16 deals with Built and Cultural Heritage

Section 16.3.33 Cork County Council has published a number of guidance documents which help to improve the quality of design across the County namely;

- ‘Cork Rural Design Guide’ which gives guidance on design, site selection and landscaping for individual houses in the rural areas and*
- ‘Residential Estates Design Guide’ to provide guidance on the design of new housing areas.*

Appendix E Policy Objectives for the Cork Joint Housing Strategy 2022-28

Policy Objective 7

It is the objective of the Councils that new housing delivery over the strategy period will deliver compact and sustainable growth in Cork City, Metropolitan, Key, Ring and County towns and villages, to ensure the achievement of compact growth and regeneration under the NPF, RSES and Cork MASP area, including the requirement that at least 50% of all new homes in Cork City and suburbs, and at least 30% of all new homes in other settlements, be delivered within the existing built-up footprint.

Policy Objective 8

It is the objective of the Councils that new housing delivery over the strategy period will support urban renewal and urban regeneration and will strengthen the roles and viability of Cork City and of Metropolitan, Key, Ring and County towns and villages in Cork County. The Councils through the City and County Development Plans will support the delivery of housing on brownfield / built footprint land and in major urban regeneration areas such as the Cork Docklands, as well as infill sites in smaller towns and villages.

5.1.4. Volume 3 North Cork

5.1.5. This volume sets out that Mallow is a Main Town in the Mallow Kanturk Municipal District, and designated as a key town in the RSES.

5.1.6. **Making Places: a design guide for residential estate development**

5.1.7. This design guide was published by Cork County Council in 2011.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

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

5.2.2. These guidelines reiterate the National Planning Framework and the RSES priority of ambitious growth targets for cities and metropolitan areas, including delivering brownfield and infill development at scale within the existing built-up footprint. There is an emphasis on compact growth, and the provision of more houses and denser development in cities and towns in proximity to existing services and public transport.

5.2.3. They set out SPPRs on separation distances; private and semi-private open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan, which was adopted in 2022.

5.2.4. *SPPR 1 – Separation Distances* requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level. There are no set separation distances where overlooking is not a concern. It goes on to state that *“In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.”*

5.2.5. *Section 5.3.7 – Daylight* indicates that provision of acceptable daylight to new developments is an important planning consideration, and that it is also important to safeguard the amenity of adjacent properties. It notes a detailed technical

assessment by Planning Authorities is not required in all cases, and in the case of low rise housing with good separation distances, an assessment of architectural drawings (including sections) should be sufficient to ascertain that undue impact would not arise. If a technical assessment is required, regard should be had to quantitative performance approaches outlined in technical guidance documents. The planning authority should balance considerations of daylight with the general presumption in favour of increased scales of urban residential development.

5.2.6. Urban Development and Building Height Guidelines for Planning Authorities 2018

- 5.2.7. These guidelines are part of a package of measures to deliver more compact forms of growth, new housing, and more integrated and sustainable travel patterns. They set a performance-based approach to the assessment of building height.

5.3. Natural Heritage Designations

Blackwater River SAC 2170 – 500 metres south

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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.

7.0 The Appeal

7.1. Grounds of Appeal

Two appeals were received; one on behalf of the applicant, appealing Conditions 2 and 3 which omitted one house, and a third party appeal from a neighbouring resident.

7.1.1. First Party Appeal against condition

The first party appeal is summarised as follows:

- A recent grant of permission for a Large Scale Residential Development completing the Castlelands housing estate includes a large creche, and as such the childcare facility previously permitted on this site is not now required, making it available for housing.
- This appeal is against conditions 2 and 3, which omitted one of the four houses, notwithstanding redesigns and revisions submitted in response to council feedback.
- The initial request for Further Information requested revisions to the design form and appearance of the houses, and a revised layout to avoid parking and turning to the rear or side of the terrace. This resulted in the original two-storey terrace of four being replaced with a terrace of three three-storey houses, and a single 2.5 storey detached house with a large rear garden.
- The council requested further revisions, due to concerns regarding the scale, massing and height of unit C1, and its potential for overlooking and overbearing impacts on properties to the west. Revised designs were submitted, with Unit C1 revised to be a two-storey house. The council were still unsatisfied, and omitted it by condition, noting nonetheless that there was scope for a house on the site.
- Any of the three options (originally submitted, submitted at Further Information stage, and submitted at Clarification of Further Information stage) provide an appropriate response to the site, and the Commission are requested to grant permission for either the design submitted at FI stage or at CFI stage.
- The proposal complies with SPPR1 of the Compact Settlement Guidelines, which sets a minimum separation distance of 16 metres between directly opposing windows to habitable rooms to the rear and side of houses. The proposed unit C1 is between 11.4m and 13.15 m from the windows of the existing dwellings to the west, and has no windows serving habitable rooms on the western elevation; the windows are to a bathroom under the stairs, and to the first floor landing (with opaque glazing). The door in this elevation serves a store room off the kitchen.
- The Juliet balcony to the front elevation was included to integrate the design with the character of nearby properties, and can be omitted, should it be a concern

regarding overlooking impacts (notwithstanding that it looks over open space, and does not directly overlook any private amenity space).

While the grant of permission is welcomed, the removal of unit C1 is unwarranted, and the Commission is invited to remove conditions 2 and 3.

The other appeal is a third party appeal from the resident of 27 Kingsfort Avenue, appealing against the grant of permission.

7.1.2. Third Party Appeal against grant

The third party appeal was submitted by the resident of 27 Kingsfort Avenue, and is summarised as follows:

- The proposal does not comply with the *Residential Estates Design Guide*, having regard to minimum separation distances, height, scale and overall massing, overbearing impacts, and overlooking, all resulting in a loss of residential amenity for adjoining residents.
- The further information submission did not resolve these issues, and actually intensified the impacts due to the increased building heights in the redesign.
- The Planning Authority omitted one house due to impacts from its height, scale, proximity and orientation. However, similar impacts arise from the three permitted houses. The Planning Authority has been inconsistent in their assessment.
- The further information submitted introduced substantial changes to the proposal, including an increase in building height, a change from two-storey to three-storey houses, and a revised site arrangement. The application should have been readvertised, to allow the opportunity for further public comment on a materially different proposal.
- The Commission is asked to either refuse permission for the development, due to the impacts on neighbouring residential amenity; to remit the application to the Planning Authority to be readvertised, due to the significant further information; or to impose conditions to reduce the height of the development from three-storey to two-storey dwellings, to provide an acceptable relationship with adjoining properties.

7.2. Applicant Response in the case of a 3rd Party Appeal

A response was received from the applicant's agent. It is summarised as follows:

- The appellant refers to the *Residential Estates Design Guide 2011*, which is out of date, and has been superseded by the *Compact Settlement Guidelines 2024*.
- The proposed development exceeds the required standard of 16 metres back-to-back distance, with 21.3 metres between the above ground windows of the new houses and the existing houses to the north.
- The assertion that the proposed houses are overbearing on existing houses is inconsistent with the appellant's original submission, which stated the proposal did not respect the existing streetscape or complement the surrounding houses. The design was revised following the further information request, to provide a better and less abrupt transition with the existing three-storey houses, and to address the issues raised by the third party.
- Overlooking was a key consideration throughout the process. Appropriate separation distances have been provided to limit the potential for overlooking.
- The Planning Authority has been inconsistent in its application of the standards; however, this should result in the grant of permission for all four houses, not further reductions, as the impacts from all four houses are acceptable.
- Regarding advertisement of the application, it is left to the council's judgment to determine whether a further information submission contains 'significant additional data' as per Article 35 of the Planning and Development Regulations 2001 (as amended). There was no change to the red line boundary, the number of units, or the use of the proposed buildings. The increased height from two to three storeys is not a significant change within the wider context of surrounding three-storey houses. It is a refinement of the scheme to respond to the site context and the pattern of surrounding development. The Planning Authority's decision was appropriate.
- There is no substantive basis for a refusal of permission or a reduction in height, and a grant of permission is in order.

7.3. Planning Authority Response

None received within statutory timeline.

7.4. Observations

None received.

7.5. Further Responses

None received.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, the material submitted with the application, and the planning history. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I note the site is appropriately zoned for housing, and I consider the substantive issues to be considered as follows:

- Procedural Issues
- Impact on residential amenities

8.2. Procedural Issues

8.3. The third party contends that the further information submitted on 25 November 2025 contained significant additional data, and should have been readvertised under Article 35 of the Planning and Development Regulations 2001 (as amended). That article states that where a planning authority receives further information, and it considers that the information contains significant additional data, the authority shall require the applicant to readvertise the development.

8.4. There is no information on the file provided to indicate that the planning authority considered the further information to contain significant additional data. The third party brought the matter to the attention of the planning authority; (this correspondence is appended to his appeal, but not found on the file provided by the council). It was his contention that the increased height of the houses, and the changes to road layout constituted significant additional data.

- 8.5. In my view, it would be reasonable to consider the further information contained significant additional data. The further information shows taller houses (between 1.6 metres and 2.7 metres taller than originally proposed), and one house has been detached from the terrace and located on a different part of the site, in closer proximity to the east boundary (c. 2 metres from the boundary, where previously it was c. 7 metres away). This to me, is significant further information.
- 8.6. However, it is the view of the planning authority in receipt of the further information that is pertinent, having regard to the requirements of Article 35. It is the planning authority that receives the information that decides whether or not the submission contains significant additional data. In the event that the planning authority does not consider it so, they are under no obligation to require the development to be readvertised.
- 8.7. The third party suggests that the Commission might remit the application to the Council to be readvertised; I am not aware of any legal mechanism that would permit this course of action. The other remedies suggested are a refusal, or conditions to limit the height of the development. Such remedies are within the scope of the work of the commission. An assessment of the final development as submitted follows.
- 8.8. **Impact on Residential Amenity**
- 8.9. Both the third party appeal, and the condition that the first party is appealing, are concerned with surrounding residential amenity. I shall consider the impacts of the permission as granted on residential amenity, including daylight, sunlight, privacy, and overbearing impacts.
- 8.10. I note the concerns expressed by third parties in their initial submission regarding loss of open space, loss of car parking, and construction impacts. I note this site was originally earmarked for a creche, and as such was never planned as a parking area or green area for residents. The applicant has demonstrated to the satisfaction of the local authority that the housing estate as a whole is suitably provided with green amenity space. The impacts of the development would be localised, and limited to immediately adjacent properties.
- 8.11. Regarding the relevant standards to be followed, the third party appellant refers to the Residential Estates Design Guide. This was published by Cork County Council in

2011. The current Development Plan makes reference to it at Section 16.3.33 as one of two '*guidance documents which help to improve the quality of design across the county*'. The objective on Public Open Space provision refers to it along with two other documents. However, there is no objective or policy in the Plan adopting the standards set out in the document, or indicating that it is other than an advisory document. In any case, the Specific Planning Policy Requirements in the Compact Settlement Guidelines, issued in 2024, take precedence over any conflicting policies and objectives of development plans, and the Commission and Local Authorities are obliged to apply these SPPRs.

- 8.12. I note that SPPR 1 of the Compact Settlement Guidelines has recently revised the established 22 metre back-to-back separation distance to a minimum of 16 metres, subject to a demonstration that amenity will not be unduly affected. This may be further reduced, if there are no opposing first floor windows serving habitable rooms. The responsibility remains with the applicant to demonstrate that the development will not have a significant negative impact on neighbouring residential amenity.
- 8.13. Considering the scheme as granted, I note both parties concur that all four houses have similar impacts on adjoining houses, with the first party contending that all four houses should be granted, and the third party contending that all four houses should be refused. I note that house type C is smaller, has a different orientation, has a different relationship with surrounding houses and gardens, and is located on a different part of the site to the other three houses. As such, I assess them separately below.
- 8.14. I have no concerns regarding overlooking or impacts on privacy from the terrace of three houses. These are located at a lower level than the houses to the north on Kingsfort Avenue, and in any case are located over 21 metres from their opposing numbers. They overlook shared space to the front, and beyond that, the rear gardens of houses on Laurel View at a considerable distance and at a raking angle. The gable windows to 7 Kingsfort Gardens are typical of bathroom or landing windows, and the proposed gable windows to the first and second floor of the new terrace are landing windows; as such, the close proximity is not of concern, and this is a typical arrangement.

- 8.15. Similarly, regarding impacts on daylight and sunlight to neighbouring properties, due to the distances involved from the terrace to properties to the north and south, there would be no significant impacts on their enjoyment of daylight or sunlight. There will be impacts on the windows to the gable of 7 Kingsfort Gardens, but again, as the windows do not serve habitable rooms, I consider such impacts acceptable. There will be some additional overshadowing to the rear garden of 7 Kingsfort Gardens; however, this will be within normal limits, typical of the suburban environment, and not undue.
- 8.16. Finally, regarding potential for overbearing, I have no concerns about the terrace of three houses, which have a similar relationship with the houses behind them as the existing houses to the east (7-9 Kingsfort Gardens) have with the houses to the rear of them. They are sufficiently distant from the houses on Laurel View to avoid any overbearing impacts, and will have minimal impacts on 7 Kingsfort Gardens.
- 8.17. I do have concerns about the proposed unit C1. Following a request for Further Information, this fourth house was detached from the terrace, and relocated to be closer to the boundary with the rear gardens on Laurel View. This is clearly shown on the site plans, while the cranked section underestimates the original distance of the terrace from the houses on Laurel View (in drawing 23008/P/005), as site boundary in the foreground is shown. The change in heights was explained as providing a better transition between the existing three-storey and two-storey dwellings, but no rationale has been submitted for the change in location.
- 8.18. This house is located 13.15 metres from the rear elevation of no 5 Laurel View, and c. 11.4 metres from the rear elevation of no 6 Laurel View, with the lion's share of that separation distance provided by the rear gardens of the existing houses. The only windows to the gable of the new property serve non-habitable rooms, and are obscured. I note the Council's concern regarding the Juliet balcony to the front elevation. Having observed the other Juliet balconies in the housing estate, they have no outdoor space, and are public-facing, serving a role more similar to a window than a balcony. Nonetheless, this window is in close proximity to the rear gardens of nos 6 and 7 Laurel View, and this would lead to marginally uncomfortable mutual privacy impacts between the properties.

- 8.19. Regarding daylight and sunlight, no information on daylight and sunlight was submitted by the applicant, and no assessment undertaken by the council in this regard. I note that the 16-metre separation distance set out in SPPR1 of the Compact Settlement Guidelines is subject to the proviso – in that same SPPR – that the developer demonstrate that the development will not have a significant negative impact on the amenity of neighbouring residents.
- 8.20. Having regard to daylight, I have consulted *BRE 209 Site layout planning for daylight and sunlight: a guide to good practice 2022*, one of the guidance documents referred to in the Compact Settlement Guidelines. This sets out guidance on avoiding significant loss of daylight and sunlight to existing buildings.
- 8.21. Regarding daylight, the relevant angle of elevation for developments which are directly in front of a window is 25 degrees – if the angle between the midpoint of the window and the top of the new building opposite it is 25 degrees or less, daylighting is unlikely to be significantly affected, and no further assessment is required. If it exceeds this angle, further technical assessments should be undertaken.
- 8.22. Having assessed the drawings submitted as further information and clarification of further information, including the site plan, elevations, and Drawings no 23008/P/005 and Drawing no 23008_P_008 (both referred to as Site Sections, but showing contiguous elevations) the originally proposed House Type C1 does not pass the 25 degree test, and would risk impacts to daylight not just to ground floor windows but to first floor windows of both no 5 and no 6 Laurel View. The revised two-storey proposal would be unlikely to have significant impacts to no 5 Laurel View, but might have negative impacts on daylight to the ground floor of no 6 Laurel View.
- 8.23. Regarding sunlight, *BRE 209 Site layout planning for daylight and sunlight: a guide to good practice 2022* sets out that kitchens and bedrooms are less important than living rooms, although care should be taken not to block too much sun. Unlike access to daylight, the orientation of the windows and the obstruction is significant, as well as the angle of elevation (again, 25 degrees). It is recommended that living room windows within 90 degrees of due south be assessed. The windows in the rear of the houses on Laurel View do not face within 90 degrees of due south. It is likely that the new development would block some early morning sunlight to the windows of houses

on Laurel View at certain times of the year, but the impacts would not be likely to be significant.

- 8.24. Regarding overshadowing of outdoor areas, the *BRE 209 Guidelines* note that if at least half of a garden receives at least 2 hours of sunlight on March 21st, it will appear adequately sunlit throughout the year. The rear gardens of the houses on Laurel View are east-north-east facing. These gardens are already overshadowed in the afternoons and evenings by the houses themselves (some 10.1 metres in height), when the sun is in the west. The new house would add morning overshadowing as well, to the gardens of houses to the west and north-west, due to its proximity to the garden wall, its two-storey height (8.76 metre ridge height, 5.9 metre eaves height), and its length along the boundary (11.1 metres). However, there are no obstructions to the south-south-east, other than garden walls, and the gardens would be likely to meet the required standard, or closely approach it.
- 8.25. I note there are trees in the garden of both no 5 and no 6 Laurel View; Appendix G of the Guidelines notes that the effect of trees on daylight are normally ignored, as daylight is at its scarcest and most valuable in winter when most trees will not be in leaf. Similarly, trees and shrubs are not normally included in calculations regarding overshadowing of gardens, as the dappled shade of a tree is generally considered more pleasant than the deep shadow of a building.
- 8.26. Regarding overbearing impacts, the house is positioned c. 1.85 metres from the rear garden wall of no 6 Laurel View, and c. 3 metres from the rear garden wall of no. 5 Laurel View. In my view, the impacts would be unnecessarily overbearing, even from the revised two-storey proposal. While the lack of large windows addresses overlooking, it creates a largely blank two-storey elevation with a pitched roof at short remove from the garden of both properties, and would be an obtrusive feature due to its height, length, and proximity. It would have overbearing impacts, as well as impacts on daylight to their windows and overshadowing of the gardens.
- 8.27. Some impacts on daylight, sunlight and outlook are inevitable from developments in built-up areas, and must be weighed up against the achievement of other aims including the development of under-used serviced sites and the provision of new housing. However, in this instance the developer has fallen short of their obligation to

demonstrate that there will not be significant negative impacts, and I am recommending the omission of this house by condition.

9.0 **AA Screening**

I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located over 500 metres from the nearest European site.

The proposed development comprises four houses connected to the public wastewater treatment system.

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:

- The nature of the works, 4 houses connected to public services
- The location of the site in a built up area
- The distance from the nearest European site and lack of connections

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**

- 10.1.1. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am

satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively, due to the scale and nature of the development.

11.0 Recommendation

11.1. I recommend a grant of permission.

12.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028, the nature, scale, character and location of the proposed residential development, the guidance set out in the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024), it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would 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 25th day of November 2025 and on the 13th January 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 proposed development shall be amended as follows:
 1. Proposed unit 1 (type C1) shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: to ensure the proposed development will not have a significant negative impact on the amenity of the occupiers of existing residential properties on Laurel View.

This permission is for three dwellings only.

Reason: to clarify the extent of the permitted development.

3. . Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority:
- a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings / structures / buildings.
 - b) Details of all external hard and soft landscaping materials as well as all surface treatments (paving / resin/ concrete finishes).

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction and demolition. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, arrangements for parking, access and storage during construction and demolition, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health and flooding prevention.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: In the interest of sustainable transportation.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall take account of trees within the landscape plan drawing L-100 General Landscape Plan as submitted to the Local Authority with the application. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

The landscaping scheme shown on drawing number L-100 General Landscape Plan, as submitted to the planning authority on the 25th day of November, 2025

shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between

the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

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.”

Natalie de Róiste
Planning Inspector

12 June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-50923-CK-26
Proposed Development Summary	Four houses and associated site works.
Development Address	Kingsfort Gardens, Castlepark, Castlelands, St. Joseph's Road, Mallow, Co. Cork.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ 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)	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]
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 ☐	Screening Determination required (Complete Form 3) [Delete if not relevant]

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]
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Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-50923-CK-26
Proposed Development Summary	Four houses and associated site works.
Development Address	Kingsfort Gardens, Castlepark, Castlelands, St. Joseph's Road, Mallow, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development – the construction of four houses - has a modest footprint, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a built up area, removed from sensitive natural habitats.

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)