



An
Coimisiún
Pleanála

Inspector's Report

PL-500985-CC-26

Development

Demolition of storage shed and construction of a house attached to the existing end of terrace house together with all associated site works.

Location

12 Father Sexton Memorial Park,
Ballincollig, Co. Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2544089

Applicant(s)

Billy Cashman

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Billy Cashman

Observer(s)

None

Date of Site Inspection

18 May 2026

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The irregularly-shaped site, measuring 0.016 hectares, is the side garden of no 12 Father Sexton Memorial Park, containing a small shed. No 12 is a narrow-plan, two-up two-down, end-of-terrace house. Father Sexton Memorial Park is a development of 12 houses, arranged in two terraces and two pairs around a large parking area and small triangular green with mature trees.
- 1.2. It backs onto Leedale Avenue to the northeast, close to the junction with the main street of Ballincollig. It has a large front and side garden and a small triangular rear garden. It is located in a mature predominantly residential area, close to the centre of Ballincollig, with a small shopping centre (the East Side Centre) on the corner.

2.0 Proposed Development

- 2.1. The initial proposal was for the demolition of the shed, and the construction of an end-of-terrace two-storey two-bedroom house, measuring 104 sqm. This was gable-fronted, projected forward of the building line, and had a stepped elevation with single- and two-storey flat-roofed additions to the end gable. An enclosed patio (c. 22 sqm) to the front garden supplemented the private open space of the triangular rear garden (c. 7 sqm). A 3-metre vehicular entrance was provided to the front, and a pedestrian gate to the rear garden.
- 2.2. Following a request for Further Information, the house design was revised, with the front projection beyond the building line being reduced to a single-storey height, with a reduction in floor area of 18 sqm at first floor level, and a reduction to c. 81 sqm overall. The rear gardens were re-subdivided, with the garden of the existing house measuring c. 43 sqm, and the garden of the proposed house measuring c. 11 sqm.
- 2.3. A subsequent request for Clarification of Further Information did not result in additional amendments.

3.0 Planning Authority Decision

3.1. Decision

Grant permission.

3.1.1. Conditions

Seventeen conditions were attached, the majority of which were standard conditions of a technical nature.

Condition 2: Prior to commencement of development revised drawings including elevations and floor plans of both the ground and first floor shall be submitted to and agreed in writing to show the omission of the parapet/flat roof element and its associated floorspace from the first floor. This may involve a reorganisation of internal floorspace at both levels and possibly elevational treatments.

Reason: In the interests of the visual amenities of the area having regard to the uniformity of the terrace and the location of the site adjoining a public road.

Condition 3 was a pre-commencement amending condition regarding the boundary treatment.

3.2. Planning Authority Reports

3.2.1. A number of planning reports are on the file, from the executive planner (02/10/2025), and from the senior executive planner (06/10/2025, 05/12/2025 and 18/02/2026).

3.2.2. Planning Reports

- Report dated 02/10/2025 – Site context, planning history, planning policy, and submissions noted. Refusal recommended, due to non-compliance with SPPR2 of the Compact Settlement Guidelines, non-compliance with CDP paragraph 11.139 Infill Development, and overdevelopment of the site.
- Report dated 06/10/2025 – executive planner report noted, concerns regarding building line and private open space noted, further information recommended on both issues.
- Report dated 05/12/2025 – further information noted, clarification sought. Further revisions required to amend roof profile, details required on quantum of increased private open space.
- Report dated 18/02/2026 – lack of revisions to roofline unacceptable, condition recommended to address, which may result in a loss of floorspace. Grant recommended.

3.2.3. Other Technical Reports

- Environment – no objection subject to conditions
- Area Engineer - no objection subject to conditions
- Contributions - no objection subject to contribution conditions

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

4.1. The following on-site planning history was noted in the planner's report:

- 24/43008 Permission to demolish existing shed, and to construct a two-storey dwelling house, attached to the southeastern gable of No. 12 Father Sexton Park, Ballincollig, with a new vehicular entrance, and all associated site works. Refused.

5.0 Policy Context

5.1. Cork City Development Plan 2022-28

- 5.1.1. The site and the surrounding area is zoned ZO 01 Sustainable Residential Neighbourhoods with the objective *"to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses."*
- 5.1.2. The supporting text notes that the provision of residential uses is a central objective of this zoning, and that development in this zone should generally respect the character and scale of the neighbourhood.

Chapter 6 deals with *Green and Blue Infrastructure, Open Space and Biodiversity*.

Section 6.17 notes that that the landscape of Cork city will be protected by a number of land use mechanisms in the Plan, including the designation of Land Preservation Zones (LPZ) and Areas of High Landscape Value (AHLV). It also sets out a View

Management Framework, and a number of Scenic Routes. The site does not lie within any of these designations.

Chapter 11 deals with *Placemaking and Managing Development*.

Section 11.139 notes that “[n]ew infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).”

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. Guidelines for Planning Authorities: Development Management (2007) DEHLG.

5.2.4. These guidelines set out that conditions should be necessary; relevant to planning, and to the development to be permitted; enforceable; precise; and reasonable. They also note at *Section 7.7 Conditions directly departing from the application*

A condition that radically alters the nature of the development to which the application relates will usually be unacceptable. For example, a condition should not require the omission of a use, which forms an essential part of a proposed development, or a complete re-design of a development. If there is a fundamental objection to a significant part of a development proposal, and this cannot fairly be dealt with in isolation from the rest of the proposal, the proper course is to refuse permission for the whole.

5.3. Natural Heritage Designations

Cork Harbour SPA 004030 – 10 km to the east

6.0 EIA Screening

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

One appeal was received, from the first party against condition no 2. Issues are summarised as follows:

- The condition unreasonably compromises the quality of the proposed dwelling, failing to realise the development potential of the site in line with national policy to promote compact settlement.
- The condition is a result of a misinterpretation of Section 11.139 and the view of the planner that the design would represent overdevelopment of the site and injure residential amenity. The development is not an overdevelopment of the site, and would not in any way seriously injure the amenity of residents. There is no overhanging, overshadowing, or loss of light or privacy.
- Regarding Section 11.139, the physical character of the area exhibits a wide range of uses and building types of varying designs and scales. The terraced houses do not exist in isolation of this context.
- The view that all infill dwellings must be limited in their design to mirror their immediate neighbour is limiting and unhelpful. Precedents throughout the city have used greater flexibility – Board decisions ref ABP-313439-22 CCC ref 22/40849 and ABP-321115 CCC ref 24/43165 are of relevance.

- The design of the dwelling, with the massing broken down into 3 distinct sections, allows the dwelling to read as an extension to an existing dwelling. This is in keeping with established precedent.
- There is no policy which requires that the design should be further limited and reduced in size as required by Condition no 2.
- A number of amendments have already been implemented to address the concerns of the Local Authority, with significant alterations resulting in the loss of floor space. A pitched roof instead of a flat roof would reduce the first floor to less than 12.5 sqm of useable space. The design changes sought, and imposed by condition, amount to a refusal of permission, as the request cannot be implemented while meeting dwelling design standards.
- The proposal is an appropriately designed and scaled response to the site context, and condition 2 is not warranted, and should be removed.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

7.4. Further Responses

None received.

8.0 Assessment

- 8.1.1. This is a first party appeal against a condition of a grant of permission. Section 139 of the Planning and Development Act 2000 (as amended) allows the Commission (so long as it is satisfied that the application does not require an assessment as if it had been made to it in the first instance) to give the relevant planning authority direction regarding the attachment, amendment or removal of the condition.

- 8.1.2. I am satisfied that the development (demolition of storage shed and construction of a house attached to the existing end of terrace house together with all associated site works) is otherwise in accordance with the Development Plan, with National policies for consolidation and intensification of built-up areas, and with the proper planning and sustainable development of the area, and I am satisfied that the appeal only relates to condition 2, and does not raise any further issues. I am satisfied that the appeal may be dealt with under Section 139 of the Act, and I am going to limit my consideration to the appropriateness of the condition in question.
- 8.1.3. Having considered the material submitted and on file, having regard to the relevant policies and objectives, and having undertaken a site visit, I consider the issue in question to be:
- Design and visual impacts

8.2. Design and visual impacts

- 8.2.1. The site in question is located at the junction of Leesdale Avenue and Fr Sexton Park. It is a relatively high profile site, being visible from within the small housing estate to the west and south-west, as well as being visible from Leesdale Avenue (to north and south) and from the main thoroughfare of Ballincollig (although there is considerable tree cover in the green area, which largely blocks views of the site from the main road from the south west).
- 8.2.2. The houses are double-fronted narrow plan two-bedroom houses of mid-twentieth-century character, with pitched roofs, painted rendered walls, render sill courses and string courses to the first floor, shallow porches with cantilevered canopies, and square-headed openings with replacement windows and doors. Various minor renovations and extensions have been undertaken. They constitute an attractive small group of some character. The site does not fall within an Architectural Conservation Area, and no protected structures are located in the vicinity of the site. In the wider area, there is a mix of older and more recent infill housing developments, as well as commercial and community buildings.
- 8.2.3. The proposed house is irregular in plan, having a chamfered corner due to the shape of the site, and the location of the house in line with the terrace. The applicant proposed (as a Further Information submission) a pitched roof over part of the first

floor, with a flat roof with a parapet on three sides to cover the irregular five-sided area remaining. The Local Authority objected to the front parapet, and requested revisions to provide a pitched roof to the front/end elevation. The applicant responded, declining to carry out such revisions, and stating (in their architect's response) that the flat roof (with the parapet) was the most appropriate and consistent solution for this part of the proposed new dwelling. They continue that providing a pitched roof would make it impossible to provide more than 12.5 sqm of useable space to the first floor (apart from the staircase and landing, which are at their minimum sizes under the building regulations). They have provided no detail on why the floor space would be affected by the change in roof profile; the section drawing indicates that the floor-to-ceiling height under the pitched roof is 2.4 metres, a standard height for first floor accommodation.

- 8.2.4. However, considering the drawings submitted, I do not consider the flat roof with parapets to be so injurious to visual amenities as to require revisions, or the omission of that part of the first floor. Given the plan of the house, some modification to a standard pitched roof would be required, with additional hips, modified eaves, or other customisation; in my view, the use of a flat roof over the irregular portion of the plan is a reasonable approach on this constrained site, which (while relatively prominent) is not part of a significant architectural set piece, and does not close any vista or fall within a protected view.
- 8.2.5. I note the final planner's report refers to the scope to redesign the upper floor, and potentially the staircase and ground floor, to provide one bedroom at first floor level, and possibly a second bedroom at ground floor level, as a result of the condition. In my view, the condition has the impact of altering the nature of the development so significantly, that the condition does not comply with the Ministerial Guidelines set out in *Guidelines for Planning Authorities: Development Management (2007) DEHLG*, which state that if the condition requires a complete redesign of the development, the proper course is to refuse permission for the whole development. However, as noted above, I do not find the condition to be required.

8.3. **AA Screening**

I conclude that the proposed development (alone) would not result in likely significant effects on any European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

9.0 **Water Framework Directive**

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

10.0 **Recommendation**

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **remove** condition number 2 and the reason therefor.

11.0 Reasons and Considerations

Having regard to the residential zoning for the site, the visibility of the site from the surrounding area, the pattern of development in the area, the character of the area, and the plan of the house permitted, it is considered that the proposed flat roof with parapet would not detract from the character of the terrace or the surrounding area, and would not seriously injure the visual amenities of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence 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

24 June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500985-CC-26
Proposed Development Summary	Removal of condition re roof
Development Address	12 Father Sexton Memorial Park, Ballincollig, 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	State the Class here

be requested. Discuss with ADP.	
☒ 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.	Amendments to roof of permitted house
☐ 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)	State the Class and state the relevant 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]

Inspector: _____

Date: _____