



An
Coimisiún
Pleanála

Inspector's Report

PL-501141-CC-26

Development	Permission to construct a single storey extension (to be used as granny flat / ancillary family accommodation) to the side of a dwellinghouse.
Location	No. 2 Maglin Circle, Ballincollig, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2544252
Applicant(s)	Daniel Bradfield
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Daniel J O'Sullivan
Observer(s)	None
Date of Site Inspection	13-05-2026
Inspector	Adam Kearney.

1.0 Site Location and Description

The subject site is located at No. 2 Maglin Circle, Ballincollig, Co. Cork. Ballincollig is a large suburban settlement situated approximately 10 kilometres west of Cork city centre and forms part of the extended Cork metropolitan area. The estate in which the subject site is situated is an established residential area comprising of a mix of two-storey semi-detached dwellings and single-storey detached bungalow-type units.

The subject dwelling at No. 2 Maglin Circle is a two-storey semi-detached house. The proposed single storey extension is to the northern (side) elevation of the property, along the shared boundary with No. 1 Maglin Circle. No. 1 Maglin Circle is a single-storey detached bungalow. The surrounding area is predominantly residential in character and is well served by local services, community facilities and public transport links.

2.0 Proposed Development

- 2.1. Permission is sought to construct a single storey extension to the northern (side) elevation of the existing two-storey semi-detached dwelling. The extension is intended for use as ancillary family accommodation (a 'granny flat') for an immediate family member of the applicant. The original proposal comprised an extension approximately 8.5 metres in length and 3.3 metres in height with a flat roof, incorporating a bedroom, utility room and bathroom, with a separate own-door entrance at the front elevation.
- 2.2. The application was the subject of a Request for Further Information (RFI) issued by Cork City Council on 15 December 2025. In response, the applicant submitted revised drawings and additional information on 23 February 2026. The principal revisions included:
 - (i) omission of the additional front door and provision of access to the extension through the existing main house via a reinstated side door;
 - (ii) replacement of the flat roof with a 'lean-to' sloping roof reducing the eaves height at the boundary from approximately 3.2m to approximately 2.5m;
 - (iii) increased separation between the extension and the party boundary from 300mm to 450mm;

The revised extension has a total internal floor area of 18.1 square metres at ground floor level, comprising a bedroom, utility room/disabled WC and access corridor.

3.0 Planning Authority Decision

3.1. Cork City Council granted permission by Order dated the 9th of March 2026, subject to twelve conditions

3.2. Planning Authority Report Summary

3.2.1. The first planners report, dated 11 December 2025 recommended that Further Information be sought. Concerns were raised regarding:

- the absence of evidence of bona fide need and non-compliance with Section 11.147 of the Cork City Development Plan 2022 -2028 in relation to ancillary family accommodation;
- the separate own-door front entrance, contrary to the requirement that access be via the main dwelling;
- the proximity of the extension to the party boundary and the potential for significant adverse overshadowing and loss of daylight to the adjoining property at No. 1 Maglin Circle;
- the absence of design relief on the north-facing elevation; and
- the flat roof design considered unsuitable in context.

The applicant was requested to submit, inter alia, details of bona fide need, revised plans omitting the front door, a shadow and daylight study, a revised roof form, and a contiguous front elevation.

3.2.2. A response to the RFI was submitted on 23 February 2026. The second planner's report assessed the Further Information response and determined that all matters raised in the RFI had been satisfactorily addressed. A grant of permission was recommended on the basis that the revised proposal complied with Section 11.147 of the Development Plan; that the revised design, including the revised roof and increased boundary separation, adequately addresses concerns regarding overshadowing; and that the shadow diagrams submitted demonstrate the single storey extension will have a minimal impact on daylight to the adjoining property

given the orientation of the site and the dominance of the two-storey subject dwelling as the primary shadow source.

3.2.3. **Other Technical Reports**

3.3. Area Engineer's Report confirmed no objection to the proposed development subject to three conditions relating to surface water drainage and separation of foul and storm water drainage systems.

3.4. **Prescribed Bodies**

3.5. Irish Water was consulted. No report was received to date and no other prescribed body submissions were received.

3.6. **Third Party Observations**

3.7. A submission was received from Mr. Daniel J. O'Sullivan of No. 1 Maglin Circle, Ballincollig, Co. Cork, whose property directly adjoins the subject site to the north. The submission raised concerns regarding:

- sense of enclosure, in that the proposed structure at 3.275 metres in height and 0.3 metres from the boundary would dominate the view from the three south-facing windows of No. 1 (bedroom, office/home office and bathroom);
- loss of natural light to the south-facing windows of No. 1;
- overshadowing and increased potential for damp due to reduced airflow;
- overdevelopment and adverse impact on neighbourhood character, which is defined by open aspects; and
- increased noise from the proposed utility room.

4.0 **Planning History**

4.1. None on Subject Property

4.2. **Adjoining Property**

25/43996: Permission granted at No. 1 Maglin View for the conversion of a carport to living accommodation and elevational alterations.

5.0 Policy Context

5.1. Cork City Development Plan 2022–2028

5.1.1. The subject site is zoned 'ZO 01 Sustainable Residential Neighbourhoods' under the Cork City Development Plan 2022–2028, with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

5.1.2. Zoning Objective 1.2 – Character and Scale

5.1.3. Development should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of the zone will be resisted.

5.2. Section 11.147 - Family Flats / Ancillary Family Accommodation

Applications for ancillary family accommodation shall demonstrate:

- (1) a bona fide need, including details of the relationship between occupant of the main dwelling and occupant of the ancillary accommodation;
- (2) the unit shall comprise a physical extension of the main house with direct access and shall be at ground floor level;
- (3) the ancillary unit should not impact adversely on residential amenities;
- (4) the entrance shall be via the main dwelling;
- (5) the accommodation shall revert to being part of the original house when no longer needed by a family member;
- (6) no sub-division of the garden shall be permitted.

5.3. Section 11.100 – Separation, Overlooking and Overbearance

Privacy and overlooking are important for quality of life. Overbearing development that unduly dominates adjacent properties or causes unacceptable loss of light is contrary to proper planning and sustainable development of residential areas.

5.4. **S28 Ministerial Guidelines**

- 5.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) – relevant in relation to density, site-specific standards and amenity protection.
- 5.6. Quality Housing for Sustainable Communities Guidelines (DoECLG, 2007) – relevant in relation to residential accommodation standards.

6.0 **Natural Heritage Designations**

- 6.1. None in the immediate vicinity. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the nature, scale and urban location of the proposed development, these sites are not materially relevant to this appeal.

7.0 **EIA Screening**

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 Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

8.0 **The Appeal**

8.1. **Third Party Appeal**

- 8.2. Mr. Daniel J. O’Sullivan of No. 1 Maglin Circle, Ballincollig lodged a third-party appeal with An Coimisiún Pleanála on 8 April 2026 against the decision of Cork City Council to grant planning permission under Reg. Ref. 25/44252. The appeal focuses on two specific grounds.

8.3. **Ground 1 - Failure to Provide a Requested Daylight/Sunlight Assessment.**

Cork City Council specifically requested, as part of the Further Information request of 15 December 2025, the submission of a shadow and daylight study conducted by a

suitably qualified professional, to be carried out in accordance with recognised standards including BRE 'Site Layout Planning for Daylight and Sunlight' (BR209).

Despite this request, no comprehensive daylight or sunlight assessment was submitted, yet planning permission was nonetheless granted. The appellant characterises the diagrams submitted as inadequate. The appellant contends that the absence of this technical assessment places an unreasonable burden on him to commission specialist analysis in order to demonstrate significant loss of light, and that granting permission without this information is procedurally unfair and contrary to accepted planning practice.

8.4. Ground 2 - Unacceptable Sense of Enclosure and Loss of Residential Amenity.

The appellant contends that the proposed development results in an unacceptable sense of enclosure to his property at No. 1 Maglin Circle, with the extension presenting an overbearing and visually intrusive form along the side of his property directly affecting multiple south-facing windows.

The appellant maintains that this legitimate planning concern was not given sufficient weight during the application process.

The appellant further submits that the absence of the requested daylight and sunlight assessment compounded this issue, as such an assessment would have assisted in objectively demonstrating the extent of enclosure and associated impacts on light and outlook.

The appellant respectfully requests that An Coimisiún Pleanála set aside the decision to grant planning permission.

8.5. First Party Appeal Response

8.5.1. Daniel and Miriam Bradfield submitted a response to the third-party appeal on the 21st of April 2026, requesting that the Board consider the proposal on its planning merits and that the appeal be dismissed. Their response is summarised as follows.

- The proposed development addresses a demonstrable and immediate housing and care need for the applicant's elderly father, who is living alone in declining health with mobility and eyesight difficulties. Medical evidence from the family GP has been submitted in support of this need, confirming the

necessity of accessible bedroom and toilet accommodation and the importance of avoiding long-term nursing home care.

- The applicant's own dwelling is not suitable for long-term co-habitation due to a steep internal stairs, no downstairs toilet, and constrained space. The applicant is in full-time employment while providing substantial informal care including twice-weekly overnight stays, an arrangement under increasing strain due to the delay caused by the appeal.
- The proposed development is modest in scale and sympathetic in form, does not give rise to overdevelopment, has no unacceptable impact on the amenity of neighbouring properties, and is consistent with proper planning and sustainable development.
- In relation to overshadowing, historical imagery submitted with the response demonstrates that the existing two-storey dwelling and a longstanding boundary hedgerow, since replaced by an 8-foot fence, have historically cast a greater shadow on the adjoining property than the proposed single-storey extension would generate. Any additional impact from the proposal would not reach the threshold of planning harm.
- Should the elderly occupant relocate to the proposed accommodation, the existing rural dwelling would become available for rent, making a modest positive contribution to local housing supply.
- The applicants request that An Coimisiún Pleanála dismiss the appeal and confirm the grant of permission.

8.6. Planning Authority Response

No further response was received from the Planning Authority

9.0 AA Screening

- 9.1.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The nearest designated European sites are the Cork Harbour Special Protection Area (SPA) (Site Code 004030) and the Great Island Channel Candidate Special Area of Conservation

(cSAC) (Site Code 001058). No nature conservation concerns in relation to European sites were raised in the planning application or appeal.

9.1.2. 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 reasons for this conclusion are as follows:

- The nature and scale of the development, comprising a small domestic single storey extension to an existing suburban dwelling with a total internal floor area of 18.1 square metres.
- The urban location of the site and the separation distance and intervening lands from the nearest European sites.
- Taking into account the screening determination of the Planning Authority.

9.1.3. 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. There are no watercourses in the immediate vicinity of the appeal site. The proposed development comprises a small domestic single storey extension. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status.

10.2. 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 bodies, for the following reasons:

- The nature and scale of the works, namely a small domestic extension in a serviced urban location;
- The urban location of the site in a fully serviced residential area;

- The distance from the nearest waterbodies and the absence of any direct hydrological connections.

10.3. I conclude on the basis of objective information that the proposed development will not result in a risk of deterioration on any water body and consequently can be excluded from further assessment.

11.0 **Assessment**

11.1. **Overview**

11.2. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, the reports of the Planning Authority, and having regard to the relevant local, regional and national policies and guidance, I consider the substantive issues in this appeal to be as follows:

- Principle of the development
- Compliance with Section 11.147 of the Cork City Development Plan 2022–2028 (Ancillary Family Accommodation)
- Adequacy of the daylight/sunlight assessment
- Residential amenity

11.3. **Principle of the Development**

11.3.1. The subject site comprises an existing residential property situated within lands zoned ZO 01 – Sustainable Residential Neighbourhoods under the Cork City Development Plan 2022-2028, where the objective is to protect and provide for residential uses and amenities. The proposed development involves a single storey extension to an existing dwelling for use as ancillary family accommodation. I am satisfied that the principle of a modest domestic extension of this nature is acceptable at this location and is consistent with the established residential use of the site, the zoning objective and the relevant policy framework.

11.3.2. I note that the appellant does not object to the principle of development per se. The substantive grounds of appeal are confined to two matters: the adequacy of the

daylight/sunlight assessment submitted and the impact on residential amenity. I therefore address these matters in detail below.

11.4. Compliance with Section 11.147 – Ancillary Family Accommodation

11.5. Section 11.147 of the Cork City Development Plan 2022–2028 sets out six criteria for ancillary family accommodation. Having reviewed the documentation on file, including the Further Information response of 23 February 2026, I am satisfied that all six criteria are met. Medical evidence from the applicant's GP confirms a bona fide need for the accommodation to provide care for an elderly parent with increasing mobility and health needs. The extension is physically attached to the main dwelling, accessible exclusively through the reinstated internal side door, and situated at ground floor level. The revised drawings demonstrate how the accommodation can revert to ancillary use as part of the main dwelling when no longer required, and no sub-division of the garden or curtilage is proposed. The impact on residential amenity is addressed separately below

11.6. Adequacy of the Daylight/Sunlight Assessment

- 11.6.1. The first grounds of appeal concerns whether the Further Information response adequately addressed the Planning Authority's request for a shadow and daylight study. The appellant contends that no comprehensive daylight or sunlight assessment was submitted and that the diagrams furnished do not constitute formal light analysis.
- 11.6.2. I note that the Planning Authority's Further Information request was framed in terms of whether the proposal would generate 'significant adverse overshadowing and loss of daylight' to the neighbouring property and to clarify the nature of use of the affected rooms. The applicant's architect responded to this concern through a substantive design revision with the introduction of a mono-pitch/'lean-to' roof which directly reduces the built mass closest to the boundary, lowering the eaves height by approximately 700mm. This was supplemented by sun path diagrams demonstrating the movement of the sun relative to both properties at different times of year, and by contextual photographs confirming that the two-storey dwelling at No. 2 is already the predominant shadow source on this boundary by virtue of its height and site orientation.

- 11.6.3. The BRE BR209 guidance referenced by the appellant is a widely-used advisory standard. However, it is not a mandatory requirement of the Cork City Development Plan 2022-2028 or of any applicable statutory provision. The PA assessed the Further Information response and concluded that the revised design and supporting diagrams were adequate to address the overshadowing concern.
- 11.6.4. Having reviewed the documentation on file, I consider this judgement to be reasonable and well-founded. The combination of a substantive design revision (reduced eaves height) and sun path analysis demonstrating minimal additional impact is, in my view, a proportionate and sufficient response in the context of this relatively modest single storey domestic extension. I am not persuaded that a formal BRE BR209 assessment was necessary in these circumstances, or that the absence of such an assessment constitutes a procedural deficiency that would warrant the appeal being upheld.
- 11.7. Residential Amenity**
- 11.8. The second ground of appeal concerns the potential for the proposed extension to create an unacceptable sense of enclosure and to cause overshadowing and loss of light to the south-facing windows of No. 1 Maglin Circle.
- 11.9. Having considered the documentation on file and the design revisions made in response to the Further Information request, I am satisfied that the revised proposal adequately addresses these concerns. The mono-pitch/lean-to roof, sloping away from the boundary at 23 degrees, reduces the eaves height at the party boundary from approximately 3.2 metres to 2.5 metres. At a separation distance of 450mm, this does not constitute an overbearing structure relative to the side elevation of No. 1. The smooth white render to the north-facing elevation further reduces visual mass. The sun path diagrams demonstrate that the primary shadow-casting element on the shared boundary is the existing two-storey dwelling at No. 2, and that the proposed extension will not materially alter the shadowing pattern experienced by the windows of No. 1. I also note the established precedent for single storey side extensions in the immediate area.
- 11.10. I am satisfied that the proposed development would not seriously injure the residential amenity of the adjoining property and is in accordance with Section 11.100 of the Cork City Development Plan 2022 -2028.

12.0 Recommendation

12.1. I recommend that permission be Granted for the proposed development

13.0 Reason and Considerations

13.1. Having regard to the policies and objectives of the Cork City Development Plan 2022 -2028 the proposed development is consistent with Zoning Objective ZO 1 and respects the character and scale of the established neighbourhood in accordance with Objectives ZO 1.1 and ZO 1.2. The revised proposal complies with all six criteria of Section 11.147 governing ancillary family accommodation and, by reason of its modest scale and revised design, will not seriously injure the residential amenity of the adjoining property. The proposed development is therefore, in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The proposed 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 23/02/2026, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The ancillary family accommodation hereby permitted shall not be sold, let or otherwise disposed of separately from the main dwelling of which it forms part and shall revert to use as part of that dwelling on the cessation of its use as ancillary family accommodation. The curtilage of the property shall not be sub-divided.</p>

	Reason: In the interest of residential amenity and to control the density of residential units.
3.	The external finishes of the development shall be as shown on the drawings submitted unless otherwise agreed in writing with the planning authority prior to commencement of development. Reason: In the interests of visual amenity.
4.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: in the interest of public health.
5.	Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: in order to safeguard the residential amenities of property in the vicinity.

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

Adam Kearney

Planning Inspector
20th May 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501141-CC-26
Proposed Development Summary	Permission to construct a single storey extension (to be used as granny flat / ancillary family accommodation) to the side of a dwellinghouse.
Development Address	No. 2 Maglin Circle, 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? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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 Q	
3..Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4 Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____