



An
Coimisiún
Pleanála

Inspector's Report PL-501156-CK-26

Development	Construction of a three-storey extension to south of existing three storey dwelling and all associated site works
Location	Ferryview House, Worlds End, Dromderrig, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	260118
Applicant(s)	Colum O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Collette & Peter Foran
Observer(s)	Kate Foran Mary Murphy
Date of Site Inspection	01 st July 2026
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located at the southern end of Kinsale town. The site plot which is rectangular in shape is situated in an elevated and prominent location, between World's End road which bounds the site to the west, and the R600 which is located to the east. The existing building comprises of a detached three storey over basement dwelling. The external fabric of the building is of stone masonry/ rubble structure construction. The dwelling is derelict in appearance and is in a state of disrepair. The adjoining 'World End's' road is narrow and does not allow for the passing of two cars simultaneously. There is a pedestrian access from the R600 to the site and 'World Ends' via stone steps which also provide access to the front doorway entrance serving the dwelling.
- 1.2. There is an existing car park bounding the site to the north. The site overlooks Kinsale Harbour to the east. The adjoining properties on the western side of World End's road comprise of a terrace with a mix of single storey to three storey dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for an extension to the existing dwelling comprising of the following works:
 - Site area – 0.019 ha.
 - Gross floor area of proposed works – 252 m².
 - Partial demolition of the north and west elevations (110 m²). This entails the removal of the structure behind the projecting east facing bay and oriel windows on the road facing façade of the dwelling.
 - Construction of a new three-storey extension to the south with new roof, and the reconstruction of part of the existing dwelling to the north and west of the site. This will include a new roof that will span the overall structure within the original footprint. A linking element will connect the proposed extension and the main dwelling.
 - Alterations to the existing dwelling will include the restoration of the road facing façade (three storey oriel window).

- Proposed external finishes include cladding of natural slate, natural stone (reclaimed from demolition works)
- Off street car parking is proposed within the curtilage of the dwelling off World End's road.
- Proposed new connection to public water mains, and to public sewer.

The following documents accompany the planning application:

- Uisce Éireann – confirmation of connection
- Structural Assessment Report (MMOS)
- Architectural Design Statement (Mulcahy Ralphs Architects Ltd)
- Conservation Report & Heritage Impact Assessment (Design Forum Architects)

2.2. Unsolicited information was received by the PA on 25th February 2026 to address the issues raised in the third party observation.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 18th March 2026, Cork County Council decided to grant permission subject to five conditions. The conditions relate to surface water management, development contributions, a Construction Environmental Management Plan (CEMP) and operational hours for site development works. Condition 1 relates to the appointment of a qualified conservation expert to oversee the works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning reports form the basis of the assessment and recommendation. The following is noted:

- The principle of the proposed development is acceptable.

- The planning history of the site was noted whereby the replacement of the existing dwelling was permitted under ACP Ref. PL04.24318 (P.A. Ref. 17/4083).
- The proposal retains the oriel window and sash windows which are key architectural features.
- No objection was raised by the council Conservation Officer.
- Noted the issue raised in the third-party objection in regard to potential intrusion on their amenity from of property and their limited outdoor amenity space. The amenity space referred to adjoins the dwelling to the north and is used for parking vehicles. It was noted that the space had some important but limited outdoor amenity value. It was concluded that the proposed window on the north facing gable at first floor, and the proposed small balcony terrace would not dramatically or seriously adversely affect their privacy or enjoyment of the area. The area was noted to be public domain.

3.2.2. Other Technical Reports

- Area Engineer – No objection subject to conditions.
- Conservation Officer – No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A total of five third party observers were received. Four of the five third party observers supported the proposed development. One third party observer who is the appellant in this appeal, objected to the proposed development on similar grounds to those raised in the appeal.

4.0 Planning History

Appeal Site:

- ABP Ref. PL04.248314, P.A. Ref. 17/04083 – Permission granted for a replacement 4-storey dwelling (25th September 2017).

Adjoining Site to West:

- P.A. Ref. 08/53049 – Permission refused for demolition of 2 no. dwellings and construction of 7 residential units at no. 9 World's End on grounds related to overdevelopment and density of the site, traffic hazard and car parking issues (13th February 2009).
- ABP Ref. PL65.236998, P.A. Ref. 09/53014 – Permission refused for demolition of 2 no. dwellings on 2 plots, and construction of 8 residential units, on grounds related to overdevelopment of sites, design and impact on visual amenities, no justification for loss of a habitable dwelling, at no. 9 World's End, and the potential risk of land slippage in the absence of in-depth site investigations (25th November 2010).
- ABP Ref. PL04.245078, P.A. Ref. 15/4167 – Permission granted for demolition of existing dwelling no. 9 World's End, and construction of 3 no. 3-storey dwellings (29th October 2015).
- ACP Ref. PL-500201-WC, P.A. Ref. 25/4412 – Permission granted for new dwelling (13th March 2026).

5.0 Policy Context

5.1. National Context

5.2. National Inventory of Architectural Heritage (NIAH)

The existing dwelling is recorded as a building of interest on the NIAH:

- Ferry View House Reg. No. 20851159
- Rating: Regional Significance
- Categorise of Special Interest: Architectural, Artistic.

5.3. Cork County Development Plan 2022-2028

Volume Five West Cork

- Section 1.5 Kinsale

Zoning – Existing Residential/Mixed Residential and Other Uses’

Volume One Main Policy Material

➤ **Chapter 3 Settlement and Placemaking**

- Objective PL 3-2: Encouraging Sustainable and Resilient Places
 - f. Supports the re-use and revitalisation of brownfield sites and heritage buildings in both urban and rural areas in the County.

➤ **Chapter 5 Rural**

- Section 5.12 refers to Renovation or Replacement of an Uninhabitable or Ruinous Dwellings

Objective RP 5-30: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling

Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- The original walls of the dwelling structure must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.
- Existing mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by protected wildlife.
- Proposals must be acceptable in terms of public health and traffic safety.

➤ **Chapter 16 Built and Cultural Heritage**

Protection of Non-Structural Elements

- Section 16.3.11 – Relates to the National Inventory of Architectural Heritage.

County Development Plan Objective HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

➤ **Chapter 18 Zoning and Land Use**

Existing Residential/Mixed Residential and Other Uses (ER)

- Section 18.3.3 refers to Existing Residential/Mixed Residential and Other Uses (ER)

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. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

5.4. Section 28 Guidelines

- Architectural Heritage Protection, Guidelines for Planning Authorities 2004

5.5. Natural Heritage Designations

- pNHA: 001060 - James Fort – approx. 226 m to the east.
- SPA: 004124 - Sovereign Islands SPA – approx. 5.1 km to the southeast.
- NHA: 000105 - Sovereign Islands NHA – approx. 5.1 km to the southeast.
- SPA: 004021 - Old Head of Kinsale SPA – approx. 8.95 km to the south.
- pNHA: 000100 - Old Head of Kinsale – approx. 8.95 km to the south.

- SPA: 004219 - Courtmacsherry Bay SPA – approx. 11.8 km to the southeast.
- SAC: 001230 - Courtmacsherry Estuary SAC – approx. 11.8 km to the southeast.
- pNHA: 001230 - Courtmacsherry Estuary – approx. 11.8 km to the southeast.

6.0 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. 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.

7.0 The Appeal

7.1. Grounds of Appeal

One Third Party appeal was received from Colette & Peter Foran whose property is located on the western side of World's End road and which also encompasses an area of ground in use as a car park which immediately abuts the subject dwelling to the north. The grounds of appeal may be summarised as follows:

Key Issues Raised

- The objection relates to the provision of a window and balcony at first floor level on the northern gable of the existing dwelling which will directly overlook the appellant's property (Figures 10, 11 & 12).
- It serves as both a car park and an informal private amenity area in an elevated area which has view of Kinsale Harbour to the east and is a valuable private amenity space as a result.
- The site is rarely traversed by pedestrians on the public road as the area is quite.
- Access to the garden at the rear of their house is difficult and is rarely used and use their property across the road from their home as it is more accessible.

- Originally the car park was a front garden which forms part of a legal deed (appended to the appeal).
- Should permission be granted, conditions regarding the use of obscure glazing, restriction to non-opening or high-level openings, and the installation of screening measures should be imposed.

Planning Policy & Separation Distances

- The proposed development is inconsistent with planning principles regarding protection of privacy.
- The Residential Compact Settlement Guidelines 2024 recognise the importance of appropriate separation distances and spatial relationships to safeguard privacy. In the case of an elevated gable window directly facing a private amenity space, the visual relationship is inherently intrusive, regardless of separation distance.
- The Cork County Development Plan 2022-2028 requires that development should safeguard the functional integrity of private open space, avoid proposals that would diminish usability, and ensure that adjoining development does not adversely affect the practical enjoyment of outdoor spaces.
- The following policies in the Cork County Development Plan 2022-2028:
 - Policy DM 1-1: Design and Place making – Requires that all development protects and enhances residential amenity, including privacy and outlook.
 - Policy DM 1-2: Amenity and Quality of Life – States that development should not result in unacceptable overlooking or loss of privacy to adjoining properties.
 - Policy DM 1-3: Residential Amenity – Emphasises that proposals must safeguard the reasonable expectations of privacy for existing residents.
 - Policy DM 3-1: Alterations and Extensions to Dwellings – Requires that new windows, particularly at upper levels, are designed to avoid undue overlooking of neighbouring properties.
- The Development Management standards state:

- First floor windows and balconies facing neighbouring private spaces should be carefully positioned.
- Direct overlooking of private amenity areas is to be avoided.
- Where overlooking is unavoidable, mitigation measures such as obscure glazing or screening are required.

The proposed development fails to comply with the development plan provisions as it introduce direct and unmitigated overlooking of a private amenity space, does not incorporate any design measures to protect neighbouring privacy and undermines the established use and enjoyment of the existing outdoor living area.

Invasion of Privacy

- The car park functions as a semi-private outdoor living space where there is a reasonable expectation of not being overlooking.
- The proximity across narrow road – the limited separation distance intensifies the sense of overlooking.
- The proposed window and balcony will alter the privacy currently enjoyed by introducing direct overlooking enabling continuous observation of the entire space, removing the sense of seclusion currently experienced.
- In rural and coastal contexts, private amenity space typically plays a greater role in daily life than in urban environments.
- Unlike dense urban areas, there is a reasonable expectation of a higher level of privacy, particularly in outdoor spaces. The introduction of an elevated overlooking window in this context represents a departure from the established character of the area.

Absence of Mitigation Measures

- No mitigation measures are proposed to address overlooking i.e. obscure glazing, high level restricted openings, fixed or angled louvers, screening devices or architectural interventions, and the absence of such measures exacerbates the impacts and indicates that the issue of overlooking has not been adequately addressed in the design.

- The omission of mitigation measures is contrary to guidance within the development plan.

Other Issues Arising

- Change in established character – the space has historically functioned without overlooking and the proposal introduces a new and intrusive relationship.
- Loss of use – the objectors may be compelled to cease using the space as an amenity space due to loss of privacy.
- Potential for continuous observation – unlike occasional overlooking, a window allows prolonged and repeated viewing.
- Conflicts with residential amenity standards – the proposal is inconsistent with established planning principles regarding protection of privacy.
- Precedent concerns – approval may set an undesirable precedent for similar overlooking developments in the area.

7.2. Applicant Response

A response was received from the applicant to the grounds of the appeal which may be summarised as follows:

Planning History

- Precedent for a gable window and a balcony have already been established on the site, ABP Ref. PL04.248314, P.A. Ref. 17/04083 refers.
- The issue of overlooking was considered in a previous application. While elements of that development were omitted by the Commission, the proposed gable window on the north elevation was not removed or restricted.
- A balcony at first floor in the same position as the current application which was larger in scale, was also permitted. It was not considered to seriously injure the residential amenities of properties in the vicinity.

Characterisation of the Objector's Space

- The grounds of appeal are based on the assertion that the adjoining space bounding the applicant's property to the north is a private amenity space. This

characterisation is not supported by the planning record or the physical context of the Commission's own findings.

- The area was described as a platform serving as off-street car parking for 3 vehicles by the Planning Inspector (PL04.248317), and similarly in the planning assessment for the current application, it confirmed that the space is not a private amenity space, is already open to public view and is not capable of being treated as private in planning terms.
- It does not meet the definition of 'private amenity space' in the development plan and does not function as such in practice.
- The private amenity space that serves the appeal site is the existing lower garden area which is overlooked by the observers own parking bay. This demonstrates the inherent intervisibility that characterises Worlds End.

Overlooking & Residential Amenity

- The proposed window does not introduce a new overlooking relationship on the existing car park. It is already overlooked by numerous sources including no. 9 World's End, the public pedestrian linkage between the R600 and the World's End road, the use of the World's End road by vehicles and pedestrians, and dwellings to the south.
- The proposed window is smaller (1.5 m²) than that previously approved for the northern gable (4.8 m²). It is positioned further east on a shorter gable and will serve a living space.
- The objector's suggestion that the window is 'unnecessary' is not a planning considering. Internal layout and day light are matters for the applicant.
- The proposed balcony is recessed and is modest in scale and capable of screening if required, which the applicant has indicated that they are willing to provide.

Planning Policy

- The provisions of the Cork County Development Plan 2022-2028 require that new development protect residential amenity, avoid undue overlooking, and respond proportionately to site context. The proposal meets these requirements

as the window faces a car parking area which is not an enclosed private amenity space, the scale and design are reduced from that previously permitted on the site, overlooking of the area already exists, and the proposal respects the established pattern of development of the area.

- It aligns with the development plan objectives in terms of high-quality design, sensitive integration with the area and the reuse of an existing structure, historical in this case.
- The Sustainable Residential Development Guidelines do not require the elimination of overlooking, rather the avoidance of undue overlooking and the Commission has already determined that a large window at this location did not constitute undue overlooking.

Existing Site Context

- The appellants maintain that the space is a private amenity garden. Neither the PA or the decision of the Commission under PL PL04.248317 considered it to be a private amenity garden.
- A historical lintel confirms the presence of a previous window opening (photo included). The reinstatement of a historic window opening is consistent with good building conservation practice and does not introduce a new overlooking relationship.
- The applicant is willing to consider a fixed louvered screen the balcony. The proposed design is revised from that previously permitted on the site with the proposed window reduced in size and its location altered, and the balcony footprint reduced. These measures represent a balanced and proportionate response to the site context.

7.3. Planning Authority Response

A repose to the grounds of appeal was received which may be summarised as follows:

- None of the figures 1 – 10 in the grounds of appeal indicated any direct impacts on the objectors dwelling or its principle habitable rooms.

- The objectors concerns are not reasonable or proportionate to this edge of town location.
- The proposed design will not have direct negative effect on the objector's amenity from inside their dwelling and will only have very limited impacts on the enjoyment of their car park/ front garden.
- The proposed development is welcomed as a positive intervention to the current site context which is derelict, and seeks to preserve and improve the amenity of adjoining properties.
- The PA is satisfied that the assessment and decision adequately addressed the two main concerns of the objector (overlooking via proposed balcony and gable window).
- In the event that the Coimisiún considers otherwise and that the objectors concerns are significant, the matters can be addressed by conditions, in order to ensure that the proposed development would proceed to ensure regeneration of the site and safeguarding the site's historic interest.

7.4. Observations

Two observations were received from Kate Foran and Mary Murphy. The issues raised can be summarised as follows:

1. Kate Foran

- The Ordnance Survey map c. 1842 shows the site as a small garden belonging to Ferryview House which was later sold separately in 1960.
- Historical images show that a gable window did not previously exist.
- Due to the width of the road, the garden is used as a car park, but the space is used as an outdoor area for recreation amenity.
- The proposed window is for views, not for access to day light. There is no right or entitlement to a view, only a right to light and privacy. Ferryview House already has access to natural light and panoramic views.

2. Mary Murphy

- The proposed window will require maintenance and cleaning which would result in trespassing on private property which is not sustainable nor should reasonably be considered acceptable.
- As the northern boundary wall is being demolished, the structure could be stepped back on street level (approx. 1.5 – 2.0 m) to provide its own side access which would allow for harbour views.
- The previous application decided on the site raised the same issues, and notwithstanding the previous decision of the Commission for the site, the issues raised remain and the current application should be judged on the merits of the new information on the file.
- The applicant indicated that the use of the proposed balcony (which was not part of the original building) would be limited. If this is the case, the need for the balcony is not necessary, particularly when it is one of the principal causes of concern.

Note to Commission:

A copy of correspondence between the applicant and the third-party appellant is appended to the observation which relates to proposals to mitigate impacts on privacy arising from the proposed balcony.

7.5. Further Responses

None.

8.0 Assessment

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

- Principle of Development
- Impact of Residential Amenities

- Planning Policy
- Other Matters

8.1. Principle of Development

- 8.1.1. The appeal site is located within the settlement boundary of Kinsale Town on lands zoned 'Existing Residential/Mixed Residential and Other Uses (ER)' where the objective is 'to conserve and enhance the quality and character of established residential communities and protect residential amenities'. As part of the zoning objective, 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. I note the planning history of the site in which the principle of a replacement dwelling on the site was accepted under ABP Ref. PL04.248314, P.A. Ref. 17/04083. In this current case, the proposed development seeks to partially demolish the existing three storey dwelling on the site, to construct a new three storey extension to the south, and reconstruct the northern and western elevations of the dwelling. I note that the proposed development is not a designated protected structure or is located within an Architectural Conservation Area (ACA) but is listed as a building of interest on the National Inventory of Architectural Heritage¹. Therefore, subject to my assessment below, I consider the principle of the proposed development to be acceptable.

8.2. Impact on Residential Amenities

- 8.2.1. The substantive issue in the grounds of appeal relates to overlooking and the infringement on privacy of the third-party appellant's property, which immediately adjoins the appeal site to the north. I note that the area referred to forms part of the appellant's landholding related to their dwelling which is located on the opposite side of World's End road to the west. The appellants maintain that this was originally a private garden that was previously associated with Ferryview House prior to its sale c.1960, and that they use this area both as a car park and as an informal private amenity area.

¹ <https://www.buildingsofireland.ie/>

- 8.2.2. The applicant in response to the grounds of appeal refers to the planning history of the site whereby both the window on the northern elevation and a balcony in the same location as that being proposed were permitted. I note that the PA also provided a response to the grounds of appeal highlighting that the concerns raised in relation to overlooking were not proportionate to the existing site context and that the issues raised were adequately addressed in its assessment.
- 8.2.3. The Commission will be aware of the previously permitted development referred to on the site, as mentioned above in Section 8.1, which sought to replace the existing Ferryview House with a larger, modern 4-storey contemporary design dwelling. In reviewing that development, I note that it was a considerably larger development and that the decision of the Commission at that time required the omission of the proposed roof terrace/ garden area to be omitted, along with the enclosed balcony projection, on the southern side of the proposed development. The proposal did include for a larger window at first floor on the northern elevation which was positioned closer to Worlds End road on the western side of the gable elevation. A balcony terrace was also proposed on the third floor at the same location to that under the current proposal. I note that the matter of impacts on residential amenities vis a vis the existing car park bounding the site to the north, were not directly raised in a third party observation.
- 8.2.4. I note that a key consideration in Section 4.10.8 (Building Height and Amenity) of the Cork County Development plan 2022-2028 is the protection of residential amenity and privacy requiring that new residential development avoid unacceptable overlooking, overbearing effects and loss of amenity through good design and layout. Objective HOU 4-8 (Building Height and Amenity) supports development 'subject to the avoidance of undue impacts on existing residential amenities'.
- 8.2.5. In assessing the issues raised, consideration has been given to the nature of the site context, the receiving environment and the relationship between the properties. Pursuant to site inspection, I observed that the northern gable of Ferryview House immediately adjoins the boundary of the appellant's land. It is used as a private car parking area for the owner's vehicles, and the layout is such that it can accommodate 3 no. vehicles. There is a chain link fence adjacent to the public road to prevent unauthorised parking, and it is enclosed by a low masonry wall and has a brick paving finish. Of note is that the parking area is not located within the curtilage of the existing dwelling. World's End road which is a public road separates the land from the

appellant's dwelling, which is located on the western side of World's End road. There is a separation distance of c. 5.17 m between the appellant's dwelling and the parking area. There are mature native trees at the western boundary of the car park.

- 8.2.6. The proposed gable window will serve a habitable living area at first floor level which will be approx. 1.5 m in height and of floor to ceiling design. The proposed balcony will project from the western façade serving this area also. I would acknowledge that both may allow some degree of observation towards the adjoining parking area. Therefore, my assessment of overlooking must consider whether such views would result in an undue or an unacceptable impact on existing residential amenity. I note that the PA in consideration of the matters raised did not consider that the proposed window or the balcony / terrace would dramatically or seriously affect privacy or enjoyment of the space and did not impose a specific condition to mitigate any impacts.
- 8.2.7. In this regard, while the appellant has indicated that their property previously was a garden area, it is evident that the primary use of the land is for the parking of private vehicles associated with their dwelling. I acknowledge that the area may be used for outdoor amenity, however the lands in my opinion do not function as the principal private amenity space associated with their dwelling as it is not location within the curtilage of their dwelling and I note from the details in the appeal that there is a private amenity garden space serving their dwelling at the rear. Therefore, given its location adjacent to the public road, it is already subject to views from passing pedestrians and other vehicle traffic, and consequently in my opinion the expectation of privacy would be more limited than to what would ordinarily apply to a private amenity space within the curtilage of a dwelling. Notwithstanding, while I do accept the appellant's submission that they use the space casually for amenity purposes or outdoor sitting as it overlooks the Kinsale harbour from an elevated position and enjoys scenic views, this incidental use does not alter the prevailing character and function of their land or establishes a level of privacy equivalent to that associated with a private rear garden.
- 8.2.8. In relation to the proposed balcony, similar to above, it does not result in direct overlooking of any adjoining private amenity space or habitable room windows. As the land immediately adjoining the northern site boundary comprise of a private surface car park, and beyond that car parking along the public road that are also overlooked by adjoining residential development, I am satisfied that there is no direct overlooking of other private amenity spaces or residential windows. Having regard to the foregoing,

I am therefore satisfied that the proposal does not give rise to an unacceptable loss of residential amenity by reason of overlooking as it does not overlook a private amenity space. On that basis, I conclude that the proposed development would not be contrary to provisions of Section 4.10.8 and Objective HOU 4-8 of the development plan.

- 8.2.9. The appellants have raised that the omission of mitigation measures is contrary to guidelines within the development plan and that in the event that permission is granted, a condition requiring the proposed window to be fitted with obscure glazing and screening for the balcony would be appropriate to address concerns regarding overlooking. Having considered this matter, I do not consider that such conditions are warranted in this instance. The purpose of imposing such a condition would be to respect privacy protection in order to address a clearly identified and material impact arising from the proposed development on residential amenities. In this case and given the site context as described above, I do not consider that either the proposed window or balcony present such a scenario, as they do not directly overlook a private amenity space associated with the objectors dwelling, nor does it face onto an enclosed rear garden or other sensitive residential area where there a high expectation of privacy could reasonably arise. Accordingly, I do not consider the imposition of such conditions is warranted in this case.

8.3. Planning Policy

- 8.3.1. The grounds of appeal refer to the Sustainable Residential Development Compact Settlement Guidelines and in particular, the principle that there should be no specific minimum separation distance requirement, with the assessment instead based on the particular circumstances of each site and the need to protect residential amenity. Several policies are also specifically referred to in the Cork County Development Plan 2022-2028, i.e. Policy DM 1-1, Policy DM 1-2, Policy DM 1-3 and Policy DM 3-1.
- 8.3.2. Upon review of the Cork County Development Plan, the policies referenced in the submission are not contained with the current statutory development plan. I have however assessed the proposal having regard to the specific site circumstances and pursuant to the provisions of Section 4.10.8 and Objective HOU 4-8 of the Cork County Development Plan. In this case, the land identified by the appellants as a private amenity space does not in my view constitute the private amenity space or residential

curtilage of their dwelling, as it is physically separated from their dwelling by a public road. On this basis, I consider that the proposed development is not contrary to the Compact Settlement Guidelines or the aforementioned provisions of the Cork County Development Plan 2022-2028.

8.4. Other Matters

Planning Conditions

- 8.4.1. Although Ferryview House is not a listed protected structure or is situated in an ACA, it has been afforded regional status as a 'building of special interest' by the NIAH. I note that the terms of condition 1 of the PA's grant is specific to the existing site context and seeks to address the impacts arising from the construction of the proposed development on the existing building fabric (western façade and oriel window opes) that is proposed to be retained, and which are acknowledged to contribute to the building's special interest. In this regard, I consider that if the Commission is minded granting permission, that condition 1 of the PA's grant is included.

Precedent

- 8.4.2. The matter of precedent has been raised in the context of the proposed development. In this regard, should permission be granted, it would establish an undesirable precedent for similar overlooking developments in the area. I do not consider that a grant of permission in this case would establish an undesirable precedent. I have assessed the proposed development on its own merits having regard to the particular circumstances of the site, whilst having regard to the relevant statutory planning policies and objectives.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-501156-CK-26 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located within the settlement boundary of Kinsale town on lands that are zoned 'Existing Residential/Mixed Residential and Other Uses (ER)'.

The closest European site relative to the appeal site are:

- SPA: 004124 - Sovereign Islands SPA – approx. 5.1 km to the southeast.
- SPA: 004021 - Old Head of Kinsale SPA – approx. 8.95 km to the south.

The proposed development comprises partial demolition works related to the existing dwelling, the construction of a new extension and reconstruction works to the existing dwelling, and all associated site works.

No nature conservation concerns were raised in the planning application or 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 and scale of the proposed works and adjoining public infrastructure,
- The separation distance and intervening lands from the nearest European sites and the absence of any hydrological or other pathways,
- Taking into account the screening determination of the PA.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 WFD Screening

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.

11.0 Recommendation

I recommend that permission is granted subject to the following conditions and reasons:

12.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028, Volume 5 (West Cork), and Section 1.5 which refers to Kinsale town, the 'Existing residential/Mixed Residential and Other Uses' zoning objective, the nature, design and layout of the proposed development, the existing site context, the building heritage status afforded to the existing dwelling by the National Inventory of Architectural Heritage, and to the pattern of development within the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would result in the sustainable reuse of a vacant derelict dwelling, would not have an adverse impact on the amenity or character of the area or would seriously injure residential amenities of adjoining properties in the immediate area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 23rd day of 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. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric of the NIAH building during the works. In this regard, all permitted works shall be designed to cause minimal interference to the retained building and façades structure and/or fabric.

(b) All repair works to the structure shall be carried out in accordance with submitted method statements and best conservation practice and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ where possible, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

(c) The conservation expert / architect will also certify that all works were carried out as per agreement with the planning authority on completion of the project.

(d) A written and photographic record of all works shall be maintained throughout the course of the project and submitted to the planning authority on completion of the project.

Full details to ensure compliance with requirements above shall be submitted to and specifically in respect of (a) external wall slate shall be in diminishing courses, incorporating a weather slate pattern overlap, or other appropriate

equivalent, and (b) conformation enough recovered stone is available to complete new plinth together with verification of sample panel demonstrating appropriate integration with existing, and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

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

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

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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 interest of visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

Clare Clancy
Planning Inspector

24th July 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-501156-CK-26
Proposed Development Summary	Construction of a three-storey extension to south of existing three storey dwelling, partial demolition and reconstruction of northern and western elevations, and all associated site works
Development Address	Ferryview House, Worlds End, Dromderrig, Kinsale, 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	
☐ 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____