



An
Coimisiún
Pleanála

Inspector's Report PL-501246-WC-26

Development	1.Construction of a new boundary wall within the rear yard of 55 Patrick Street. 2. Permission for retention of the single storey services / storage area at 55 Patrick Street for commercial purposes. This development has a protected structure(RPS.NO.01607)
Location	55 Patrick Street & 31, Pearse Street, Clonakilty, Co. Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	26/0226
Applicant(s)	Why Not Property Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Why Not Property Limited
Observer(s)	None

Date of Site Inspection

16th July 2026

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 31 Pearse Street and no. 55 Patrick Street, Clonakilty with a stated site area of 0.00228ha. The site is located in the town centre and no. 31. Pearse Street is a Protected Structures (RPS 1607).
- 1.2. The site relates primarily to that of an existing mid-terrace two storey dwelling that adjoins and lies to the eastern side of Patrick Street in Clonakilty i.e. No. 55 Patrick Street. A small part of this site relates to the rear of No. 31 Pearse Street in Clonakilty town, where the partial removal of a boundary wall between the two properties was undertaken.
- 1.3. The general area of Patrick Street is residential in character. To the immediate north and south of No. 55 Patrick Street lie established terraced dwellings, with both properties to the immediate north and south of the subject site in residential use.
- 1.4. The subject site is sited within an Architectural Conservation Area (ACA), as designated in the Cork County Development Plan 2022 and all of the existing properties in the vicinity of this site that front onto the northern side of Pearse Street are Protected Structures. Additionally, this site lies within the zone of archaeological potential for the historic town of Clonakilty.

2.0 Proposed Development

- 2.1. The application consists of:
 1. Permission for the construction of a new boundary wall within the rear yard of 55 Patrick Street.
 2. Permission for retention of the single storey services / storage area at 55 Patrick Street for commercial purposes and change of use of part of the rear yard for commercial purposes to serve Casey' s Bar at 31 Pearse Street.
 3. Permission for retention of the partial removal of the boundary wall separating 31 Pearse Street and 55 Parrick Street, and construction of steps to facilitate pedestrian access to the bar. The development consists of the carrying out of works to protected structure (referenced RPS No. 01607).

3.0 Planning Authority Decision

3.1. Decision

By Order dated 31st March 2026, Cork County Council issued notification to refuse planning permission for the following reasons:

1. The development to be retained, involving the removal of a section of boundary wall separating the Protected Structure at No. 31 Pearse Street from the residential property at No. 55 Patrick Street, and sited within an Architectural Conservation Area in Clonakilty town has resulted in damage to the Protected Structure at No. 31 Pearse Street, and the works undertaken conflict with the objective HE 16-14 of the County Development Plan 2022 which seeks the protection of all structures which are of architectural and historical interest and the Planning Authority is not satisfied that the works to be retained ensures the protection of all structures (or parts of structures) contained in the Record of Protected Structures. Furthermore, the Planning Authority considers that the development to be retained, involving the opening up of direct access from the site of 31 Pearse Street with 55 Patrick Street, facilitating material change of use of part of 55 Patrick Street to commercial use, would seriously injure the amenities of neighbouring occupiers, would depreciate the value of property in the immediate vicinity, set an undesirable precedent and give rise to disorderly development. Accordingly, the works to be retained as set out herein would conflict with the objective HE 16-14, would adversely impact the architectural heritage of the area, would seriously injure the amenities of neighbouring occupiers, would depreciate the value of neighbouring properties and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development seeks permission for the construction of a new boundary wall within the rear yard of 55 Patrick Street in Clonakilty, the change of use of the majority of the rear yard for commercial purposes and to retain the use of the a single storey services / storage area for commercial purposes in the rear yard area of 55 Patrick Street, sited on land that forms part an area of Clonakilty that is zoned as Existing Residential / Mixed Residential and Other Uses, where it is an objective of the County Development Plan that other uses / non-residential uses should protect and / or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential / mixed residential and other use area are not encouraged, as set out in the objective ZU 18-9. The Planning Authority considers that the proposed development and the developments to be retained would not protect and / or

improve residential amenities for neighbouring occupiers, would not support the integrity of the primary use at this location, would seriously injure the amenities of neighbouring occupiers by reason of noise and general disturbance and would give rise to substandard private amenity space to serve future occupiers of 55 Patrick Street. Accordingly, the proposed development and the developments to be retained would seriously injure the amenities of existing occupiers, would fail to provide an adequate standard of private amenity space for future occupiers and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The development to be retained would contravene materially condition no. 3 of Permission Reg. No. 24/444, which specified that the single storey storage area sited within the rear yard area of 55 Patrick Street shall be used solely for purposes incidental to the enjoyment of the dwellinghouse at 55 Patrick Street, and shall not be used for or in associated with any commercial use. Furthermore, the Planning Authority considers that the development to be retained and the development proposed would give to an intensification of use of this space in the rear yard area of 55 Patrick Street, and the Planning Authority is not satisfied based on the information submitted that the commercial use of the majority of the rear yard area of 55 Patrick Street would not seriously injure the amenities of properties in the vicinity. Accordingly, the development to be retained and the development proposed would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Area Planner's report dated 24th March 2026 can be summarised as follows:

- The site is zoned ER (existing residential) in the CDP 2022.
- This is the third application on the site on foot of an enforcement file since 2023 .
- The store permitted under 24-444 was to be used associated with no. 55 Partrick Street and not in connection with the public house.
- The creation of the new boundary wall would result in a reduction in the total

amenity area of no. 55 Patrick Street to 7.88sqm and would be contrary to Compact Settlement Guidelines SPPR 2.

- Concerns of Conservation Officer noted.
- On balance the development would not comply with the zoning objective ER.
- Refusal recommended.

3.2.2. The Senior Executive Planner's report dated 24th March 2026 notes the planning history as outlined in the Area Planner's report and concerns as regards the amenity space of no. 55 Patrick Street and the use generated by increased noise, general disturbance and possibly odour issues which could adversely impact amenities of neighbouring properties. The Concerns of the Conservation officer as regards plot amalgamation noted. The report concurs with the recommendation of the Area Planner. Similarly, the Senior Planners reports dated 25th March 2026 also concurs.

3.2.3. Other Technical Reports

Area Engineer – No objection.

Archaeology – No objection. Defers to Conservation Officer.

Conservation Officer (11th March 2026) - The Conservation Officer notes that under 24/0444 she had concerns that the retention works resulted in damage to a protected structure (partial demolition of the stone boundary wall). She states that the works have also resulted in a further step towards plot amalgamation which is generally not best practice. While she notes the Conservation Report submitted nothing has changed from the previous application and therefore not her assessment to refuse in the interest of the protection of architectural heritage to align with HE-16-14 and HE-16-18, specifically the development seeking retention does not align with parts (d), (e) and (f) of HE 16-14.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA note that 9 no. submissions were raised. The following concerns were raised:

- Unauthorised works carried out on site.

- Residential amenity, private open space, noise, ventilation and disruption concerns.
- Alteration to integrity of plot boundaries.
- Conflicts with residential zoning
- Impacts on ACA and Protected Structure.
- Impact on property value.

4.0 Planning History

CCC 24/444 – Permission for the retention is sought for the following: 1. Removal of storage shed at rear yard of 55 Patrick Street and replacement of same with new single storey storage/services area. 2. Partial removal of boundary wall separating 31 Pearse Street with rear yard of 55 Patrick Street, and construction of steps to facilitate pedestrian access between both properties. 3. Construction of keg room at basement level under services area at 55 Patrick Street. Construction of steps to access same from rear of 31 Pearse Street. All associated ancillary development including site servicing. The development consists of the carrying out of works to protected structure (reference RPS No. 01607). Split Decision. As follows:

Permission for the following:

- 1) Removal of storage shed at rear yard of 55 Patrick Street and replacement of same with new single storey storage/services area.
- 2) Construction of keg room at basement level under services area at 55 Patrick Street. Construction of steps to access same from rear of 31 Pearse Street and
- 3) All associated ancillary development including site servicing.

Condition no. 3 stipulated: The single storey storage area permitted herein and sited within the rear yard area of No. 55 Patrick Street shall be used solely for purposes incidental to the enjoyment of the dwellinghouse at No. 55 Patrick Street, and shall not be used for or in association with any commercial use

Refusal for the following:

- 1) Partial removal of boundary wall separating 31 Pearse Street with rear yard of 55 Patrick Street, and construction of steps to facilitate pedestrian access between

both properties.

CCC 23/266 - for a) Permission for change of use at ground floor, from residential dwelling to cafe restaurant / bar, including proposed WC to rear of existing yard, b) Permission for change of use and proposed extension to rear at first and second floors from residential dwelling to 2-bedroom apartment, including new dormer roof, c) Permission for retention of storeroom at basement level, and d) all associated site work and services at No. 55 Patrick Street, Clonakilty was withdrawn.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

Zoning - The is identified as “*Existing Residential/Mixed Residential and Other Uses*”, as designated in the Cork County Development Plan 2022.

Section 18.3 Land Use Zoning Categories

18.3.5 - Existing Residential/Mixed Residential and Other Uses category contains a diversity of character areas ranging from established residential, transitional mixed uses, community uses and undeveloped lands along with open space within the development boundary of our towns. These are generally lands located adjacent or close to the town centre with good accessibility to services. These areas generally have a primary or strong residential component but which also provide for non-residential uses which protect and improve the primary use of these areas. Other uses within this category include small scale retail, small scale commercial, community facilities, places of worship, offices, doctors’ surgeries, beauty and healthcare facilities. These uses and the extension to existing facilities within this zoning are acceptable subject to proper planning and development criteria and protecting the residential amenity of the area.

18.3.6 Within predominantly existing residential/mixed residential and other uses areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of settlements. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

18.3.9 -Within existing residential/mixed residential and other uses areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. Often these areas perform valuable functions in their existing state, such as providing attractive open space or even providing important local employment. The inclusion of this land within an existing residential/mixed residential and other uses areas does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

Objective ZU 18-9: *Existing Residential/Mixed Residential and Other Uses* *- The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas - Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels

Other relevant policies/objectives:

HE 16-14 : Record of Protected Structures

a) *The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).*

b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.

c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.

d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure

HE 16-16 : Protection of Non- Structural Elements of Built Heritage

HE 16-18: Architectural Conservation Areas

HE 16-21: Design and Landscaping of New Buildings

TCR 9-1: Town Centres

- a) *Maintain, strengthen and reinvent the role of town centres as dynamic, attractive, resilient, inclusive, cultural and creative environments and enhance their mixed-use character by encouraging the retention and development of general office, retail, housing, office-based industry, community, civic and entertainment uses.*
- b) *To recognise and support the important role that independent retailers play in contributing to diverse and vibrant centres in County Cork.*
- c) *Town Centres First - Promote the town centre as the optimal place to locate key community institutions and public services and through Active Town Centre and Land Management work with relevant stakeholders to achieve this.*
- d) *Encourage and promote innovation and creativity within town centres in relation to the use of streets, public spaces, vacant buildings and derelict sites for different public activities, public art and events. The provision of external seating and tables shall be encouraged where it can be accommodated satisfactorily.*
- e) *Sustain, promote and manage the key role that diverse and vibrant town centres have to play in the tourism product of the county.*
- f) *Encourage a 'Town Teams' approach to guide stakeholders in the holistic management and revitalisation of town centres across the county.*
- g) *Support proposals for development involving evening and night time commercial, retail, cultural, food and beverage or entertainment uses within, or immediately adjacent to, the defined town centres or local service centre, where it can be demonstrated that the development will enhance the character and function of the area; this may include extended opening hours, proposals for outdoor dining and event space as well as proposals for greater utilization of existing heritage assets.*
- h) *Encourage, promote and facilitate the development of country/farmers markets in town centres devoted to the sale of local agricultural and craft produce and support their role as visitor attractions which add to the vibrancy and vitality of towns.*
- i) *Encourage the development of a stakeholder led vision for town centres including preparation of targeted public realm strategies and other strategies in a general and specific sense for individual towns over the lifetime of the Plan, particularly where a need has been identified.*

j) Encourage and prioritise an urban framework approach for those town centres which are experiencing unique challenges such as heritage constraints, traffic and transportation issues, etc.

5.2. National Guidance

5.2.1. Architectural Heritage Protection Guidelines For Planning Authorities, 2011

Section 6.8 - General Types of Development Extensions

6.8.6 - The planning authority should discourage the infilling of gardens, lanes or courtyards of architectural or historical interest. Open spaces such as these have a function in the natural illumination and ventilation of a densely developed urban area. Where surviving plot-divisions remain in the older areas of towns, these can be of historic interest as indicators of the original layout of the area, for example the original burgage plots or defensive walls of mediaeval settlements (or line of the wall). They may even contain historic fabric and these structures and their precise alignment should be respected by any new development.

5.2.2. Compact Settlement Guidelines 2024

SPPR 2 - Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house	20 sq.m
2 bed house	30 sq.m
3 bed house	40 sq.m
4 bed + house	50 sq.m

A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves.

Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates).

For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity.

This SPPR will not apply to applications made in a Strategic Development Zone until the Planning Scheme is amended to integrate changes arising from the SPPR. Refer to Section 2.1.2 for further detail.

Table 5.1 Minimum Private Open Space Standard for Houses

House	Minimum Private Open Space	Max Semi-Private (in lieu)
1 bed	20 sq.m	10 sq.m
2 bed	30 sq.m	15 sq.m
3 bed	40 sq.m	20 sq.m
4 bed+	50 sq.m	25 sq.m

5.4 Natural Heritage Designations

The site is not located within any designated site. This site lies within c. 520 m of the Clonakilty Bay Special Area of Conservation (SAC) and the Clonakilty Bay Special Protection Area (SPA).

6.0 EIA Screening

The proposed development and the development to be retained 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

The grounds of appeal are summarised as follows and seek to address the three reasons for refusal as follows under the following headings:

Architectural Heritage

- The works to remove the small section of boundary wall were undertaken in response to the requirements set out by the HSE and CCC Fire Department with the works limited to the 'punching through' of a 1.2m narrow section of the wall to create a doorway between the two plots arising to address concerns arising from the previous application (24/444).
- Little supportive information by the Council as to how exactly the works have impacted on the architectural heritage of the Protected Structure.

- Noting the concerns about plot amalgamation between no. 31 Pearse Street and 55 Patrick Street it is set out that a roller shutter door has been installed separating the two properties. The original plot divisions are still reflective on site and the historic urban grain (burgage plot) is still apparent and legible. The special impact of the building is not impacted or changed by the development.
- It is argued that the PA ignored the Architectural Heritage Impact Assessment (AHIA) which concludes that the wall at the rear end of Casey's Bar is not visible from any public area and the impact is considered negligible. The report recommends as a compliment to this development repair and restoration works to the boundary walls of no. 55 Partrick Street to improve their condition and appearance. This is reiterated in a statement by the appellants Conservation Architect (who prepared the AHIA) accompanying the appeal.
- On the basis of the above it is argued that it is not accurate to state that the development is in conflict with Objective HE-16-14 of the CCDP given the minimal internation and the concealed location at the rear of 31 Pearse Street. The Protected Structure and Architectural Conservation Area are not undermined.

Residential Amenity

- The outdoor storage area for bins, gas cylinder etc has arisen to address regulatory and health and safety concerns. The existing footprint cannot accommodate the required external storage given the entire plot is developed.
- The site is in an established built-up area subject to noise and general disturbance, therefore a certain level of noise and other impacts are to be expected.
- The appellant is the owner of no. 31 Pearse Street and it currently unoccupied.
- A boundary wall is proposed between the two properties.
- No customers are permitted in the storage area and no music or speakers will be used in the area.
- Food waste will only be stored in food waste bins.
- The area is infrequently used by staff.

- It is set out that the appellant is willing to accept a condition that the area is not used after 10pm.
- The roller shutter door will provide additional separation distance between 55 Patrick Street and 31 Pearse Street and will be kept closed the majority of times for security reasons.

Zoning

- Contrary to the PA assessment it is argued that the development is in compliance with Objective ZU 18-9, a small scale commercial development is identified as an acceptable use for 'Existing Residential/Mixed Residential and Other Uses' under section 18.3.5 of the CDP and will not result in the intensification of use.
- It is set out under 24/444 the PA deemed that scale and storage area acceptable.

Private Open Space

- In response to the PA's concerns with respect to compliance with the Compact Settlement Guidelines for private open space, it is set out that the property pre-dates the guidelines and even in the absence of the wall the open space would be below the minimum guidance.
- It is also set out that the dwellings in the area have varying garden sizes and that the site benefits from easy access to several amenity and public open spaces including Emmet Square located c. 130m to the south.

Material Contravention of 24/444

- It is argued that the storage area requirements set out by the HSE and Fire Regulations and not for any commercial gain.
- Regarding the SEP's statement to reinstate the boundary wall, it is set out that the appellant cannot do this as the steps leading to the rear of 55 Patrick Street are required to access the storage yard.
- It is set out that there is nothing in the Planning Act or Regulations to prohibit the Council from considering an application on the basis that it is not consistent with a parent permission.

Town Centre Objectives

- Contrary to the PA's assertion that the business viability is outside the scope of proper planning it is argued that closure and vacancy are key considerations of sustainability of our town centres.
- The closure of the bar would have a detrimental impact of the viability of Clonakilty Town Centre having regard Objective (g) of TCR 9-1:Town Centres.

Additional Considerations

- It is set out that the roller door is included within the scope of 'all associated works' as per the development description.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Residential Amenity
- Impact on Architectural Heritage
- Material Contravention
- Other Matters

8.2. Principle of Development

Proposed Development

8.2.1. The application relates to permission for the construction of a new boundary wall within the rear yard of 55 Patrick Street. This boundary wall will separate the residential unit (no. 55) from the public house (no. 31 Pearse Street). Permission is sought for the retention of the single storey services / storage area at 55 Patrick Street for commercial

purposes and change of use of part of the rear yard for commercial purposes to serve Casey's Bar at 31 Pearse Street (The Commission will note that roofed storage area to be retained for use as part of the public house was previously accommodated storage associated with the residential use of no. 55 and the remaining area will provide external bin storage at c1.5m wide by c.4.6m long). Permission is also sought for the retention of the partial removal of the boundary wall separating no. 31 Pearse Street and no. 55 Patrick Street, and construction of steps to facilitate pedestrian access between no. 55 and no 31 Pearse Street, Casey's Bar.

- 8.2.2. The application states that the outdoor storage area for bins, gas cylinder etc. has arisen to address regulatory and health and safety concerns. The existing footprint cannot accommodate the required external storage given the entire plot is developed.
- 8.2.3. The Commission will note that no. 31 Pearse Street is a protected structure (referenced RPS No. 01607) and located within an Architectural Conservation Area.

Zoning

- 8.2.4. The retention works relate to lands zoned '*Existing Residential/Mixed Residential and Other Uses*' in the Cork County Development Plan 2022. Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses * states that 'Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threaten the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.' However, the Commission will note that the CDP establishes that 'Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas' includes 'Residential development, residential care.... , small scale commercial....'
- 8.2.5. The PA (refusal reason no. 2) consider that the change of use of the majority of the rear yard for commercial purposes and to retain the use of the a single storey services / storage area for commercial purposes on land zoned as Existing Residential / Mixed Residential and Other Uses would not protect and / or improve residential amenities for neighbouring occupiers, would not support the integrity of the primary use at this location, would seriously injure the amenities of neighbouring occupiers by reason of noise and general disturbance and would give rise to substandard private amenity space to serve future occupiers of 55 Patrick Street. Accordingly, the proposed

development to be retained would be contrary to the proper planning and sustainable development of the area.

- 8.2.6. Contrary to the PA assessment the appellant argues that the development is in compliance with Objective ZU 18-9, as small scale commercial development is identified as an acceptable use for 'Existing Residential/Mixed Residential and Other Uses'. I would agree.
- 8.2.7. Similarly, section 18.3.5 of the CDP acknowledges the proximity of this land use adjacent to or close to the town centre and sets out that other uses within this category including small scale commercial and that these uses and the extension to existing facilities within this zoning are acceptable subject to proper planning and development criteria and protecting the residential amenity of the area' This is further reinforced, in my opinion, in section 18.3.6 which sets out that 'Within predominantly existing residential/mixed residential and other uses areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of settlements.'
- 8.2.8. With regard to the above while the site relates to lands zoned 'Existing Residential/Mixed Residential and Other Uses' the Commission will note that southern (front) part of the Casey's Bar site (no. 31 Pearse Street) is located on lands zoned Town Centre/Neighbourhood Centres with the rear of the property is located with the lands identified as 'Existing Residential/Mixed Residential and Other Uses'. Therefore, part of the bar area currently operates within the 'Existing Residential/Mixed Residential and Other Uses' zoning.
- 8.2.9. Therefore, I am satisfied that there is policy support for small scale commercial and change of use on the lands zoned ZU 18-9 'Existing Residential/Mixed Residential and Other Uses' and the principle of the development is acceptable in accordance with the site zoning objectives subject to detailed consideration below.

8.3. Residential Amenity

- 8.3.1. The PA argue that the opening up of direct access from the site of 31 Pearse Street with 55 Patrick Street, facilitating material change of use of part of 55 Patrick Street to commercial use, would seriously injure the amenities of neighbouring occupiers, would depreciate the value of property in the immediate vicinity, set an undesirable precedent

and give rise to disorderly development, would not protect and / or improve residential amenities for neighbouring occupiers, would not support the integrity of the primary use at this location, would seriously injure the amenities of neighbouring occupiers by reason of noise and general disturbance and would give rise to substandard private amenity space to serve future occupiers of 55 Patrick Street. Accordingly, the proposed development and the developments to be retained would seriously injure the amenities of existing occupiers, would fail to provide an adequate standard of private amenity space for future occupiers. This would not be consistent with objective ZU 18-9 where it is an objective of the County Development Plan that other uses / non-residential uses should protect and / or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential / mixed residential and other use area are not encouraged and would be contrary to the proper planning and sustainable development of the area.

- 8.3.2. In the first instance the Commission will note that the development will reduce the private amenity space associated with no. 55 Patrick Street to c. 16.169sqm. No details of the existing house have been provided including the number of bedrooms. The documentation in file including the appeal would suggest that the dwelling is a 2 bedroom house. Site inspection determined no. 55 to be a modest mid terrace town house.
- 8.3.3. As regards private amenity space, I note SPPR 2 of the Compact Settlement Guidelines provides 20sqm for 1 bedroom house to 30sqm for a 2 bedroom house. The amenity space will be below these standards. The appellant argues that this guidance is not relevant as the site predates the publication of the guidelines in 2024. I do not agree as the amenity space reduction is a direct consequence of the application. Notwithstanding, the guidelines provide that 'for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.' Having regard to the central site location within easy access of Clonakilty town centre and local parks, I am satisfied that the open space is acceptable in this instance.
- 8.3.4. As regards concerns raised about the impact on the amenities of neighbouring occupiers including noise and general disturbance. I agree with the appellant that the site is in an established built-up area subject to noise and general disturbance,

therefore a certain level of noise and other impacts are to be expected. I further note that no customers will be permitted in the storage area and no music or speakers will be used in the area. The area will be infrequently used and by staff only and the roller shutter door will provide additional separation distance between 55 Patrick Street and 31 Pearse Street and will be kept closed the majority of times for security reasons.

8.3.5. In the context of the established uses immediate to the site, the operational use (including the storage area will not be used after 10pm) and the site location relative to the town centre. I further note that the public house does not have a rear beer garden and any activity to the rear of the bar will be related to the storage area only. I am satisfied that the development will not result in any serious detrimental impact on adjoining properties and any noise generated by bins would not be uncommon even in a residential area and as such the development would not represent a significant intensification of use at this location. Nor do I consider the development will depreciate the value of adjoining properties in the vicinity. The works are removed from an independent of same and relate to storage only.

8.3.6. Overall, I am satisfied that the development will be acceptable in terms of residential amenity and would be in accordance with ZU 18-9 objective of the County Development Plan and the development would not compromise the primacy of the 'Existing Residential/Mixed Residential and Other Uses' zoning and in the context of the site location and proximity to the town centre and other amenities, any reduction in the private amenity space (which is minor owing to the fact that part of the rear garden previously accommodated a rear garden storage shed) associated with no. 55 Patrick Street is acceptable in this instance.

8.4. Architectural Heritage

8.4.1. A primary concern of the PA is the that the works to be retained would conflict with objective HE 16-14 and would adversely impact the architectural heritage of the area. Refusal reason no. 1 sets out that the development to be retained, involving the removal of a section of boundary wall separating the Protected Structure at No. 31 Pearse Street from the residential property at No. 55 Patrick Street, and sited within an Architectural Conservation Area in Clonakilty town has resulted in damage to the Protected Structure at No. 31 Pearse Street, and the works undertaken conflict with the objective HE 16-14 of the County Development Plan 2022 which seeks the

protection of all structures which are of architectural and historical interest and the Planning Authority is not satisfied that the works to be retained ensures the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

8.4.2. The appeal argues that the works are limited to the 'punching through' of a 1.2m narrow section of the wall to create a doorway between the two plots.

8.4.3. Objective HE 16-14: *Record of Protected Structures* seeks the protection of all structures within the County including the protection of the curtilage and attendant grounds of all structures and ensuring that that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

8.4.4. The Conservation Officer raised specific concern that the works have also resulted in damage to a protected structure (the partial demolition of the stone boundary wall) and a further step towards plot amalgamation which is generally not best practice. While she notes the Conservation Report submitted, she noted that nothing has changed from the previous planning application (CCC 24/444) and therefore not her assessment to refuse in the interest of the protection of architectural heritage to align with HE-16-14, specifically concern is raised that the development seeking retention does not align with parts (d), (e) and (f);

d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

8.4.5. The Architectural Heritage Impact Assessment (AHIA) accompanying the application accepts that the 'rear boundary wall has been breached to create a doorway, providing stepped access between to sites'. The AHIA notes that from the remains of the wall

visible that it is clear that this was originally the stone boundary wall. The report notes that while the penetration of the wall and the removal of the rear section do have an effect, having regard to the location, the impact on heritage is negligible as this part of the building is completely out of sight of the public. As part of the proposed works the remaining boundary walls would be cleaned, repointed and repaired as necessary. This is reiterated in a statement by the appellants Conservation Architect (who prepared the AHIA) accompanying the appeal. On the basis of the above, it is argued that it is not accurate to state that the development is in conflict with Objective HE-16-14 of the CCDP given the minimal intervention and the concealed location at the rear of 31 Pearse Street. The Protected Structure and Architectural Conservation Area are not undermined. I would agree.

- 8.4.6. The Commission will note the concerns of the PA and Conservation officer with respect to the amalgamation of the plots. The appellant argues that a roller shutter door has been installed separating the two properties and that the original plot divisions are still reflective on site and the historic urban grain (burgage plot) is still apparent and legible.
- 8.4.7. Section 6.8.6 of the Architectural Heritage Protection Guidelines clearly state that 'Where surviving plot-divisions remain in the older areas of towns, these can be of historic interest as indicators of the original layout of the area, for example the original burgage plots or defensive walls of mediaeval settlements (or line of the wall). They may even contain historic fabric and these structures and their precise alignment should be respected by any new development.' While I note the concerns of the PA and Conservation Officer, I am mindful that the extensive site coverage has already compromised any identifiable plot/site boundaries including the fact that no.55 originally included a storage shed to the rear. Therefore, subject to compliance with the recommendations set out in the AHIA including specifications for repairs to the stone wall to the rear of the site, I am satisfied that the development is acceptable and having regard to the already established pattern of development, the current proposal will not compromise the original burgage plot boundaries such that they are no longer identifiable and this is consistent with section 6.8.6 of the Architectural Heritage Protection Guidelines and Objective HE-16-14 specifically parts (d), (e) and (f) of the Development Plan.

8.4.8. Similarly, in the context of the ACA, the report notes that very little original fabric remains in either property and that the most significant element is the street frontage and these will not be impacted by the development. Therefore, I am satisfied that the works will not compromise the ACA.

8.4.9. In the context of the site, I note the building footprint has modified overtime resulting in limited available external space to accommodate the requirements of the HSE and Fire requirements and while I note the concerns raised by the PA and Conservation Officer, having regard to the minor nature of the intervention works, the already established pattern of development to the rear of no. 55 and no. 31 and the retention of legible burgage plot, I am satisfied that the development is acceptable from an architectural heritage perspective and is in accordance with HE-16-14 *Record of Protected Structures* and HE-16-18 *Architectural Conservation Areas* of the Development Plan.

8.5. Material Contravention

8.5.1. Reason no. 3 of the PA 's recommendation to refuse states that the development to be retained would contravene materially condition no. 3 of Permission CCC Reg. No. 24/444, which specified that the single storey storage area sited within the rear yard area of 55 Patrick Street shall be used solely for purposes incidental to the enjoyment of the dwellinghouse at 55 Patrick Street, and shall not be used for or in associated with any commercial use. The reason also sets and the development would result in intensification of use of the rear yard of no. 55. (The Commission will note that I have addressed the matter of intensification of use in section 8.3 above).

8.5.2. In the context of the concerns raised by the PA the development to be retained would contravene materially condition no. 3 and while I accept that the development would not be in compliance with this condition this does not preclude the appellant from making a further application on the site. The Commission will note that the current application seeks the retention of the single storey services / storage area at 55 Patrick Street for commercial purposes and change of use of part of the rear yard for commercial purposes to serve Casey' s Bar at 31 Pearse Street. I do not consider the development materially contravene condition no. 3 and I agree with the appellant that there is no legislative provision that prohibits the consideration of a planning

application on the basis that it is not consistent with another permission subject to assessment in accordance with relevant planning and development criteria.

8.6. *Other Matters*

- 8.6.1. Regarding the installation of the external shutters doors. I am satisfied that these are acceptable in accordance with 'associated site works'. However, in the event the Commission is minded to grant planning permission a suitable condition shall be attached to any grant of permission requiring the application to submit within one month of the grant of permission full details of the roller shutter door to include a complete set of appropriately scaled drawings, in the interest of clarity.
- 8.6.2. The Commission will note that the appellant sets out that the storage area is a requirement set out by the HSE and Fire Regulations and not for any commercial gain but to ensure compliance with required standards. Site inspection determined that the existing Casey's Bar occupies 100% site coverage and currently provides no external storage. The appeal notes that the storage is necessary for the continued operation of the bar and if the bar were to close this would have a detrimental impact of the viability of Clonakilty Town Centre having regard Objective (g) of TCR 9-1:Town Centres. The PA assessment determined that the HSE and Fire requirements are independent of the planning process, I would agree. While I note the applicants arguments with respect to the vitality and viability of the development with respect to the Town Centre development and tourism, this is no predicated on the success of this application for storage, in my opinion.

9.0 **AA Screening**

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The closest Natura 2000 is the Clonakilty Bay Special Area of Conservation (SAC) and the Clonakilty Bay Special Protection Area (SPA) c. 520m from the site. The proposed development comprises the construction of a new boundary wall within the rear yard of 55 Patrick Street and retention of the single storey services / storage area at 55 Patrick Street for commercial purposes within an urban context.

9.2.1. No nature conservation concerns were raised in the planning application/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.

9.2.2. The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale nature of the development.
- Location-distance from nearest European site and lack of connections.
- Taking into account screening determination by 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 Water Framework Directive

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

- Nature of works e.g. small scale and nature of the development.
- Location-distance from nearest water bodies and lack of direct hydrological connections.

10.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD

objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028, to the nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not result in a detrimental impact on built heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

13.0 Conditions

1. The development shall be retained out and completed in accordance with the plans and particulars lodged with the application received by the planning authority, on the 4th February 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. Within one month of the grant of planning permission the developer shall submit for the written agreement of the Planning Authority:
 - a) full details of the operational use of the storage area including details of what is being stored in the area and method of storage, maintenance and means of removal of bins for eternal bin waste collection, where required.
 - b) full details of the roller shutter door to include a complete set of appropriately scaled drawings.

- c) Photographic evidence that the dividing wall between the residential unit at no. 31 and the storage area to the rear has been completed in full.

Reason: In the interest of clarity and orderly development.

3. The storage area shall be used by staff only and shall not be utilised after 10pm at night. No music or speakers are hereby permitted in the storage area.

Reason: In the interest of residential amenity and orderly development.

4. The existing boundary stone walls shall be repaired in accordance with the *Specifications for Repairs to The Stone Wall to the Rear of the Site* as detailed in the Architectural Heritage Impact Assessment report submitted with the application on 4th February 2026 unless otherwise agreed with Cork County Council Conservation Officer, in default of any such agreement An Coimisiún Pleanála.

Reason: In the interest of the preservation and protection of architectural heritage.

5. 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

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.

Irené McCormack

Senior Planning Inspector

24th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501246-WC-26
Proposed Development Summary	1.Construction of a new boundary wall within the rear yard of 55 Patrick Street. 2. Permission for retention of the single storey services / storage area at 55 Patrick Street for commercial purposes. This development has a protected structure(RPS.NO.01607).
Development Address	55 Patrick Street & 31, Pearse Street, Clonakilty, 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.	

☒ 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 ☒	