



An
Coimisiún
Pleanála

Inspector's Report

PL-501495-CK-26

Development	Change of use of two storey derelict dwelling to two apartments, demolish shed, new detached two unit apartment block and all associated site works
Location	Railway View, Sleeven East, Macroom, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	26713
Applicant(s)	Bluemoon Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Abby Pika Bernadette O'Connell Paul Long
Observer(s)	None

Date of Site Inspection

29th July 2026

Inspector

Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located on Railway View road within the development boundary of Macroom town. The site comprises of 2 no. two storey dwellings at the end of a terrace fronting onto Railway View Road (R618) which is a busy regional route through Macroom town. The rear back garden of the site is overgrown. The site extends to the north backing onto Fitzgerald Street and a public car parking area. Dunnes Stores is located to the north of the public car park. The site is bounded to the west by a commercial car repair business which has off-street car parking within the curtilage at the front of the building. There is a pharmacy and a pedestrian access further to the west from Railway View Road to Fitzgerald's Street. There is no-off street car parking available within the curtilage of the subject development or along Railway View Road.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for the following:
- Change of use of the existing two storey dwelling to 2 no. apartments and permission to construct a two storey extension at the rear. The works proposed relate to the end of terrace unit. No alterations are proposed to the adjoining dwelling to the east.
 - Demolish an existing shed (14 m²) at the rear.
 - Construct a new detached block to provide 2 no. duplex apartments.
 - Pedestrian access to serve the proposed new apartment building is from Fitzgerald Street to the north.
 - It is proposed to connect to the existing public watermains and public sewer. Surface water is proposed to be discharged to the public sewer system.

The following is noted:

- Site Area – 0.0285 ha
- Gross floor area of proposed works is stated as 215 m² (4 units), max roof height of the proposed apartment block 5.92 m.

The application is accompanied by the following:

- Drainage Impact Assessment
- Exemption Certificate
- Cover letter addressing recent planning history of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 18th May 2026, Cork County Council decided to grant permission subject to eighteen conditions. The conditions attached are generally standard relating to material finishes, surface water management, construction phase including waste and traffic management and a financial development contribution. There are a number of pre-development conditions which include for boundary treatments, landscaping scheme and a naming and numbering scheme. The following conditions are of note:

- Condition 15 – Addresses external rainwater goods on the front elevation of the building to be retained.
- Condition 16 – Relates to first floor fenestration on the front of the existing building.

3.2. Planning Authority Reports

3.2.1. One planning report forms the basis of the assessment and recommendation to grant planning permission as follows:

- Noted the planning history of the site and that the principle of the proposed development was acceptable having regard to the zoning objective for the site.
- Desing/ Scale and Layout – the revised proposals comply with the minimum standards for apartment floor areas and open space set out in the Sustainable Urban Housing: Design Standards for New Apartments (2023) and the issues raised by the Commission in relation to distances between opposing habitable rooms was deemed to addressed.
- Noted the issues raised in the submissions regarding impact on adjoining residential amenities and that no undue impacts arose due to the design, height

and footprint of the proposed extension to the existing dwelling and the absence of windows of the gable ends of the proposed new apartment block.

- The omission of car parking to serve the development was acceptable on the basis of the site's town centre location having regard to Section 12.12.13 of the Cork County Development Plan 2022-2028.
- The development was screened out for AA and EIA and the site is not within a flood risk area.
- Noted the recommendation of the Conservation Officer and included condition 15 related to rainwater goods, and condition 16 which addresses the fenestration on the front elevation of the existing dwelling to be retained or replaced with timber sliding sash windows similar to that already existing.

3.2.2. Other Technical Reports

- Conservation Officer – The proposed development is located in close proximity to Macroom Architectural Conservation Area (ACA) and a protected structure. No objection subject to retention of existing windows or replacement with similar style windows and retention or replication of cast iron rainwater goods.
- Environment – No objection subject to conditions.
- Fire Officer – No objection.
- Area Engineer – No objection subject to conditions.

3.3. Prescribed Bodies

- Inland Fisheries Ireland – No objection raised.

3.4. Third Party Observations

- 3.4.1. Three third party observations were made in relation to the proposed development. The matters raised are largely covered by the grounds of appeal.

4.0 Planning History

- P.A. Ref. 05/54060 ABP Ref. 69.216678 – Permission granted for the demolition of existing dwellings, the construction of 1 no. dwelling, ground floor offices, first floor apartment (01st September 2006).
- P.A. Ref. 11/54008 – Extension of duration for P.A. Ref. 05/54060 granted expired 14th November 2016.
- ABP Ref. 322572-25, P.A. Ref. 24/6338 – Permission refused for change of use of existing dwelling to 2 no. apartments and the construction of a new apartment block on grounds related to design and layout of the proposed new apartment block due to:
 - Inadequate separation – insufficient distance between opposing habitable room windows in the new apartments.
 - Poor open-space layout – inefficient use of the limited communal/private open space, resulting in inadequate residential amenity.
 - Apartment standards – the conversion of the existing dwelling, particularly its low ground floor ceiling height, was not considered compliant with the 2023 Apartment Guidelines.
 - Incongruous design – the proposed flat roofed design for the new apartment block was incompatible with the prevailing pitched roof character of the area.
 - Alterations carried out to the front elevation of the adjoining dwelling had already undermined the uniform appearance of the terrace and streetscape.

5.0 Policy Context

5.1. National Policy

5.1.1. The National Planning Framework – First Revision (April 2025)

The following National Policy Objectives (NPOs) are relevant;

- NPO 9 Compact Growth – Supports delivery of new homes within existing built up areas rather than continued outwards expansion.

- NPO 12 Quality urban development – Seeks attractive, liveable and well-designed urban places.
- NPO 14 Town regeneration – Supports the regeneration and rejuvenation of towns including increasing residential populations and making better use of existing buildings and serviced land.
- NPO 37 Sustainable transport – Supports development that facilitates walking cycling and access to public transport.
- NPO 43 Sustainable residential development – Supports housing in accessible serviced locations and at an appropriate scale and density.
- NPO 45 Increased residential density – Supports increasing residential densities through the reuse of existing buildings, infill development and regeneration.

5.2. **Cork County Development Plan 2022-2028 (as varied)**

Volume 1 Written Statement

5.2.1. Adopted Variation No. 1 to the Cork County Development Plan 2022-2028.

Variation No. 1 was adopted by Cork County Council on 31st July 2026. The variation updates the county development plan in response to revised population and housing requirement in the context of revised national and regional population and housing requirements. It provides for a significant increase in residentially zoned land across the county. In relation to Macroom, the variation supports the continued growth and consolidation of the town, with additional provision for housing to support its role as an important settlement within the county. The variation therefore provides an updated policy context for the sustainable expansion and development of Macroom and has also zoned additional lands for housing.

Zoning

5.2.2. The site is located within the development boundary of Macroom town on lands that form part of the 'Town Centre / Neighbourhood Centre' zoning to which objective ZU 18-17 relates.

Relevant Policies and Objectives

- Objective PL 3-1 Building Design, Movement and Quality of the Public Realm – Seeks high quality building design that reinforces local character, creates a strong sense of place and responds appropriately to the context of the site.
- Objective PL 3-3 Delivering Quality and Inclusive Places – Requires development to create high quality, attractive and distinctive places and to make a positive contribution to the character and quality of the surrounding environment.
- Objective HE 16-21 Design and Landscaping of New Buildings – Requires new buildings to respect the character, pattern and tradition of existing places and built forms and to integrate appropriately with their surroundings.
- Objective GI 14-9 Landscape – Requires high standards of siting and design and seeks to protect the visual amenities of the built and natural environment.
- Objective HOU 4-7 Housing Density – Supports appropriate higher density residential development in town centre locations, subject to satisfactory design, residential amenity and integration with the surrounding area.
- Objective WM 11-10 Surface Water, SuDS and Water Sensitive Urban Design – Requires all new developments to incorporate SuDS.
- Car Parking & Bicycle Parking – Table 12.3 establishes maximum parking standards; for apartments the maximum is 1.25 spaces per apartment.

Volume 4 South Cork

- Macroom – Identified as a ‘Main town’ within the Macroom Municipal District and forms part of the Great Cork Ring Strategic Planning Area.
- Appeal Site Zoning – Town Centre / Neighbourhood Centre.

Objective ZU 18-17: Town Centres/ Neighbourhood Centres

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed

use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

Specific Development Objectives for Macroom

- Objective MM-T-01 Town Centre Core Area – Supports sensitive redevelopment within Macroom town centre while requiring new development to respect the established character, built fabric and urban grain of the town and provide an appropriate relationship with the surrounding streetscape.

Section 4.3.8

Notes for the plan period, Macroom has a population target of 4,809 representing growth of 1,044 persons on the 2016 Census figure of 3,765. In order to accommodate this level of population growth, an additional 399 housing units will be required. Following on from the guidance as set out in the National Planning Framework, there is a requirement in towns like Macroom to deliver at least 30% of all new homes within the existing built footprint of the settlement. This plan makes provision for an estimated net residential land supply of about 16 ha with the capacity to provide 279 units with the balance of 120 units to be accommodated within the built footprint of the town. Given their close proximity to the town centre a number of residentially zoned sites will also contribute to the delivery of compact urban growth. In addition, it is also anticipated that other infill opportunities will emerge over the lifetime of the plan and these will be supported subject to normal proper planning and sustainable development considerations

5.3. Section 28 Ministerial Planning Guidelines

5.3.1. Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025)

Section 3.0: Includes the achievement of apartment design standards with regard to the following:

- SPPR 2 – Minimum Apartment Floor Areas (1-bed 2 persons 45 m²).

- SPPR 3 – Minimum 25% of apartments should be dual aspect. For urban infill schemes of 0.245 ha or less, the planning authority (PA) can accept a lower proportion where this is justified by the particular site circumstances and overall quality of the development.
- SPPR 4 – Ground level apartment floor to ceiling heights shall be a minimum of 2.7m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.
- SPPR 5 – There shall be no requirement within statutory plans or within an individual scheme in respect of a minimum number of units per floor per core.
- Internal Storage – Minimum requirement for storage areas are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.
- Private Amenity Space – The minimum required areas for private amenity space are set out in Appendix 1 (1 bed 5 m²). For refurbishment schemes and urban infill schemes up to 0.25 ha the PA can accept a reduced provision on a case by case basis, having regard to overall design quality.
- Car Parking – Refers to SPPR 3 Sustainable Residential Development and Compact Settlement Guidelines 2024.

5.3.2. Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). Dept. of Housing, Local Government and Heritage.

- SPPR 3 – Overall, seeks to reduce car parking and avoiding excess parking. The policy supports a lower parking provision where justified by the site's accessibility and proximity to services.

5.4. Natural Heritage Designations

- SAC: 000108 - The Gearagh SAC – approx. 1.48 km to the south.
- pNHA: 000108 - The Gearagh approx. 1.48 km to the south.
- pNHA: 001067 - Lough Gal – approx. 5.4 km to the northeast.

- SPA: 004162 - Mullaghanish to Musheramore Mountains SPA – approx. 6.5 m to the northwest.
- pNHA: 001854 - Boylegrove Wood – approx. 7.2 km to the southwest.
- pNHA: 001248 - Prohus Wood - approx. 7.5 km to the west.
- pNHA: 001055 - Glashgarriiff River – approx. 8.5 km to the northeast.
- SAC: 000106 - St. Gobnet's Wood SAC – approx. 14.5 km to the northwest.
- pNHA: 000106 - St. Gobnet's Wood – approx. 14.5 km to the northwest.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Three third party appeals were received from Abby Pika, Bernadette O'Connell and Paul Long which may be summarised as follows:

Design & Layout

- The points made in the decision of An Coimisiún Pleanála (ABP-32572-25) were not taken into account or addressed in the current proposal.
- The proposed development is haphazard and the design is not in keeping with the traditional streetscape or neighbouring developments in the area and would set a precedent resulting in the town losing its traditional character which is at variance with the National Planning Framework Project Ireland 2040.

- The proposed flat roof on the apartment block is incongruous and at variance within the style of houses in the area and in the row of houses.
- The garden amenity space is insufficient for occupants, apartments should be built alongside suitable outdoor spaces for occupants.
- There is insufficient space from the back of the house to the front of the proposed new building facing the car park.

Impact on Adjoining Residential Amenities

- Overlooking and overshadowing will occur of the adjoining house and garden area blocking light to the garden due to the height of the proposed apartment block.
- The proposed apartment block will be overbearing and will encroach on the garden area.
- The apartment block will overshadow the kitchen area within the house blocking sunlight due to height difference.
- There will be a lack of privacy and separation relative to the adjoining dwelling.
- Impacts from construction in particular in terms of noise and demolition works will impact on young infants sleeping in the adjoining dwelling.
- The density of the proposals is excessive.
- The proposed footpath ending at the back door is haphazard and may cause diversion of surface water resulting in drainage problems occurring outside the backdoor where the drain is accessed from.

Impact on Adjoining Commercial Premises

- The proposed two storey extension to the rear of the existing dwelling will block light entering the eastern elevation of the adjoining car garage business to the west. The eastern elevation contains 2 wall lights that allow natural light enter the showroom area of the premises. The roof of this structure is not suitable for roof lights due to condensation and dripping water in inclement weather.

- The eastern aspect of the roof on the commercial premises contain roof lights and the proposed two storey structure will reduce natural light and give rise to overshadowing within the workshop area of the premises.
- Construction works including excavations, construction of foundations and new walls directly adjoining the boundary wall of the commercial premises that could cause structural damage. A pre-construction survey report prior to commencement of the development should be sought.
- Future occupants will have issue with the operation of the existing business in terms of noise, odours and general operations which might result in restrictions being imposed.
- No car parking is proposed which might lead to future occupants encroaching on the car parking associated with the commercial premises.
- The construction stage will have a negative effect on the business. There is no space within the site for storage of construction equipment.

Other Matters

- Site Notice – A previous planning application site notice dated 5th December 2024 was in place on 20th March 2026.
- Other apartments existing within the area above Dunnes Stores are not in use and one of the existing dwellings within the appeal site has been vacant for over 24 months which suggests that there is sufficient accommodation already available in the area.

Note to Commission:

The submission received from Abby Pike and Paul Long are supported by photos.

7.2. Applicant Response

- 7.2.1. The applicant's response to the grounds of appeal addresses the matters raised in the Inspectors report pertaining to ABP-322572-25 as well as the matters raised in the third party submissions, which may be summarised as follows:

Density & Overdevelopment

- The site is a brownfield town centre site which has been vacant for many years and will add to the achievement of 30% of new homes within the town centre boundary.
- All floor and site areas are above minimum standards as set out in the Cork County Development Plan 2022-2028 and in the Residential Development Standards.

Design & Layout

- The roof profile serving the proposed extension to the existing dwelling is revised to a pitch roof resulting in a significantly lower eaves level sitting below the height of the existing roof.
- The proposed flat roof to the new apartment block was deemed acceptable with an overall height of 5.92 m.
- The internal layout for the rear section of the upstairs unit no. 2 will have a reduced head height to the eaves of 1.8 m due to the provision of the pitched roof and will serve a bedroom.
- No alterations are proposed to the streetscape on Railway View.
- All external outdoor spaces are above minimum open space standards for apartments and will have external access to communal areas which provide for bin and bike storage.
- Access to units 3 and 4 from Fitzgerald Street were discussed and agreed with the area engineer resulting in safe access being provided to the proposed units without impacting on neighbouring properties.

Impact on Residential Amenities

- No windows are proposed on the eastern and western elevations of the proposed extension and apartment block.
- Obscure window glazing is proposed on the first floor window on the extension which will serve a bedroom.
- The first floor windows serve bathrooms only on the apartment block and will be fitted with obscure glazing.

- The first floor windows on the southern elevation of the apartment block now serve bathrooms and will be fitted with obscure glazing.
- The separation distance between the rear of the proposed extension and the proposed apartment block has been increased.
- There are no windows on the eastern elevation of the proposed apartment block.
- A daylight and shadow study was carried out which indicates impact is minimal and occurring during the early morning periods and primarily before business hours.
- The topographical survey indicated that the floor levels of the terrace of properties are all consistent. There is no information to suggest that a neighbouring property is 620 mm below the floor level of the existing subject dwelling.
- All ceiling heights within the proposed extension and the proposed apartment block exceeds minimum building regulation heights and there is a relaxation in regard to vacant and derelict buildings.

Impact on Character of Area

- The proposed development does not impact on the streetscape and is not visible from the street.
- There are many examples of the shape and form of the proposed apartment block in the town centre e.g. Dunnes Stores, Fairgreen plaza and numerous flat roof extensions along the terrace.

Other Matters

- Third Party boundaries – a structural engineer will be engaged prior to commencement of works on site whereby a ground condition assessment will be undertaken to inform most suitable construction methods. No works will be undertaken that will over sail or encroach upon neighbouring properties.
- Site notice – was erected prior to lodgement of planning application, inspected by Cork County Council and the application was deemed valid.

- Apartments above Dunnes Stores – this has no bearing on the current application.
- Future residents objection to adjoining car garage – this is a civil matter and not a planning consideration. The enforcement of unauthorised car parking is the responsibility of the council.
- Footpath Dropping / Drainage - the applicant will engage with the council with regard to the construction of the proposed footpath.
- Construction works – A PSDP and PSCS will be engaged during construction phase.

Note to Commission:

The response is accompanied by a Daylight and Shadowing Study.

7.3. Planning Authority Response

A response was received from the PA to the grounds of appeal which noted that all the relevant issues are covered in the technical reports forwarded to the Commission as part of the appeal.

7.4. Observations

None.

7.5. Further Responses

A further third party response was received from Abby Pike and Paul Long in relation to the applicant's response to the grounds of appeal, which may be summarised as follows:

1. Abby Pike

- The rear aspect of the row houses within the terrace will be altered significantly by the proposed development which currently comprise of modest gardens and a uniform row of traditional homes. The proposed apartment block would not be proportionate or sympathetic and will be incongruous.

- The proposed apartment block is not a standard that should be aspired to, is haphazard planning and is at odds with planning guidelines as outlined in the NPF and ESRI expert group.
- The sky within the existing garden will not be visible when the apartment block is constructed which will alter the sense of space and place.
- The view to the garden from the kitchen window will almost comprise of an apartment block.
- Construction works will impact on young family infants daytime sleep.

2. Paul Long

- Proposed flat roof to apartment block – this has not been altered and remains as a high flat roof design which affects existing roof lights on workshop premises.
- The footpath proposed will not be extended either side of the site and will not be in keeping with the area.
- The public car park at the rear of the site (Fitzgerald's Square) is fully subscribed. The vast majority of people living in Macroom commute to work by car as public transport options are insufficient. It is inevitable that some of the occupants will require a car for which there is no extra parking spaces being provided for.
- The existing wall lights serving the workshop will be entirely blocked by the proposed extension which will have a negative effect on the showroom within the garage premises (indicative photos provided to show effects). The shadow study shows that the proposed new build would constantly overshadow the rooflights to the workshop area significantly reducing daylight to work safely (indicative photos provided to show effects). No solutions are provided to address these issues.
- A condition should be provided where granted, that a pre-construction study is undertaken as some of the walls on the boundary are over 100 years old and would be susceptible to damage due to construction works.

- Complaints from future occupants in relation to the operation of the garage – the Inspector and applicant did not provide a solution or compromise to address the issue.
- Site notice – no evidence was provided by the applicant of when the site notice was erected.
- Previous design matters – a number of the issues cited in the Order of the Commission were not addressed, the change of use of the existing dwelling to apartments, the established pattern of development in the area as there are no other residential dwellings adjoining Fitzgerald Square in the area, and the flat roof design of the apartment block which would be incongruous, and changes carried out to the adjoining dwelling which has detracted from the uniformity of the terrace and streetscape.
- Residential shortage in Macroom town is being addressed. Vacant apartments above Dunnes Stores, two new apartment developments in Sleeven Hill area, numerous housing estate developments recently completed and a scheme of over 90 houses under construction in the New Street area of the town.

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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Previous Refusal
- Principle of Development
- Design & Layout
- Impact on Adjoining Residential Amenities
- Impact on Adjoining Commercial Property
- Other Matters

8.1. Previous Refusal

- 8.1.1. A previous application by the same applicant for broadly the same development was refused by the Commission in September 2025 (ABP-322572-25). The previous refusal identified a number of substantive issues requiring consideration in any revised proposal, principally relating to the design, layout of the proposed development and residential amenity of future occupants which are set out as follows:
- i. Insufficient separation between opposing habitable rooms within the proposed new build apartments, having regard to SPPR 1 of the Compact Settlement Guidelines 2024;
 - ii. The poor use and layout of the limited open space between the existing and proposed apartments, including reliance on fencing to segregate private open space rather than providing an appropriate combination of communal open space and smaller private gardens;
 - iii. The suitability of the proposed change of use of the existing dwelling to apartments having regard to the Apartment Guidelines 2023, including concerns regarding the low ground floor ceiling height;
 - iv. The appropriateness of the proposed flat roof design of the new build apartments and its relationship with the prevailing pattern of pitched roofs within the immediate locality, and
 - v. The overall standards of residential amenity afforded to future occupants and the impact of alterations to the adjoining dwelling on the uniformity of the existing terrace and streetscape.
- 8.1.2. The Commission considered these matters to represent substantive deficiencies in the design and layout of the proposed development which could not be appropriately or satisfactorily addressed by way of condition.
- 8.1.3. The Commission further noted that while no changes had been proposed to the fenestration of the house (to be converted into apartments) that changes made to the adjacent house significantly detracted from the uniformity of the terrace and streetscape.
- 8.1.4. These issues are discussed under the relevant sections of this report.

8.2. Principle of Development

- 8.2.1. The site is located on lands zoned 'Town Centre/Neighbourhood Centres' where a mix of uses including residential is permitted. PL 3-2 (Encouraging Sustainable and Resilient Places) supports inter alia development of brownfield, infill and under-utilised land within the existing settlement envelope and addressing vacancy within the existing building stock. Having regard to the zoning objective of the site I consider that the overall principle of the proposed development is acceptable subject to the amenities of surrounding properties being protected and the scale and design of the development respecting the character of the area. These matters will be considered below.

8.3. Design & Layout

- 8.3.1. I have considered the proposed development having regard to the Cork County Development Plan 2022-2028, as varied and the applicable policy and objectives of the development plan, in particular Objective PL 3-3 (Delivering Quality and Inclusive Places), as well as national planning policy and guidance applicable to apartment development. The development plan identifies the relevant national residential and apartment design guidelines as part of the framework for assessing development proposals. Since the recent decision of the Commission in relation to the site, the Design Standards for Apartments – Guidelines for Planning Authorities (2025) were issued under Section 28 of the Planning and Development Act 2000, as amended, replacing the previous 2023 Apartment Guidelines. Accordingly, the proposed scheme is assessed against the 2025 Apartment Guidelines, which are the current applicable national apartment design standards. The revised scheme will also be considered having regard to the Sustainable Residential Development and Compact Settlement Guidelines (2024) where relevant.

Density

- 8.3.2. The grounds of appeal argue that the proposed development results in overdevelopment on the site. In my view the site represents a proposal for residential infill and redevelopment within the established built up area of Macroom town. It is located within the town centre and is zoned 'Town Centre/Neighbourhood Centre', where residential development is encouraged. In particular Objective PL3-2 and MM-

T-01 of the development plan support the development of brownfield, infill and underutilised lands within existing settlement envelopes and seeks to direct a significant proportion of new housing towards existing built up areas by intensifying the use of an existing residential site rather than extending the town's development footprint. The development also represents the efficient reuse of a vacant building through the conversion of the existing dwelling into two apartments. The reuse of vacant properties for residential purposes is strongly supported by national planning policy, including the Town Centre First Policy which promotes regeneration and revitalisation of town centres.

- 8.3.3. The proposed development provides 4 no. residential units on a 0.0285 ha (285 m²) site, equating to approximately 140 dwellings per hectare, with a total residential floor area of approximately 215 m². While the density can be considered as high, it however reflects the site characteristic i.e. its size and its central location which should be considered in the context of the established urban setting and the development plan's objective of achieving more efficient use of land and increased residential densities in appropriate locations. Accordingly, I consider that the proposal for four units is an appropriate form of town centre infill residential intensification, consistent with the compact and land use objectives of the development plan and in particular objective PL 3-2 (Encouraging Sustainable and Resilient Places) of the development plan.

Design & Layout

- 8.3.4. I have appraised the principal floor areas of each unit against the relevant minimum standards as set out in the Cork County Development Plan 2022-2028 (as varied) and the Design Standards for Apartments – Guidelines for Planning Authorities (2025).
- 8.3.5. The Apartment Guidelines establishes a minimum floor area of 45 m² for a 1 bed, 2 person apartment together with minimum standards for the principal living and bedroom areas. All four units exceed the minimum overall floor area of 45 m², with floor areas ranging from 52.4 m² to 54.9 m².
- 8.3.6. The proposed kitchen/living/dining areas range from 24.7m² to 33.6 m² which exceeds the minimum standard of 23 m² for a 1 bed apartment. The proposed bedrooms range from 11.6 m² to 12.6 m², which also exceeds the minimum bedroom floor area of 11.4 m².

- 8.3.7. The proposed apartments provide private amenity space ranging from 5.1 m² to 7.6 m² per unit. This meets or exceeds the 5.0 m² standard applicable to a 1 bed apartment under the design standards.
- 8.3.8. The revised arrangement provides each unit with its own defined private amenity area and a usable external space directly associated with each of the units. This provision represents an improvement in the arrangement of private amenity space over the previously refused scheme where concerns were raised by the Commission regarding the use and layout of the limited open space and the subdivision of the space through fencing. The proposed private amenity areas are therefore considered to provide an appropriate level of external residential amenity for the units.
- 8.3.9. Having regards to the quantitative assessment undertaken above, I am satisfied that the revised proposal provides an acceptable standard of residential accommodation and that the matters raised in the grounds for refusal of have adequately been addressed.

Floor to Ceiling Height

- 8.3.10. In relation to floor to ceiling height, the ground floor apartments within the revised scheme within units 3 and 4 provide floor to ceiling heights of 2.9 metres, while the first floor accommodation provides a floor to ceiling height of 2.4 metres. The proposed heights therefore provide an appropriate standard of internal residential accommodation and meet the applicable standards as set out in the Apartment Guidelines 2025.
- 8.3.11. It was also raised in the grounds of refusal that the proposed change of use of the existing dwelling to apartments was not consistent with the Apartment Guidelines (2023) with specific mention of the low ceiling height on the grounds floor. In respect of the ground floor unit within the existing dwelling, I note that the floor to ceiling height is indicated as 2.4 m. For a dwelling being converted/ refurbished into apartments, the 2025 Apartment Guidelines allow flexibility under SPPR 4 for floor to ceiling heights. In this regard, the normal requirement is 2.7 m minimum floor to ceiling height at ground floor level apartment, however for building refurbishment schemes on sites of any size, discretion may be exercised. This same flexibility applies to urban infill schemes on sites up to 0.25 ha. In this regard, the conversion of the existing dwelling to two apartments represents a refurbishment/ reuse of an established building on an

infill site. Given the site context, I consider that a relaxation of the standard would be appropriate in this case having regard to the overall residential amenity standards being met.

- 8.3.12. In respect of unit 2 in the existing dwelling, the first floor accommodation within the proposed extension provides a floor to ceiling height of 2.4 metres. The roof form to the extension has been revised from the previously proposed flat roof to a pitched roof profile, with an overall maximum roof height of approximately 6.4 metres. The revised roof profile form provides an improved design response while accommodating the required internal floor to ceiling height.
- 8.3.13. Apartment units 3 and 4 retain a flat roof profile with floor to ceiling heights of 2.9 metres at ground floor level and 2.4 metres at first floor level. The flat roof form does not compromise the provision of the required internal floor to ceiling heights. Overall I am satisfied that the revised proposals provide appropriate floor to ceiling heights throughout the proposed apartment accommodation and represents a material alteration from that previously refused on the site which is in accordance with the minimum standards as set out in the Apartment Guidelines 2025.

Separation Distances

- 8.3.14. The previous decision of the Commission specifically identified insufficient separation between opposing habitable room windows. The revised proposal has been amended to address these concerns. I note the provisions of SPPR 1 of the Sustainable Residential Compact Settlement Guidelines (2024). The key point under SPPR 1 is that the 16 m standard applies to opposing windows serving habitable rooms. For less than 16 m where proposed, the Guidelines allow a reduced distance where there are no opposing habitable room windows and suitable privacy measures are incorporated.
- 8.3.15. The revised design has been configured through the reorientation of the first floor accommodation within apartment units 3 and 4. There are now bathrooms proposed on the southern elevation with the associated bathroom windows proposed to be obscured. At this location, the separation distance between the southern elevation containing apartments unit 3 and 4, and the north building line of the proposed two storey extension is noted to be approximately 6.36 metres. At first floor in the proposed extension which relates to apartment 2, one bedroom is proposed and the window serving same will directly face the bathroom serving apartment 3 in the proposed new

block. It is important to note that the separation distance of 6.3 metres does not represent a separation distance between opposing habitable room windows in this case. The windows serving the first floor bathrooms are non-habitable room windows and will have obscured glazing thereby preventing direct overlooking towards the private amenity areas and the habitable accommodation associated with apartment unit 1. However, I note that it is proposed to provide obscure glazing on the bedroom window serving apartment 2 which would in my opinion diminish the amenity value of the bedroom. Notwithstanding, I am generally satisfied that the revised proposal has sought to respond to the concerns identified in the previous decision by the Commission by removing habitable room windows from the rear opposing elevation and incorporating appropriate privacy measures through obscure glazing. Accordingly, I consider that the revised design represents a material improvement over the previously refused proposal for the site and has addressed the separation distance and overlooking concerns identified by the Commission in its previous decision.

Roof Form

- Proposed Extension

- 8.3.16. The revised proposal has been amended to address the concern raised regarding the architectural character and visual appearance of the proposed extension with specific reference to the flat roof profile previously proposed to accommodate the extension to the existing dwelling and to facilitate unit 2.
- 8.3.17. In response, the roof profile to the extension has been revised from a flat roof to a pitched roof form. In my view this represents a positive design amendment as it improves the visual relationship between the proposed extension and the existing dwelling and provides for a more sympathetic design response to the established build form within the immediate area. As a result, the pitched roof reduces the perceived visual bulk and prominence of the extension when viewed from the adjoining property to the east and assists in reducing the potential for an overbearing appearance. The revised form also more closely reflects the roof forms and character evident in existing rear extensions and ancillary additions to dwellings within the surrounding area. The revised roof form in my opinion is a more appropriate architectural response to the site context while retaining an appropriate scale and massing for the proposed residential use. I am therefore satisfied that this amendment addresses the architectural and

visual concerns raised by the Commission in its previous decision and is an improvement to the overall appearance and integration of the proposed development.

- Proposed Apartment Block

8.3.18. I note that the proposed new apartment block retains a flat roof profile, which was specifically identified by the Commission in its previous decision as a matter of concern, the Commission not being satisfied that the flat roof would not be incongruous when set amongst the prevailing pattern of pitched roofs in the immediate locality. In considering the current proposal, I note that the applicant did not refer to this issue in the application details itself but in their response to the grounds of appeal, has stated that the proposed flat roof was acceptable with reference to the Planning Inspector's report (ABP Ref. 322572-25). I note that the PA has raised no objection in respect of the visual amenities of the area in regard to same. The PA considers that the proposal would introduce a new building of simple design and good architectural quality and would improve the appearance of the site when viewed from Main Street and Fitzgerald Street, while contributing to the revitalisation of this part of the town centre. I note that the council's Conservation Officer did not raise any objection to this element of the proposed development.

8.3.19. While I acknowledge the PA's view that the proposed development would enhance the visual amenities and appearance of the site, I am not satisfied that these considerations adequately address the specific concerns previously identified by the Commission. The fact that the development may contribute to the revitalisation of the town centre does not, in my view, outweigh the identified deficiency in the design of the building and I therefore consider that the applicant has failed to satisfactorily address the design issue as raised by the Commission in its decision. Having regard to the previous grounds for refusal, and in the absence of any material change to the roof profile or other mitigation which would satisfactorily address these concerns, I consider that the current proposal continues to give rise to the same adverse design considerations as raised in the grounds for refusal under ABP Ref. 322572-25 and I recommend that permission be refused for this reason.

Impact on Character of Area

8.3.20. The previous decision of the Commission also highlighted alterations carried out to the front elevation of the existing adjoining dwelling. I note that these works were not

implemented as part of the previously proposed development. The current proposal has nevertheless had regard to this matter and provides for the retention and appropriate treatment of the existing front elevation of the dwelling to be converted to apartments. In this regard I note that there are no alterations proposed to the window openings or to the existing front door entrance. The PA in its assessment identified the importance of retaining the established character of the existing dwelling and imposed a condition requiring that the existing front elevation fenestration is either to be retained or replaced where necessary, and any replacement windows comprise of a similar design and appearance to those existing. This in my opinion provides an appropriate means of safeguarding the established architectural character and visual appearance of the existing dwelling and ensures that any necessary replacement fenestration is sympathetic to the original building. The current proposal therefore has demonstrated appropriate regard to the concerns of the Commission regarding the treatment and appearance of the existing dwelling. Should the Commission be minded to grant permission, I recommend the inclusion of the PA's condition to ensure the retention and appropriate reinstatement of the established fenestration character.

Car Parking

- 8.3.21. The appellants have raised concerns regarding the absence of dedicated car parking within the application site and, in particular the potential for future occupants of the proposed apartments to park in the vicinity of the adjoining commercial garage and interfere with parking associated with the business. This matter was raised in the previous appeal whereby it was considered that the absence of onsite parking was acceptable having regard to the town centre location, and the availability of public parking at Fitzgerald square immediately adjoining the site.
- 8.3.22. As noted previously the site is located within the established town centre, with Fitzgerald Street to the north and Railway View road to the South. Point 2 and 3 of Table 12.6 Car Parking Requirements for New Development in the development plan provides flexibility in the application of car parking standards. In this regard, a reduced car parking provision may be acceptable where the PA is satisfied that good public transport links are already available and the standards do not apply to developments within designated town centres where an existing building is being re-used or refurbished or where there is a change of use, or where small scale infill development including residential development is proposed. This also reflects the development plan

policy of encouraging and facilitating investment and development within town and village centres and provides that the council will not normally seek the provision of onsite parking, or a monetary contribution in lieu, where small scale infill development, including residential development is proposed within a town or village centre, as set out in Section 3.5.9.

8.3.23. This policy approach is also supported by the Compact Settlement Guidelines 2024, including SPPR 3 which promotes reduced car parking provision as accessible locations. This is also reinforced in the Apartment Guidelines 2025. Section 4.6 states that car parking ratios should be minimised, substantially reduced or wholly eliminated at locations which have good access to urban services and public transport, with the maximum rate set by SPPR 3 of the Compact Settlement Guidelines 2024.

8.3.24. In this case, there is a public car park immediately adjoining the site at Fitzgerald Street, and the site is also within convenient walking distance of the services and facilities of the town centre including the public bus stop. I note from the report of the area engineer that the issue was addressed raising no objection to same and it was further considered that a contribution in lieu of on-site parking was not required in this case. Having regard to the development plan provisions and to the Apartment Guidelines 2025, I consider that the absence of car parking appropriate in this case given the policy basis in support of same.

8.3.25. The concern that future residents may park on or interfere with the private car parking associated with the adjoining garage is acknowledged, however I note that there is no evidence to suggest that the proposed development would give rise to an unacceptable level of parking demand or that future occupants would necessarily rely upon the private parking associated with adjoining properties.

8.3.26. Having regard to the foregoing, on balance I consider that the proposed development is appropriately located to operate without dedicated on-site car parking and that the absence of such provision would not result in an unacceptable impact on the adjoining commercial garage, the surrounding road network or the proper planning and sustainable development of the area.

8.4. Impact on Adjoining Residential Amenities

- Overlooking

8.4.1. Concerns are raised in the grounds of appeal by the neighbouring property to the east in regard to potential overlooking. I note that the proposal has had specific regard to the potential impact on the residential immunities of this adjoining property. The proposed new apartment block is positioned between approximately 1.3 metres and 1.8 metres from the shared eastern boundary and the building has a maximum roof height of approximately 7.995 metres and incorporates a blank eastern elevation with no windows proposed at either ground floor or first floor level. Accordingly, there are no windows on the eastern elevation from which direct overlooking of the adjoining property could arise. Therefore, I consider that the proposal will not result in direct overlooking or an unacceptable loss of privacy to the adjoining property to the east.

- Overshadowing

8.4.2. Concerns are further raised by the appellant in relation to overshadowing and loss of daylight to their garden area at the rear of the dwelling and loss of daylight to the kitchen.

8.4.3. The potential impact of the proposed development on the residential amenity of this adjoining property has been considered by the applicant. In response to the grounds of appeal, a daylight and shadow study of the proposed development has been undertaken for the existing and proposed scenarios, assessing conditions at the representative dates of 20th of March, 21st of June, 21st September and 21st December. The assessment therefore considers the potential change in shadowing arising from the proposed development across the principal seasonal conditions including the spring/autumn equinox, summer and winter solstice.

8.4.4. In assessing whether any impact is undue, I have had regard to the existing baseline condition and to the degree of change resulting from the proposed development, together with the orientation, scale and height of the proposed building and the existing relationship between these two properties. In this case, the appeal site and the adjoining property to the east have a generally north facing aspect, while the proposed apartment block will be located to the west and is proposed to be set back approximately 1.3 - 1.8 metres from the eastern shared boundary. The proposed new apartment block will have a max roof height of approximately 7.995 metres and will have a flat roof profile. Having regards to the daylight and shadow study submitted and the established orientation and site context, I consider that any additional

shadowing arising from the proposed development would not result in an unacceptable or undue reduction in the daylight available or being received by the adjoining residential property, or to its garden amenity space. In considering the potential impact of the proposed development on adjoining residential amenity, I have had regard to the principle of “BR 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (third edition 2022)” which is the acceptable technical reference for the assessment of daylight sunlight and overshadowing arising from a proposed development.

- Visual Dominance

- 8.4.5. The concern has been raised that the proposed department block would appear visually dominant and overbearing when viewed from the rear garden of the neighbouring property to the east. It is noteworthy that the height of the proposed department block has not increased from the previous application. The maximum height remains approx. 7.995 metres, which is the same height that was considered in the previous decision of the Commission. The drawings and sections submitted with this application show the relationship between the proposed apartment block and the neighbouring property and demonstrate the height of the proposed building its distance from the shared boundary on the existing ground levels.
- 8.4.6. As part of my assessment of the potential visual impact of the proposed development, I carried out a site inspection of the application site and the immediate surrounding area. I observed the existing commercial car garage immediately adjoining the application site to the west. While the roof of the existing garage workshop is lower than the proposed apartment block, it is a substantial roof structure which rises towards the centre and already forms part of the built environment immediately adjoining the site. From the rear garden area of the appellant's property to the east, it was apparent that the existing garage and its roof structure already formed a significant element of the outlook from their back garden.
- 8.4.7. I further noted the existing commercial premises Life Pharmacy which is located on the western side of car repair workshop. In my view this is a relevant comparison in terms of the relationship between commercial development and adjoining residential property. This existing development is located between the car garage and an existing dwelling and includes a substantial flat roof extension to the rear forming part of the

western boundary of the adjoining dwelling extending close to the boundary adjoining the rear garden of the neighbouring dwelling.

8.4.8. While I acknowledge that the existing pharmacy development is not identical to the proposal under consideration, in my view it demonstrates that substantial built form in close proximity to residential garden areas is already an established feature of this area. I consider this to be relevant in considering the concerns raised regarding the proposed apartment block in this case. The existing commercial garage is lower than the proposed apartment block and therefore it is not suggested that the two buildings are identical in scale, however the garage is a substantial structure with a roof which rises towards the centre and extends onto Fitzgerald Street and in my opinion already contributes to the sense of built form along the boundary.

8.4.9. The 3D visualisations submitted with the application also provide an indication of how the proposed block will sit within the existing built environment. When viewed in conjunction with my site inspection and the existing building surrounding the site, the proposal does not appear as an isolated building being introduced into an otherwise open or undeveloped setting. It is also relevant to note that the maximum height of the proposed apartment block at 7.995 metres is unchanged from the previous application on the site. The proposed development therefore does not introduce an increase in height with the development previously refused.

8.4.10. Having regard to the existing buildings immediately adjoining and surrounding the site, the established built character of the area in a town centre location, the comparable development observed at time of site inspection, it is my consideration that the existing commercial garage and the unchanged height of the proposed apartment block, that the proposal would not result in an unreasonable or disproportionate sense of visual dominance or overbearing impact when viewed from the appellant's neighbouring property.

- Construction Noise

8.4.11. Concerns have been raised by the appellants in relation to the potential impacts of construction activity on residential amenities of their adjoining properties, including the potential disturbance to young infants sleeping during daytime hours.

8.4.12. I acknowledge that construction activities during construction phase in proximity to residential properties has the potential to give rise to noise and general disturbance.

In this regard, the proposed development is relatively small in scale and is located within an established town centre environment, where a degree of daytime activity and associated noise is to be expected. While there will inevitably be some noise and disturbance associated with construction phase, I am satisfied that such impacts will be temporary and can be appropriately managed through the imposition of conditions regulating construction hours, construction practises and the carrying out of particularly noisy activities. In this regard I consider that it will be appropriate to require the developer to submit a Construction Management Plan, including measures for noise control, dust and vibration and details of the proposed hours of construction. I further consider that the carrying out of particularly noisy activities should be restricted to appropriate daytime periods. Therefore, I do not consider that the potential disturbance to adjoining residents, including disturbance of daytime sleeping, would be of such a degree or duration as to warrant refusal of permission. Subject to appropriate conditions I consider that the proposed development will not result in an unacceptable impact on the residential amenities of the adjoining properties.

8.5. Impact on Adjoining Commercial Property

- Blocking of Daylight & Overshadowing

- 8.5.1. Concern has been raised by the owner of the commercial premises immediately adjoining the appeals site to the west that the proposed development will reduce the amount of daylight entering the garage and may result in overshadowing of the workshop and showroom areas and affect the existing sources of daylight entering the premises.
- 8.5.2. The concerns relate to the rooflights on the sloped eastern side of the garage roof, adjacent to the proposed apartment block, and two wall lights in the showroom element of the premises immediately adjacent to the proposed two storey block extension which has a pitched roof profile and max height of 6.415 m. I note that the roof lights and the wall lights are integrated to the cladded roof and are transparent. This issue was raised and considered as part of the previous appeal, ABP-322572-25. In relation to the garage, it was noted that there may be some reduction in access to daylight to the gable wall of the premises, but that this would not unreasonably affect the amenities of the existing garage. The fact that the garage is a non-domestic

building is deemed to be relevant as the BRE Daylight Guidance is not applicable to non-domestic developments. In relation to the rear apartment block, it was not considered that it would result in significant overshadowing or an undue loss of daylight to the rear of the commercial premises. I would note that this previous assessment is directly relevant to the current proposal particularly insofar as the relationship between the application site and the adjoining commercial property garage remains an established feature of the site.

- 8.5.3. During my recent site inspection, the commercial premises was opened on this day, and the rear back door of the garage was open and I was able to view the interior of the garage through the rear entrance from the public road. I observed that the workshop is provided with internal lighting which is consistent with the nature and function of the premises as an established commercial business. I acknowledge that the existing roof lights and wall lights provide natural light however the continued operation of the premises is not dependent solely upon the sources of natural light.
- 8.5.4. In relation to the four existing roof lights, I acknowledge that the proposed department being located immediately adjacent to the share boundary may result in some change to the amount of daylight reaching the roof lights at certain times and similarly, the proposed two-storey extension may reduce the amount of natural light reaching the two existing wall lights serving the showroom. The proposed extension has a pitched roof and a maximum height of approximately 6.415 metres. The pitched roof form assists in retaining a more open relationship above the lower part of the adjoining structure and can assist in maintaining access to daylight when compared with the solid flat roof form of equivalent overall height previously proposed.
- 8.5.5. The daylight and shadow study assesses the existing and proposed shadowing conditions at the site and its immediate surrounds. The proposed development and the existing commercial garage form part of the same established urban block, with both properties fronting onto Railway View road to the south and Fitzgerald Street to the north. It is evident from the study that some reduction in daylight and some additional overshadowing will inevitably occur at particular times from the construction of the proposed development however overall, I note that the shadow study does not indicate that the adjoining garage would be subject to continuous or disproportionate overshadowing throughout the day or throughout the year. In this regard, I am satisfied

that the level of additional overshadowing would not unduly affect the reasonable use or functioning of the existing commercial garage and the showroom.

8.6. Other Matters

Third Party Boundaries

- 8.6.1. The owner of the adjoining commercial garage has raised concerns regarding the potential impacts of construction phase on the structural integrity of their boundary wall. In this regard, it is submitted that a pre-construction survey should be undertaken due to the age of the boundary walls which may be prone to damage arising from construction works.
- 8.6.2. I note that the proposed development does not seek to remove, alter or otherwise interfere with the adjoining owner's boundary, however given the close proximity of the proposed development to the shared boundary, an appropriate construction methodology would be required for the duration of the construction phase of the proposed development.
- 8.6.3. I would note for the Commission that issues regarding ownership and encroachment or civil issues related to third party and shared boundaries, are not within the remit of this planning application and decision. Any grant of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal or the site. A person shall not be entitled solely by reason of a grant of planning permission to carry out any development and a grant of planning permission does not entitle the applicant to construct a development that would over-sail/overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner. In regard to the concern raised, I consider that a condition can be included to require the applicant to demonstrate to the satisfaction of the PA that the demolition and construction works can be carried out to ensure the structural stability of the adjoining property to the west. This should be carried out by a suitably qualified person and I recommend the inclusion of such a condition, in the event of a grant.

Surface Water Drainage

- 8.6.4. Concerns are raised that the proposed development will give rise to drainage problems in the public storm sewer along the northern boundary of the site. The issue raised

relates to the proposed new footpath to be constructed along the boundary of the appeal site which the appellant has raised may cause the diversion of surface water. Resulting in drainage issues adjacent to her property.

- 8.6.5. A Drainage Impact Assessment was carried out in relation to the proposed development which notes that the site contains an existing drainage network and recommends the introduction of some Sustainable Urban Drainage Systems (SuDS) features to the proposed drainage network to assist and reduce flow quantities. Measures include water butts and bio retention planter units and there will be overflow to the combined sewer system.
- 8.6.6. I note that the proposed new footpath will extend approx. 1.8 m from the northern boundary line of the site and a number of traffic bollards will be provided. At time of site inspection, I observed the storm water drainage gully adjacent to the rear of appellant's property. I further note that the area engineer raised no objection to the proposals and recommended the inclusion of a surface water management condition. Having regard to the foregoing, I am satisfied that the proposed surface water management measures are sufficient to address additional runoff from the proposed new development within the site and that the SuDS measures outlined will address an increase in runoff.

Footpath

- 8.6.7. Concerns are raised that the proposed footpath dropping and ending at the back door to the appellant's adjoining property (to the east of the appeal site) is hazardous. I note that there are no details provided in relation to the proposed footpath construction other than its location on the proposed site layout plan. At present there is no public footpath along Fitzgerald's Street between the existing properties backing onto Fitzgerald Street and the public car park to the north. While the area engineer did not raise any objection in relation to same and no condition was included in the decision of the PA to agree such details, I would have concerns in relation to pedestrian safety. It would be appropriate in this case to include a pre-development condition where the details of the proposed footpath in terms of design, safety features such as dishing are addressed and agreed with the PA. I therefore recommend the inclusion of a condition should the Commission be minded to grant permission.

Loss of Biodiversity

- 8.6.8. Concerns are raised in relation to the loss of the existing garden and its associated biodiversity and ecological value and the reduction in vegetation and habitat to wildlife. I acknowledge that the existing garden provides a degree of green infrastructure and has some biodiversity and visual amenity value. At present the site is overgrown and is inaccessible. I acknowledge that the removal of the established vegetation would result in a reduction in the existing garden area however, the subject site is located within an established town centre and the provision of four apartment units on an infill site within an established town centre represents an efficient use of the site. I therefore consider that some reduction in private garden area is an inevitable consequence of appropriate development but would not in itself constitute an unacceptable impact. Therefore, having regard to the urban and infill nature of the site, the absence of any ecological designations for the area, I am satisfied that the loss of the existing garden would not result in an unacceptable impact on biodiversity or to the ecology of the area.

Site Notice

- 8.6.9. The appellant argues that there are discrepancies with the date of the erection of the site notice noting that a previous planning application site notice dated 5th December 2024 was in place on 20th March 2026. In terms of procedural matters and the alleged irregularities with the timing of the erection of the site notice, I note that the PA inspected the site on 29th April 2026 and that the photos of the site notices in place were dated 18th March 2026 and were deemed to be correctly displayed. On that basis, I am satisfied that this did not prevent the concerned third parties from making representations.

Precedent

- 8.6.10. The third party raises that the proposed development would establish an undesirable precedent for similar development, which would be haphazard and not in keeping with the traditional streetscape of Railway View road. I note the concerns raised however the proposed development is located entirely to the rear of the existing building and is not visible from Railway View road. It will therefore have limited visual impact on the established streetscape or the traditional character of the road. The concerns regarding precedent is also noted however, I consider that any future planning application would be required to be assessed on a site specific basis and on its own

individual merits, having regard to the particular characteristics of the site, and the relevant planning policies and standards. Therefore, I am satisfied that the proposal would not establish an undesirable precedent in this case.

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-501495-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 Macroom town on lands that are zoned 'Town Centre/Neighbourhood Centres'.

The closest European site relative to the appeal site are:

- SAC: 000108 - The Gearagh SAC – approx. 1.48 km to the south.

The proposed development comprises the demolition of a shed, change of use of 1 no. dwelling to 2 no. apartments and to construct an extension onto same, and the construction of 2 no. apartments in a separate apartment block to the rear of the existing dwelling. No nature conservations concerns were raised in the grounds of the appeal.

The planning authority considered that there was no requirement for appropriate assessment, the project was screened out due to the lack of ecological or hydrological connection between the development site and any European site.

The River Sullane runs to the north of the town centre, however there are no watercourses noted to be shown located at or in the immediate vicinity of the appeal site.

The proposed development will discharge wastewater via the public mains and surface water via SuDS and storm foul sewer.

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, scale and location of the development and adjoining public infrastructure.
- The absence of any hydrological connection to any European site.
- To the location of the project and separation distance to any European Sites.
- To the conclusion of the PA.

I consider that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on any European designated site(s). As appropriate assessment is therefore not required.

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

10.0 Water Framework Directive

10.1.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

10.1.2. The receiving water environment has been identified and assessed, see Appendix 3 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design proposed and conditioned, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.1.3. Any residual risks are capable of being addressed through implementation of a Construction Environmental Management Plan (CEMP).

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

I recommend that permission is refused for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the previous decision of An Coimisiún Pleanála appeal Ref. ABP-322572-25 and in particular to the concerns identified in relation to the roof profile for the new apartment block and its relationship with the established built form, it is considered that the current proposal, which retains a flat roof profile for the proposed new apartment block is substantially unchanged from that previously proposed on the site and has failed to adequately address the matters raised. By reason of its roof form, scale and visual relationship with the surrounding built form, the proposed apartment block will constitute an incongruous and visually discordant element within its immediate surrounds and would fail to provide an appropriate response to the established urban grain and character of the area. The proposed development would therefore be contrary to Objective PL 3-1 (Building Design, Movement and Quality of the Public Realm), Objective PL 3-3 (Delivering Quality and Inclusive Places), and the specific Macroom town centre provisions of Objective MM-T-01 of the Cork County Development Plan 2022-2028, as varied, which seeks to ensure that new development is appropriately designed, respects local character and urban grain, and makes a positive contribution to the town centre. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

Clare Clancy
Planning Inspector

15th September 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-501495-26
Proposed Development Summary	Change of use to 2 apartments, extension, demolish shed, 2 apartments together with all associated site works.
Development Address	Railway View, Sleveen East, Macroom, 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)	Schedule 5 Part 2: Class 10(b)(i) Construction of more than 500 dwelling units Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. The proposal is significantly below this threshold being 4 no. units and the site has an area of 0.029 ha.
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)
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Inspector: _____ Date: _____

Appendix 2 – Form 2 EIA Preliminary Examination

Case Reference	PL-501495-26
Proposed Development Summary	Change of use to 2 apartments, extension, demolish shed, 2 apartments together with all associated site works.
Development Address	Railway View, Sleveen East, Macroom, Co.Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development as a modest footprint, and comes forward as a stand alone project. It does not require the use of substantial demolition works or natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	At operational stage, the proposed development will connect to the existing wastewater and stormwater network. Water supply will be via the mains water network. Waste water and surface water will be via piped sewer. No objection has been raised by Uisce Éireann in terms of capacity constraints. The proposed development is removed from sensitive natural habitats, centres of population and designated sites and landscapes I've identified significance in the

landscapes, sites of historic, cultural or archaeological significance).	county development plan. There are no protected species/habitats on site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	During construction phase, noise dust and vibration emissions are likely. However any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts. No significant impacts on the surrounding road network are considered likely at operational stage. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant	Schedule 7A Information required to enable a Screening Determination to be carried out.

Appendix 3 – WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501495-CK-26	Townland, address	Railway View, Sleveen East, Macroom, Co. Cork.
Description of project		Change of use to 2 apartments, extension, demolish shed, 2 apartments together with all associated site works.	
Brief site description, relevant to WFD Screening,		The site is located Macroom town centre on zoned lands. The Sullane River is located c. 300 m to the north of the appeal site. There are existing piped infrastructure services to which it is proposed to connected the new development.	
Proposed surface water details		Surface water will be discharged via SuDS to the public sewer.	
Proposed water supply source & available capacity		Connection to public water.	
Proposed wastewater treatment system & available capacity, other issues		The proposed development will be serviced by piped public wastewater connection, no issues raised by the PA.	

Others?		N/a				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	c. 296 m to north	SULLANE_060IE_SW_19S020480	Good	Not at risk	None	Potential surface water runoff
Ground Waterbody	Underlies	Ballinhassig West IE_SW_G_005	Good	Not at risk	None	Surface water drainage to ground
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	SULLANE_060 IE_SW_19S020480	Surface water runoff	Pollution, sedimentation	Standard best practice construction, demolition and environmental management plan (conditions)	No	Screened out
2.	Ground	Ballinhassig West IE_SW_G_005	Underlies	Pollution	Standard best practice construction, demolition and environmental management	No	Screened out

					plan (conditions)		
OPERATIONAL PHASE							
1	Surface	SULLANE_060 IE_SW_19S020480	Storm water runoff	Pollutions, sedimentation	Implementation of conditions of permission (SuDS)	No	Screened out
42	Ground	Ballinhassig West IE_SW_G_005	Storm water drainage to ground	Pollution, sedimentation	Drainage collection and disposal measures (SuDS)	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA