



An
Coimisiún
Pleanála

Inspector's Report PL-501525-CC-26

Development	Demolition of existing house and single storey building, the construction of 2 no. houses and associated siteworks.
Location	122 Gardiners Hill, Cork City, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2544064
Applicant(s)	Focus Housing Association CLG
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eoin O Luasa and others
Observer(s)	None
Date of Site Inspection	28 th July 2026
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located c. 1.0 km to the northeast of Cork City centre (as the crow flies). It comprises of an existing vacant and derelict dwelling on a site with a stated area of 0.0297 ha. The existing dwelling is located at the end of a terrace of housing which is comprised of single and two-storey dwellings on tight plots along Gardiner's Hill. The garden area is at the side of the house, and the site is enclosed along the public road by a low boundary wall with a pedestrian access to the dwelling and a small garden at the front. There is a separate access to the side of the house and a galvanised shed on site.
- 1.2. On street car parking is available adjacent to the dwellings along the road and double yellow lines are marked on this side of the road. Gardiner's Hill is an established mature residential area, and it comprises of terraced housing on both sides of the road. The subject site is elevated relative to its surrounds and would be the higher point on Gardiner's Hill with surrounding streets and housing following the hillside. There are existing dwellings which bound the site to the north that back onto the site. These dwellings form the Maymount Villas terrace along the Old Youghal Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing two-storey dwelling and shed on site and the construction of 1 no. 3-bed two-storey dwelling and 1 no. 1-bed single storey dwelling. The following is noted:
 - Site Area – 0.0297 ha
 - Gross floor area of existing buildings to be demolished – 120.927 m²
 - Gross floor area of proposed works – Unit 122 94.9 m², Unit 123 51.5 m²
- 2.2. By way of further information, revised proposals were submitted resulting in inter alia the following modifications and warranting revised public notices to be issue due to revised details being deemed significant:
 - Proposed single storey dwelling reduced in height including amendment to roof profile and the building line setback from the northern boundary.
 - Revised floor area – Unit 123 51.5 m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 13th May 2026, following receipt of Further Information which was deemed to be significant additional data, Cork City Council granted permission for the proposed development subject to 17 no. conditions.

3.1.2. The following conditions are of note:

- Conditions 5 and 6 – relate to compliance with noise management standards during construction phase.
- Condition 13 – relates to compliance with Water Services Act 2007 and Part H of the Building Regulations 2016 with regard to avoiding impacts on drains, sewers and private common drainage.
- Condition 14- relates to obscure glazing being provided on all toilet and bathroom windows.
- Condition 17 – Pre-development condition related to payment of a supplementary development contribution in respect of the Cork Suburban Rail Project.

3.2. Planning Authority Reports

3.2.1. Planning Reports

First Planner's Report (19/09/2025)

- The principle of development is acceptable. The identified key issues were the impacts on the character of the area, on adjoining residential amenities and visual amenities.
- Noted the third-party observations.
- Clarification was required on what was being applied for. This was due to different options in regard to the design of the proposed development being submitted.
- Impacts from the proposed single storey dwelling on the dwellings to the north due to the significant different ground levels between the appeal site and Maymount

Villas, Old Youghal Road. In particular levels of each dwelling within Maymount Villas all differ due to the fall on the public road.

- Proposed single storey dwelling – Impacts on the residential amenities of the dwellings to the north in terms of loss of light, overshadowing and impacts on outlook for existing residents, arising from the single storey dwelling due to distance from site boundary (905 mm) and height 5.7 m at ridge level.
- The absence of car parking proposals was accepted on the basis of the site's urban context.
- Proposed side and rear boundary walls at 2.1 m high may appear overbearing to the adjoining properties to the north – FI to provide sectional drawings.
- Further details required to address storm water drainage.
- The development was screened out for AA and EIA and the site is not within a flood risk area.
- Noted that some elements may be unauthorised but as the existing dwelling is being demolished, there was no requirement to regularise it.
- It was recommended that Further Information (FI) is sought to address the following:
 1. The impacts that the proposed single storey dwelling will have on the residential amenities of the adjoining dwellings to the north in terms of loss of light, overshadowing, overbearance and impacts on outlook. Revised design and scale for the single storey element, submit sectional drawings through site, shadow study and details of principle floor areas in accordance with the standards of the City Development Plan and Quality Housing for Sustainable Communities 2007.
 2. Confirm design proposal being applied for.
 3. Additional details in relation to surface water management to incorporate SuDS and Uisce Éireann Confirmation of Feasibility (CoF) where required.

Second Planner's Report (12/05/2025) Response to FI Request

Item 1

- a) The proposed single storey dwelling will be offset from the boundary wall to the north by 1.27 m, private open space is located to the rear and front of building line. The ridge line is reduced to 3.8 m owing to the 12 degree pitch of roof. The revised proposals were acceptable and would not unduly impact on residential amenities in terms of overlooking, overshadowing, or overbearance.
- b) The proposed boundary wall overall between the site and the existing dwellings to the north will be increased, but the height increase will vary relative to the existing nonuniform boundary. Where the greatest height increase occurs, it will be located on the applicant's side. The new boundary wall is necessary to protect amenities and will not unduly impact on visual and residential amenities.
- c) The findings of the shadow impact study were considered to be acceptable.
- d) Some standards are not met, however the proposal is acceptable on the basis of its urban infill location, is not substandard and makes appropriate use of the site.
- e) Revised proposals include a 1.8 m post and panel fencing reduced from the proposed 2.1 wall to the inside the existing party boundary to the north and west to be continued overall along existing site levels.

Item 2

- Confirmed option noted.

Item 3

- The proposals provided to address surface water management were acceptable having regard to the report of the Drainage Section of the Council.

Further Third Party Submissions

- Noted the issues raised and noted that regard must be give to the urban location and that the proposal was acceptable, met required standards and would not have an adverse impact on adjoining residential amenities.

3.2.2. Other Technical Reports

Drainage Report

- First Report 01/09/2025 – recommended FI in regard to surface water management and SuDS proposals and a CoF from Uisce Éireann.

- Second Report 02/04/2026 – No objection subject to conditions.

Urban Roads & Street Design

- No objection.

Environment

- No objection

Housing

- No objection.

Contributions

- Supplementary development contribution required for the Cork Suburban Rail specified in the Supplementary Development Contribution Scheme (February 2023) in addition to standard general development contribution.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A number of third party submissions were received by the PA in relation to the proposed development, which may be taken as summarised in the PA planning reports. In summary the main issue raised are as follow:

- Impacts on the adjoining residential amenities in terms of overlooking, overshadowing and loss of daylight, with particular reference to the proposed single storey dwelling and due to existing ground levels between the subject site and the adjoining properties to the north.
- Overdevelopment of the site.
- No car parking and the nature of the adjoining road network which is narrow and has on street car parking. Increased car parking requirements will prevent residents from parking outside their home

- An application was refused on the site on grounds related to height and the associated impacts on adjoining residential amenities and a single storey would be more suitable.
- Construction and noise impacts at construction stage.
- Impact on the visual amenities of the area.

4.0 Planning History

None on site or immediately adjoining the site.

5.0 Policy Context

5.1. National Context

5.1.1. The following National Policy Objectives (NPOs) are relevant;

- NPO 7 Promotes compact and sustainable growth by requiring at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- NPO 11 Outlines a presumption in favour of development in existing settlements subject to appropriate planning standards.
- NPO 13 In urban area, planning and related standards including in particular car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieved targeted growth.
- NPO 27 Seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 Prioritise new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 Seeks to increase residential density in settlements through a range of measures including reductions in vacancy, reuse of existing buildings, infill development activities, area or site-based regeneration and increased building heights.

- NPO 45 Aims to increase residential densities within settlements through measures including the reduction of vacancy, reuse of existing buildings, infill development, regeneration, increased building heights and more compact forms of development.

5.2. **Regional Context**

5.3. Regional Spatial and Economic Strategy for the Southern Region 2020-2032 is relevant in terms of the aim to strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

5.4. **National Guidance**

5.5. Sustainable Residential Development and Compact Settlement Guidelines 2024 (Compact Settlement Guidelines)

- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
- Section 3.5: includes the achievement of housing standards with regard to the following:
 - SPPR 1 – Separation Distances (minimum of 16 m between opposing windows).
 - SPPR 2 – Minimum of Private Open Spaces standards for houses (1 bed 20 m², 2 bed 30 m², 3 bed 40 m²).
- Policy and Objective 5.1 which recommends a public open space provision of between 10% - 15% of net site area (exceptions to this area outlined).
- Section 5.3.4 'Car Parking – Quantum, Form and Location' sets out that the car parking approach should take account of proximity to urban centres and sustainable transport options, and car parking should be reduced at all urban locations.

- SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of location.
- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle space per bedroom (plus visitor spaces)

5.6. **Cork City Development Plan 2022-2028**

Zoning

- 5.6.1. ZO 01 Sustainable Residential Neighbourhoods which has the objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.
- 5.6.2. Paragraph ZO 1.1 – The provision and protection of residential uses and residential amenity is a central objective of this zoning, and that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- 5.6.3. Paragraph ZO 1.2 – Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.
- 5.6.4. Other policies and objectives of the development plan of relevance to the subject appeal are summarised as follow:
 - SO1 – Compact Liveable Growth – Deliver Compact growth that achieves a sustainable 15 minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic Greenfield expansion adjacent to the city centre.
 - Objective 3.4 Compact Growth – Seeks to optimise the potential for housing delivery on all suitable and available sites, which will be achieved amongst other things by encouraging the retrofitting and reuse of existing buildings rather than their demolition and reconstruction.
 - Objective 3.5 Residential Density – Higher densities to be achieved in accordance with the Cork City Design Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established

character of the surrounding area and existing residential communities, creating successful integrating neighbourhoods and achieving high-quality architectural, urban and public realm design.

- Objective 11.1 Sustainable Residential Development – Sets out a list of criteria for residential development and that such development should create high quality places by contributing to the 15 minute city and walkable neighbourhoods.
- Paragraph 11.66 Placemaking and Quality Design – specifies that a range of issues will be assessed with new residential development including inter alia design quality, site features and context, residential density, integration with the surrounding environment in terms of built form and provision of walking/ cycling permeability, residential amenity of future occupants and adjoining existing properties.
- Objective 11.3 Housing Quality and Standards – To ensure that new housing is of a high standard, providing safe, comfortable, healthy and well designed homes that meet residents needs and contribute positively to the quality of the surrounding area. A list of criteria is set out to achieve this aim and Table 11.10 provides the qualitative design aspects to be addressed in housing developments.
- Objective 11.4 Daylight Sunlight and Overshadowing (DSO) – To ensure that new development provides adequate daylight and sunlight to homes and outdoor spaces, while avoiding unacceptable levels of overshadowing to neighbouring properties and public areas.
- Objective 11.5 Private Amenity Space for Houses – All dwellings shall provide private open space standards in accordance with SPPR 2 of the Sustainable Residential Development & Compact Settlement Guidelines 2024.
- Paragraphs 11.96 – 11.99 – Sets out the requirement to assess how propose development will affect daylight and sunlight, both within the new development and neighbouring properties. The assessment should follow recognise best practise guidance and demonstrate that acceptable levels of daylight and sunlight are maintained, while minimising harmful overshadowing.

- Paragraph 11.100 – 11.105 Separation, Overlooking and Overbearance – Advises that in established residential developments any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.
- Paragraph 11.107 – In determining whether a new house has adequate living space, the council will refer to the minimum standards for apartments while also allowing for the additional space required for vertical circulation in houses over two or three floors.
- Paragraph 11.154 – Relates to demolition of existing residential buildings in which it is the council's preference for deep retrofitting of structurally sound, habitable dwellings as opposed to demolition and replacement. Proposals for demolition require a strong justification.
- Objective 11.5 Private Amenity Space for Houses – Addresses the requirements for private dwellings in accordance with SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- Car and Bicycle Parking, Paragraph 11.234, Table 11.13 and Table 11.14 – site in Zone 2 (area served by BusConnects, most of city suburbs), standards applicable for standard residential include 1 car parking space for 1-2 bed unit and 2 car parking spaces per 3 bed + units. These are maximum standards.

5.7. Natural Heritage Designations

The site is not located within any designated site. The closest European site is the SPA: 004030 - Cork Harbour SPA which lies approx. 3.44 km to the south east.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Eoin O'Lucas & others against the decision made by Cork City Council to grant permission for the proposed development. The grounds of appeal may be summarised as follows:

Residential Amenities

- The proposed single storey dwelling due to scale and mass will result in loss of light to the dwellings at Maymount Villas. The Shadow Study failed to address indirect light considerations.
- The proximity of the single storey dwelling to the boundary with Maymount Villas.
- The existing ground levels between the proposed single storey dwelling and Maymount Villas was not sufficiently addressed.
- Any screening to be erected will increase loss of light.

Other Matters

- The existing two storey dwelling was built without planning permission and is proposed to be demolished. Only one single storey dwelling should be occupied on the site.
- Should the proposed tenancy of the two dwellings facilitate vulnerable people, existing elderly residents and care workers are concerned that this will greatly impact current local services and volunteering in the community.
- No details of how the development will be supervised in terms of noise and maintenance.
- Concerns raised regarding the safety on existing residents and locals who pass the site and the future occupants of the houses who may give rise to antisocial behaviour and noise impacts.

- Focus Ireland did not engage with local residents.

Note to Commission:

Photos are appended to the appeal submission.

7.2. Applicant Response

A response to the grounds of appeal was provided by the application which may be summarised as follows:

- 1) Shadow Study – The applicant agrees with the conclusions of the planner in their assessment of item 1 (c) which relates to the shadow study, which was sought by way of further information.
- 2) Proximity of single storey dwelling to Maymount Villas boundaries – this matter was addressed at further information stage and the applicant agrees with the assessment and conclusion of the planner in their assessment of item 1 (a) of the FI response.
- 3) Ground levels – This issue was addressed and revised proposals and cross sections through the site and Maymount Villas were submitted in response to the FI request. The council advised reducing the proposed number of units from 3 to 2 at pre-planning stage. To reduce the number of units on the site to 1 would make the development unviable.
- 4) Focus Ireland do not consider that new development will not create any new burden on existing residents' volunteers nor envisage any additional burden on elderly residents who should be welcoming the proposed development to regenerate the site. The proposed housing will be maintained and managed by their staff based in Cork city.
- 5) Future occupants of dwellings – Most of Focus Housing tenants work and have children going to local schools in the area. All tenants will be monitored throughout tenancy by Focus Ireland support and housing staff in the Cork city office and it is not anticipated that such issues will occur.
- 6) Focus Housing CLG previously spoke to several neighbours in the area. The appellant's made no effort to contact the applicant since the application was lodged to voice their concerns.

7.3. Planning Authority Response

None.

7.4. Observations

None.

8.0 Assessment

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

- Principle of Development
- Impact on Residential Amenities
- Other Matters
- Demolition of Existing Dwelling – New Issue

8.1. Principle of Development

- 8.1.1. The appeal site comprises of an existing vacant and derelict dwelling and is located within an established residential area of Cork City within the existing built up urban area. Having regard to the zoning objective for the site ZO 01 (Sustainable Residential Neighbourhoods) and to the established residential character of the adjoining area, I consider that the principle of development would be acceptable in this case subject to compliance with the relevant policies and objectives of the Cork City Development Plan 2022-2028 (as varied), and residential standards being met including impacts on adjoining residential amenities being addressed.

8.2. Residential Amenities

- 8.2.1. The main issues in the grounds of the appeal concerns the impact that the proposed development will have on the residential amenities on the adjoining properties to the

north and in particular, arising from the proposed single storey dwelling element of the overall proposal. The issues being raised relate to the proximity of the proposed single storey dwelling to the shared boundary with Maymount Villas, which is a terrace of two storey dwellings fronting onto the Old Youghal Road to the north. The matters raised relate to overbearance, visual obtrusiveness and impacts on residents' outlook. These dwellings, in particular numbers 4 to 7 back onto the appeal site and are located at a lower ground level than the appeal site which is located at the highest point on Gardiner's Hill. The other issue raised relates to loss of daylight and overshadowing.

- 8.2.2. I note from the planning application details that these issues were raised in the third party submissions to the application which the PA sought to address by way of FI. Following the request for FI, revised proposals were submitted which included for alterations to the proposed single storey dwelling. Consequently, the roof profile was revised resulting in the overall ridge height being reduced from 5.9 m to 3.8 m and the angle of the pitch from a 45 degree pitch to a 12 degree pitch. The separation distance between the proposed dwelling and the adjoining northern boundary with Maymount Villas was increased by approx. 365 mm from 905 mm to 1270 mm. There is a boundary post and panel fence proposed on the inside of the existing boundary wall which will have a height of 1.8 m. I note from drawing 'Existing & Proposed Boundary Wall Treatments' (DWG Ref. 2411-FGH-WIL-XX-SK-A-9104) that it is also proposed to reinforce the existing boundary walls along the top.
- 8.2.3. I note that Section 11.139 of the development plan supports infill development where the proposal is compatible with the established character of the area, particularly in terms of scale, height, massing, design and boundary treatment.
- 8.2.4. In terms of the residential standards for the proposed development, both the PA and the applicant referred to residential standards of Quality Housing for Sustainable Communities 2007. Having regard to the Sustainable Residential Development and Compact Settlement Guidelines 2024 (Compact Settlement Guidelines) I note that both dwellings meet the principal residential standards for private open space provision. While I note that the proposed dwellings satisfy the minimum quantitative standards notwithstanding, it does not establish that this particular site constraint as highlighted by the grounds of appeal can accommodate the proposed single storey dwelling without an unacceptable impact on the established residential amenities of the adjoining properties.

- 8.2.5. In this regard, the appeal site is an urban infill site with an area of 0.0297 ha. The ground levels on the Old Youghal Road increase as the road travels east. The existing dwelling on the appeal site sits at the highest point along the row, as the ground level of Gardiner's Hill increases as the road travels northeast. It therefore sits at a higher ground level than dwellings 4-7 Maymount Villas.
- 8.2.6. From the 'Existing Plans' (DWG Ref. 2411-FGH-WIL-XX-SK-A-9102) I note that these dwellings are shown to be at a ground level of c. 89.15. Having stood in the rear back garden of no. 6 Maymount Villas, the difference in ground levels was clearly evident, with adjoining site sitting at a higher level. From this lower vantage point, the proposed single storey dwelling would give rise to a noticeable sense of enclosure with the increased relative height and proximity of the development contributing to an overbearing visual impact on the adjoining rear garden amenities. It is also of note that the separation distance between the proposed single storey dwelling and the south facing elevation of the adjoining properties to the north is approx. 6.3 m, and this in my opinion demonstrates the confined nature of the existing site context. In my view number's 5 and 6 Maymount Villas would be most likely to be impacted by the proposed single storey dwelling as they directly back onto the subject site.

Overlooking & Separation Distances

- 8.2.7. In established residential areas, changes to the existing context are required to be carefully considered with reductions in building height or bulk to mitigate overbearing impacts. Section 11.104 of the development plan addresses overbearance in terms of the impact of a development on the outlook from the main habitable rooms, garden or the private open space of an adjoining dwelling. In relation to separation distances, SPPR 1 of the Compact Settlement Guidelines Provides for a minimum separation distance of 16 metres between opposing rear/side windows serving habitable rooms at first floor level or above. It also requires consideration of undue overlooking of private amenity spaces. In this proposal, there are no opposing first floor habitable room windows on the proposed two storey dwelling, and no windows are proposed on the single storey dwelling facing the adjoining properties to the north. Therefore, I am satisfied that no direct overlooking issues arise of the adjoining properties to the north and the specific 16 m separation provision in SPPR 1 is not applicable in this case. However, it is stated that in all cases, it is required that the proposed development will

not have a significant negative impact on the amenity of occupiers of existing residential properties.

8.2.8. In relation to overlooking of the proposed amenity areas to serve the proposed dwellings, I would have concerns that first floor habitable rooms on the south facing elevation of no. 4 Maymount Villas may give rise to overlooking of the proposed amenity areas to serve both proposed dwellings. In this instance, the relationship between this existing dwelling and the proposed dwellings, including the difference in ground levels and the proximity of the private amenity areas, has the potential to give rise to overlooking of the proposed rear gardens from the adjoining existing dwelling. I note the proposal to provide a 1.8 m boundary fence along the northern boundary of the site, however I am not satisfied that it would be sufficient to mitigate undue impacts on the residential amenities of the future occupants of these dwelling whilst noting that there would be only be a separation distance of approx. 5.0 m between the rear (southern) elevation of no. 4 Maymount Villas and the dividing boundary wall between the sites. I note that this matter did not arise in the assessment of the PA and would be a 'new issue' in this instance.

8.2.9. Notwithstanding the foregoing, I would note that the proposed single storey dwelling is acceptable internally in terms of meeting the residential standards of the Compact Settlement Guidelines 2024, including the outdoor private amenity requirements. The neighbouring properties sit at a significantly lower level than the subject site and there are ancillary storage buildings within the rear amenity spaces. Therefore, it is my view that the issue is not confined to overshadowing or loss of daylight, it is the cumulative effect of the proposed dwelling's proximity, length and position at a higher level on the established residential environment of these properties, and the sense of enclosure as well as the outlook from their back garden areas. This would be further compounded by the length of the single storey building facing the rear of no.'s 5 and 6 Maymount Villas which is approx. 8.8 m with a roof height of 3.8 m. Notwithstanding the revisions made to the original proposal to address these concerns, I am not satisfied that the proposed development would not have a significant physical presence when viewed from and experienced within the rear gardens of these dwellings, thereby diminishing the enjoyment of their residential amenities. The constrained nature of the site means that there is limited scope to increase the separation from the shared boundary or otherwise reduce the relationship between the proposed dwelling and these adjoining

properties. This in my opinion would be further intensified by the proposed 1.8 timber panel fence on the boundary of the site.

- 8.2.10. While the principle of residential development on infill urban sites would be supported under Sections 11.104 and 11.139, due to the site constraints and the resultant limited separation from the adjoining properties this in my view would prevent the proposed development from achieving an acceptable relationship with the existing dwellings to the north. Accordingly, I consider that the proposed development would have an adverse impact on these residential amenities and would be contrary to the zoning objective for the site ZO 1.1 the objective for which identifies the protection of residential amenity requiring new development to respect the established character and scale of the surrounding neighbourhood. I recommend that permission is refused on this basis.

Overshadowing / Loss of Daylight

- 8.2.11. The appellant refers to the loss of natural light arising from proposed screening. A 1.8 m timber panel fence is proposed along the boundary of the site and will be positioned along the rear/ southern boundaries of no. 4-7 Maymount Villas. Also it is raised that indirect light considerations were not addressed in the shadow study assessment.
- 8.2.12. The development plan policy states that the potential impacts on adjoining properties need to be assessed, particularly where separation distances are reduced. As noted earlier, there is a separation distance of 1.27 m from the northern boundary of the site. The private amenity areas at the rear of Maymount Villas have a southerly aspect and are therefore reliant on access to greater daylight as the front elevations of the dwellings have a north facing aspect.
- 8.2.13. I have reviewed the Shadow Study submitted in response to the FI request. I note that as the appeal site is located to the south, minimal overshadowing impacts are expected to arise from the proposed single storey dwelling. The assessment therefore demonstrates broadly that impacts in terms of overshadowing on the properties to the north are limited.
- 8.2.14. In relation to the appellant's concerns that daylight was not addressed, I note that a daylight study assessment was not provided therefore impacts arising cannot be confirmed. Therefore, it is unclear whether the proposed single storey dwelling and the proposed 1.8 boundary will impact on daylight being received in the limited amenity

areas to the rear of these properties and to the ground floor of the existing dwellings. The Commission may wish to seek further information to clarify where if such impacts would arise.

8.3. Other Matters

Alleged Unauthorised Development

- 8.3.1. The grounds of appeal has raised that the existing two storey dwelling was built without planning permission. The PA has acknowledged this fact and considered that there was no requirement to regularise it as the existing dwelling would be demolished.
- 8.3.2. The issue of alleged unauthorised development on the site is noted. However, the planning status of existing development is in the first instance, a matter for the PA to address under the enforcement provisions of the Planning and Development Act 2000 as amended. The assessment of this appeal therefore is confined to the planning merits of the proposed development for which permission is sought, having regard to the proper planning and sustainable development of the area, and the planning enforcement process is outside the remit of the Commission to determine in the context of this application. As such, I do not consider that the alleged unauthorised status of the existing dwelling warrants further consideration in the assessment of the appeal.

Public Consultation

- 8.3.3. The appellant makes reference to a lack of engagement with local residents in the consideration of the proposed development and impacts that would arise on nearby properties. I am satisfied that the planning application was received by the PA in accordance with the relevant statutory provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). At the outset, public consultation was invited by way of the statutory public notices. Other than by making a third party submission/observation to a planning application by way of the statutory mechanism to do so, this would be the only obligation on the applicant to facilitate public consultation, and I would note that other public consultation outside of this format would not be a requirement of planning within the statutory framework. In this regard, there is no further action required on behalf of the Commission in relation to this matter.

Noise and Maintenance

- 8.3.4. The appellants concern regarding how the development will be supervised in respect of noise and maintenance following occupation is noted. The proposed development comprises two individual residential dwellings each with its own private amenity space and defined boundaries, and does not include communal facilities or shared areas requiring ongoing maintenance. The future occupation and maintenance of the dwellings would be the responsibility of the respective property owners/occupiers. I note that in the response to the grounds of appeal the applicant has indicated that the proposed housing will be maintained and managed by their staff based in Cork city. I would note that the appellant's have not put forward evidence to suggest excessive noise or nuisances from the proposed development and I would further note that there is no basis at planning stage to anticipate excessive noise or inadequate maintenance arising from the future occupation of the dwellings. I am satisfied that the proposed layout, including the enclosed nature of the site the private amenity areas and boundary treatments are designed to protect the residential amenities of adjoining properties. Accordingly any future instances of nuisance or antisocial behaviour should they arise would be a matter for the applicant to address or the Gardaí.

Impact on Services

- 8.3.5. The appellant's concern that the proposed dwellings may place additional pressure on care services currently being provided within the community is noted. The suggestion that future occupants may require or place additional demands on such services is speculative and relates to the future personal circumstances of occupants rather than a demonstrable planning impact arising from the proposed development. I would note that the allocation, availability and capacity of individual community care services including volunteer services are matters for the relevant service providers and statutory agencies and does not form a material planning consideration within the remit of the Commission in determining this planning appeal.

Potential Security Impacts / Antisocial Behaviour

- 8.3.6. Concerns are raised about antisocial behaviour potentially arising from future occupants of the proposed dwellings, and the safety of existing residents or locals passing the site. I acknowledge the concerns raised by the appellant, however in this case, the proposed dwellings will be on a self-contained infill site enclosed by its own

boundary wall. The planning assessment carried out is concerned with the proposed development and its impacts, and the concerns raised regarding the potential behaviour or character of future occupants is speculative and is not a consequence arising from the physical design of the proposed development. I note that potential antisocial behaviour outside the boundaries of the site is not a matter for the Commission to address however any future instances of criminal or antisocial behaviour would be matters for the relevant authorities including An Garda Síochána.

8.4. Demolition of Existing Dwelling – New Issue

- 8.4.1. It is proposed to demolish the existing dwelling on site which is two storey in scale and evidently vacant and derelict. Objective 3.4 (Compact Growth) seeks to optimise the potential for housing delivery on all suitable and available sites by amongst other things encouraging the retrofitting and reuse of existing buildings rather than their demolition and reconstruction. Section 11.154 of the development plan relates to the demolition of existing residential dwellings and this notes that the council has a preference for deep retrofitting of structurally sound, habitable dwellings, as opposed to demolition and replacement, unless a strong justification in respect of the latter has been put forward by the applicant. I note that the PA did not raise this as an issue in its consideration of the planning application and there is no appraisal or such justification on the file to address this issue.
- 8.4.2. The matter of alleged unauthorised development in relation to the existing dwelling was raised and the PA's response in regard to same is noted. Notwithstanding, I acknowledge that the existing dwelling has fallen into a state of disrepair due to it being vacant, however notwithstanding, and having regard to the provisions of Section 11.154 and Objective 3.4, I am not satisfied that its demolition has been justified in this case and as a result, would conflict with the council's stated objectives above. As such, I consider this to be a new issue and accordingly should the Commission agree, it may wish to seek the views of the relevant parties. However, having regard to the substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

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-501525-CK-26 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located in Cory City on an infill site within an established residential area that is serviced by piped public services.

The closest European site is the SPA: 004030 - Cork Harbour SPA which lies approx. 3.44 km to the south east.

The proposed development comprises the demolition of an existing dwelling and an ancillary storage shed and the construction of a 1 no. two storey dwelling and 1 no. single storey dwelling.

The planning authority considered that there was no requirement for appropriate assessment.

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 and intervening land uses.
- Taking into account the screening determination by 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). 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 its connection to public services, 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 established pattern of development in the area, the constrained nature of the site, the significant difference in ground levels between the subject site and the adjoining dwellings to the north, and the limited separation distance of approximately 1.27 metres between the proposed single storey dwelling and the northern boundary together with the proposal to provide a 1.8 metre high boundary fence along the northern boundary of the site, it is considered that the proposed

development by reason of the restricted overall site size, proximity to the existing dwellings (Maymount Villas), and to the design and layout proposed, would result in a visually intrusive and overbearing form of development which would adversely affect the outlook and residential amenities of adjoining properties, would represent an inappropriate response to its established residential context and would result in an unsatisfactory standard of private residential amenity space for future occupants, due to potential overlooking arising from opposing habitable rooms at first floor of the adjoining property to the north as a result of insufficient separation distances. The proposed development would be contrary to the zoning objective for the site ZO 01 (Sustainable Residential Neighbourhoods), including the provisions of ZO 1.1 of the Cork City Development Plan 2022-2028 (as varied) and SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines (2024), and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Clare Clancy
Planning Inspector

22nd September 2022

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501525-CK-26
Proposed Development Summary	Demolition of existing house and single storey building, the construction of 2 no. houses and associated sitework
Development Address	122 Gardiners Hill, Cork City, 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)	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 0.0297 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 ☒	
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Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501525-CK-26
Proposed Development Summary	Demolition of existing house and single storey building, the construction of 2 no. houses and associated sitework
Development Address	122 Gardiners Hill, Cork City, 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 has 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,	At operational stage, the proposed development will connect to the existing stormwater network. Water supply will be via the mains water network. Wastewater 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 county development plan. There are no protected species/habitats on site.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
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 scale and 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 Effect	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	~~Schedule 7A Information required to enable a Screening Determination to be carried out.~~

likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	~~EIAR required.~~

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

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-501525-CK-26	Townland, address	122 Gardiners Hill, Cork City, Co. Cork
Description of project		Demolition of existing house and single storey building, the construction of 2 no. houses and associated sitework	
Brief site description, relevant to WFD Screening,		The site is 0.0297 ha and has an existing dwelling which is proposed to be demolished. The site is located on Gardiner's Hill which is a residential area. The site is elevated relative to its surrounds. It is not directly connected to any watercourses. The nearest water bodies are the Glen River c. 395 m to the north and the River Lee c. 887 m to the south. The site is connected to existing piped infrastructure services to which it is proposed to connect the new development.	
Proposed surface water details		Surface water will be discharged via SuDS to the public sewer. No objection raised by Uisce Éireann.	
Proposed water supply source & available capacity		Connection to public water. No objection raised by Uisce Éireann.	

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 run-off, drainage, groundwater)
River Waterbody	c. 395 m to the north	BRIDE (Cork City)_020 IE_SW_19B140300	Poor	At risk	Urban runoff	No. Separation distance, gradient of terrain and intervening urban land use developments

Ground Waterbody		Underlies site	Ballinhassig East IE_SW_G_004	Good	Not at risk	None identified	Surface water drainage to groundwater
Transitional Waterboundy		C. 800 m to the south	Lee (Cork) Estuary Lower IE_SW_060_090_0	Poor	At risk	None identified	Surface water drainage
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.	River	BRIDE (Cork City)_020 IE_SW_19B140300	Surface water	Pollution, hydrocarbon spillages, sedimentation	Standard best practice construction, demolition and	No. Separation and intervening urban land use developments	Screened out

					environmental management plan (conditions)		
2.	Ground	Ballinhassig East IE_SW_G_004	Surface water drainage	Pollutions, sedimentation, spillages, pollutants	Standard best practice construction, demolition and environmental management plan (conditions)	No. Separation and intervening urban land use developments	Screened out
3.	Transitional	Lee (Cork) Estuary Lower IE_SW_060_090_0	Surface water drainage	Spillages, environmental pollutants	Standard best practice construction, demolition and environmental management plan (conditions)	No. Separation and intervening urban land use developments	Screened out
OPERATIONAL PHASE							
1	Surface	SULLANE_060 IE_SW_19S020480	None due to surface water systems proposed	None	None	No. Appropriate mitigation and surface water attenuation.	Screened out

2	Ground	Ballinhassig West IE_SW_G_005	None due to drainage works implemented on site as part of proposal	None	None	No. Appropriate mitigation and surface water attenuation.	Screened out
3.	Transitional	Lee (Cork) Estuary Lower IE_SW_060_090_0	None due to drainage works implemented on site as part of proposal.	None.	None	No. Appropriate mitigation and surface water attenuation.	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA