



An
Coimisiún
Pleanála

Inspector's Report

PL-501551-CK-26

Development

Construction of an extension to the rear, porch extension, conversion of existing attic space to habitable accommodation and all associated site works.

Location

72 Willowbank Court, Broomfield West, Midelton County Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

256895

Applicants

Aoife and Keith Delaney.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellant

Oldich Madera

Observers

None

Date of Site Inspection

10th August 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in an established residential area and is located within Willowbank housing estate, Broomfield in the northern area of the town of Midelton in County Cork. On the site is a semi-detached two storied dwelling with a single storied side extension which has a pitched roof which is located in a cul de sac of similar type dwellings. To the rear is a single storied flat roof extension. The property has gardens to the front and rear.
- 1.2. The site has a stated area of 0. 036 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 19th December 2025 comprised of the following alterations and extensions to an existing dwelling.
 - a) The construction of a first floor extension to the side of the existing dwelling house incorporating a pitched roof with a partial hip finish on the side elevation with first floor windows on the front and rear elevations incorporating a bedroom and en-suite. The extension replicates the existing roof profile which has a partial hip finish and the ridgeline of the extension is approximately 1190mm below the ridge line of the main roof of the dwelling.
 - b) The construction of a porch extension to the front of the existing dwelling house,
 - c) The conversion of the existing attic space to habitable accommodation which is indicated as a bedroom,
 - d) The construction of dormer windows to the front and rear elevations of existing dwelling and also a rooflight on the front elevation in the roof area of the dwelling,
 - e) The retention of ground floor windows to the side (west) of existing dwelling
 - f) All associated site works
- 2.2. The existing dwelling has a stated area of 157.00m², the gross floor space of the proposed extensions are stated 92.4 m².
- 2.3. Further information was submitted on the 29th April 2026 including

- a revised site plan to a scale of 1:1250,
- clarification regarding the converted garage and rear extension,
- revised elevations with the previously proposed dormer window on the front elevation omitted and replaced with a rooflight as requested by the planning authority. The revised elevation also includes a window on the first floor extension which matches the existing window on the front floor elevation.
- In relation to the roof profile of the proposed first-floor extension, the applicant states that it is positioned below the ridge line of the existing two-storey dwelling and follows the existing roof profile.
- The applicant also notes that the extension is located on the north-western side of the dwelling and will not result in additional overshadowing of neighbouring properties and in support of this submitted a sun path analysis.
- It is further outlined that the attic floor area is existing and that its conversion does not create any additional floor area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to five conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 20th February 2026 refers to the planning history in the area; to provisions of the current county development plan; submissions received noting a third party submission was received and an assessment of the proposed development.

The principle of the development was considered acceptable and in accordance with the zoning objective. The report refers to the planning status of the now converted garage and single storey rear extension on the site. In relation to the design as

submitted it was considered that the design as currently presented created a visual imbalance between the existing dwelling and the totality of the proposed works and would also be out of character with the established pattern of development within the immediate vicinity of the site and that the applicant is requested to reconsider the submitted design having regard to the established character of the existing dwelling and the surrounding residential context.

In relation to impacts on residential amenities the report notes the design as presented will see the omission of 2 no. first floor existing side windows on the western elevation which serve the landing area and a bathroom at present. The proposed dormer window on the front elevation will front onto an open space area and the proposed rear dormer window is acceptable in relation to separation distance and will not unduly impact on daylight, sunlight, outlook or privacy to the surrounding residents and adequate private open space is retained. Further information was recommended.

The planning report dated the 22nd May 2026 assessed the further information submitted and considered the information satisfactory.

Permission was recommended.

3.3. Other submissions.

- 3.3.1. Internal submissions from Area Engineer in a report dated 11th February 2026 states no objections.
- 3.3.2. A third party submission was received outlining concerns in relation to the proposed development in relation to scale, loss of light and being overbearing.

4.0 Planning History

- 4.1.1. There is no planning history in relation to the appeal site

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Cork County Development Plan 2022-2028.

- 5.1.2. The site is located within Metropolitan Cork Strategic Planning Area, within the development boundary of Midleton and the site is located within an area zoned existing residential and an area of High Value Landscape.

The following policy objectives of the Development Plan apply in relation to the development.

GI 14-9 which seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards.

HE 16-21 refers to Design and Landscaping of New Buildings.

ZU 18-9 refers to existing residential/mixed residential and other uses.

- 5.1.3. Making Places: A Design Guide for Residential Estate Development is a 2011 planning and urban design manual published by Cork County Council as part of their Planning Guidance and Standards Series (No. 2) to give additional practical guidance on how the policies on Developing Sustainable Residential Communities.

In relation to daylight and sunlight it indicates that overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. The planning authority will require submission of a daylight and shadow projection diagram in such cases. Requiring all dwellings to have sunlit rooms or optimum solar orientation may unduly constrain layout in other respects. Where buildings are close together it is possible to supplement the amount of daylight from the other side of the building by having through rooms, and by raising window head heights. Also overshadowing of windows by projections and extensions may be avoided by ensuring that the centre of no window lies within a combined plan and section 45 degree overshadowing zone thrown by the extension.

5.2. Other Guidance

- 5.2.1. There are a number of technical guidance documents in relation to daylighting and sunlight including IS EN 17037:2018 – Daylight in Buildings; BR 209 2022 Site Layout Planning for Daylight and Sunlight (3rd Edition) and BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition) and daylight and sunlight assessments which outline a range of metrics and methodologies to assess the level of impact and significance of impacts applying in

relation to daylight and obstruction angle analysis on the quality of daylight within developments either new or existing.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

- 6.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.2. The appellant grounds of appeal in summary refers to;
- The scale of the proposed development is wholly inappropriate and an excessive increase in floor area of 91.21m² circa two thirds of an increase in floor area and results in a structure which is out of character and scale with the density and design of the surrounding residential estate.
 - Reference is made to the projection of the proposed garage extension forward of the front building line of the dwelling which is inconsistent with the uniform character of the estate.
 - The excessive number of windows both existing without permission and proposed overlook the appellant's property resulting in diminished privacy.
 - Reference is made works carried out without planning permission.
 - The proposal seeks to further intensify overlooking with additional windows constituting a severe level of overlooking and overbearing in relation to the appellant's property.

- The first floor extension fails to meet minimum standards for daylight preservation and will cause overshadowing referencing the guidance outlined in CCC Planning Guidance and Standards (no.2 1st Ed) in particular part 3 in relation to the 45 degree overshadowing zone and results in a loss of natural light and would be contrary to BRE 209 standards in relation to daylight and sunlight.
- Reference is made to the proximity to the boundary and errors in the submitted drawings in this regard.
- The proposal will result in a loss of solar gain and make the appellant's property darker and colder.
- Reference is made to fire safety and building regulations due to the proximity to the adjoining property and aspects of the roof construction.
- Issues are raised in relation to parking and traffic and to the increased occupancy of the dwelling impacting on public safety and emergency access.
- The proposal will generate increased demands on infrastructure or that the development can be accommodated with existing infrastructure.
- The proposed development will increase pollution levels.
- Reference is made to deficiencies in the submitted drawings.
- The submission includes a refute of the sun path analysis submitted by way of further information indicating that it incorrectly applies the analysis based on 74 Willowbank Court and not 72 Willowbank Court and contends if applied correctly that the first floor extension will overshadow windows on the northern and western walls of the appellants property and have a negative impact in particular on morning sunshine.
- Reference is made to an increased wind tunnel between the properties and the impacts on heat loss arising.

7.3. First Party Response

- 7.3.1. The first party applicant response in relation to the grounds of appeal in summary refers to;

- The proposed extension area is 48.8m² with a proposed ground floor extension of 1.8m², a first floor extension of 17m² and an attic second floor of 30m² and the existing floor area of the dwelling is 157m².
- The first floor extension does not project forward of the existing front building line and is directly above the ground floor footprint.
- The proposed works include 3 windows to the front and rear and 2 attic windows and there are no windows on the side elevation thereby preventing any direct overlooking of the adjacent neighbour's garden and the windows at attic level is positioned to prevent any overlooking and reduced privacy of the neighbouring garden and positioned at 1.7 metres.
- The windows at first floor level do not reduce privacy as windows already exist at this level to the front and rear elevations.
- The existing garage conversion and single storey extension have a combined floor area of 38.87m² and comply with the requirements of exempted development.
- The roof line/design of the first floor extension is consistent with the existing dwelling.
- A sun path analysis was submitted to demonstrate that the proposed extension does not affect the neighbouring property and the proposed extension does not project across the 45 degree splay from the nearest habitable room which is the ground floor bay window.
- The dimensions from the boundaries are correct.
- The proposed extension will not have any increased impact on parking, traffic or services.

7.4. Planning Authority Response

The planning authority has submitted a response in relation to the appeal indicating all relevant issues were covered on the assessment in technical reports and have no further comments to make.

8.0 Assessment

8.1. The main issues in this appeal are principle of the development and the grounds of appeal in particular the design of the proposed development and impacts on residential visual amenity and impacts on services. Issues relating Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

8.2.1. The proposal as submitted is for alterations and extensions to an existing dwelling and the site is located within a residential area with a residential zoning. I note the High Value Landscape designation but the site is within an established residential area.

8.2.2. The proposed development is therefore acceptable in principle. In relation to siting and design the primary consideration in assessing this proposal is whether the proposed development will or will not materially impact the residential amenities of properties in the vicinity which are raised in the grounds of appeal.

8.3. Grounds of appeal.

8.3.1. The appellant in the grounds raises issues in relation to the impact of the proposed development in relation to overshadowing and loss of daylight, overbearance and to general disturbance arising from increased demands on services, traffic and parking and proximity to the site boundary.

Issues are also raised in relation to the overall scale of development taking into account existing development including existing extension/conversion to increase floor area over the original floor area allied to the projected increase in floor area arising from the proposal as submitted.

In relation to the scale of the development the applicant has contended that the current additions to the floor area constitute exempted development and it is noted that the planning authority did raise this matter and made a determination on the development as described; that a Section 5 Declaration is the formal mechanism for determining whether works constitute development or exempted development and on balance, the applicant has provided sufficient clarification regarding the converted

garage and rear extension to allow the Planning Authority to proceed with the assessment of the current proposal.

I would concur with the planning authority's position as outlined and the issue to consider is whether the additional floor area would constitute overdevelopment. Based on the plot ratio and site coverage and the level of open space available and retained. The development as proposed would not constitute overdevelopment and other than increasing the footprint by the addition of the front porch no other increase in footprint occurs.

8.3.2. Siting and design.

For the purpose of assessment, I shall consider the revised details as submitted on the 29th April 2026 which included revised elevations with the previously proposed dormer window on the front elevation omitted and replaced with a rooflight and a window on the first floor extension revised to match the existing window on the front floor elevation.

The revised elevational details are I consider acceptable in visual design and the roof profile which in relation to the proposed first-floor extension which is positioned below the ridge line of the existing two-storey dwelling and follows the existing roof profile is also acceptable in terms of its scale and context and would not I consider have an impact on the character or visual amenities of the area.

The construction of a porch extension to the front of the existing dwelling house is also acceptable in terms of its scale and context and would not I consider have an impact on the character or visual amenities of the area.

The proposal does provide for a rear window at first floor level of the extension and for a rear window in the attic area which is a high level window. I have no objection to the principle of the conversion of the attic area to a habitable space. I also have no objection to the retention of ground floor windows to the side (west) of existing dwelling.

It is noted that the appellant refers to projection beyond the building line. In relation to this matter having examined the drawings other than the porch extension the existing front building lines is not exceeded by the proposed development and the side first floor extension retains the existing ground floor building line.

8.3.3. Impact on residential amenities

In terms of overlooking the development the development is located within an established residential development of two storied dwellings which have front and rear windows at first floor level with adequate separation distance between the rear of properties. The windows at first floor level do not project past the front existing building line of the existing single storey section of the dwelling and the rear first floor window of the side extension is recessed 7431mm from the existing main rear building line of the single storey extension and is approximately 3100mm from the upper floor rear building line.

The window to the rear at first floor level of the side extension will overlook at an angle the neighbouring property and existing windows at first floor level of the adjoining properties also overlook at an angle and project further in the rear area of the site. Given the high level window at attic level and the setback distance of the first floor extension relative to the two storied rear building line of the two properties I do not consider that a material or significant increase in overlooking arises and would not be out of context for this established residential location. It is also noted that there is no window at first level on the side elevation of the side extension.

In relation to overshadowing as raised in the grounds of appeal the front elevation of the dwellings on the appeal site and the appellant's site face northwards. The sun path directly impact the rear of the dwellings with marginal early morning sun at the front of dwellings. The appellants front windows at first floor level may be impacted to some degree in relation to direct light. In relation to overshadowing, however, due to the orientation the dwellings and the location of the first floor extension on the north-western side of the dwelling, any overshadowing will be very limited and north of the properties and not to a level which would impact on the appellant's property. There are first floor windows on the gable wall at first floor level one of which is bathroom and another which is used as an office but could be a habitable room and I viewed potential impact from these rooms and externally from within the appellant's site.

I would conclude that the sun path analysis as outlined in the request of further information which would relate to 72 Willowbank Court would indicate direct sunlight will not be impacted having regard; to the 45° angle approach to domestic extensions, as set out in Section 2.0 Light from the sky (Section 2.2 Existing

Buildings, Figures 17 and 18) of BR 209 2022 Site Layout Planning for Daylight and Sunlight (3rd Edition); the distance between the existing and proposed development, the alignment and relative orientation of the proposed extension in the context of the existing development and the height of the proposed extension and I do not consider that the proposed development would result in an undue adverse impact on the adjacent property by means of an unacceptable loss of available daylight and significant overshadowing to the existing gable windows of the adjoining property.

In relation to the issue of overbearance the side extension has a depth of 7120mm which exists at ground floor level and the height is increased to ridge roof level from 4596mm to 7331mm and in terms of mass the addition floor level will result in an increased mass height of approximately 2700mm over most of the depth. The proposed development will result in an increased mass in closer proximity to the common boundary but it does not extend over the entire gable length Having regard to the scale of the existing house, form of the proposed extension and its relationship with the adjoining gable wall I do not consider that it will adversely impact on residential amenities in terms of overbearance.

In relation to issues which are raised in relation to fire safety and building regulations these are matters addressed under separate regulatory requirements and codes and not a matter to be addressed in this appeal.

8.3.4. Services

In relation to services, I note the reference to impact on services, traffic and parking in the grounds of appeal. I note that the Area Engineer Report dated 11th February 2026 indicated no objections. It is possible given the nature of household formations and that they evolve with increased ownership of vehicles in households but the nature of the proposed development is domestic in scale with one additional bedroom and increased habitable space and there is ample scope to provide parking on site in addition to kerbside parking. I would have no objections in relation to services and potential impact on same.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of an extension to an existing dwelling and all associated site works in light of the requirements S177U of the

Planning and Development Act 2000 as amended. The subject site is located on an established residential site and within an established residential area.

9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework

10.1. The subject site is not located immediate to a waterbody The development comprises minor construction works as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.

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

- Nature of works regarding the nature and scale of the development.
- The context of the surrounding area.
- Location and distance from nearest Water bodies and lack of hydrological connections.

Conclusion

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

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

12.1. Having regard to the nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies and provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area and would not seriously injure the amenities of adjacent residential properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 19th Day of December 2025, as modified by further information submitted on the 29th of April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. Reason: In the interest of clarity
2.	The external materials and finishes of the proposed development shall be in accordance with the revised plans received on 29th April 2026 unless

	otherwise agreed in writing with the Planning Authority. Reason: In the interest of visual amenity.
3.	Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of Uisce Éireann and the planning authority for such works and services. Reason: In the interest of public health and to ensure a proper standard of development.
4.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity
5.	Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of reducing waste and encouraging recycling

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

Derek Daly
Planning Inspector

16th September 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501551-CK-26
Proposed Development Summary	Construction of an extension to the rear, porch extension, conversion of existing attic space to habitable accommodation and all associated site works.
Development Address	72 Willowbank Court, Broomfield West, Midleton County Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ , it is a 'Project'.. X No , No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ it is a Class specified in Part 1 .	
☐	
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?	
X 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.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

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 ☐	Screening Determination required (Complete Form 3)
No X ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 16th September 2026