Inspector's Report

PL-501731-CK-26

Development	Planning Permission for the construction of new dwellinghouse and domestic garage, new entrance, wastewater treatment system together with all other ancillary site works.
Location	Coolgreen, Glanmire, County Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	261140
Applicants	David O'Brien and Jennifer Cronin .
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellants	Elena Tsalaporta and Dimitrios Nikas

Observers	None
Date of Site Inspection	28th September 2026.
Inspector	Derek Daly

1.0 Site Location and Description

1.1. The site is located in a rural area in the townland of Coolgreen approximately 1.5km north of Sarsfield Court Industrial Estate and approximately 5 kilometres north if the village of Glanmire in County Cork. The site is located behind established linear roadside development along the L7020 and is accessed via a private road off the L7020 which also serves one existing backland dwelling. The lane runs northwestward from the public road, turning northwards to the appeal site and the lane then reverts to a northwestwards course to serve the existing dwelling. There are four dwellings along the southeast boundary fronting onto the L7020 with mature hedging defining this boundary. There is also a dwelling to the northwest served by the lane and a dwelling to the southwest which fronts onto another public road. There are other dwellings in the immediate vicinity reflecting a high density of residential development in the immediate surrounding area.

1.2. The appeal site which is irregular in configuration with a main area roughly a square in configuration and a rectangular area running to the northeast and has a stated area of 0.580 hectares.

2.0 Proposed Development

2.1. The proposed development as received by the planning authority on the 1st of May 2026 was for the construction of a dwellinghouse and domestic garage, new entrance, wastewater treatment system together with all other ancillary site works.

2.2. The proposed dwelling is single storied with a stated floor area of 220m^2 of a modern design and construction comprising two single storey perpendicular pitched roof elements at right angles to each other which are connected via a link entrance hallway one with a northeast southwest axis and the other a northwest southeast axis with variation of overall roof heights including a flat roof section on the side southeastern elevation with a height of 2900mm. The maximum ridge height of 6000mm above finished floor level.

2.3. The dwelling is located centrally within the squared area of the site.

2.4. A 44.5m^2 detached garage is proposed to the rear of the dwelling which has a pitched roof with a height to the ridge of 5204mm.

2.5. Existing landscaping along the southern boundary is retained and supplemented with native tree species along the boundary with immediately adjoining dwellings to the south and southeast. Along the northern boundary a 1m earthen berm is proposed which will be planted with a mixed species native hedgerow. Supplementary tree planting is also proposed along this boundary.

2.6. Access to the site is located at the southwestern corner of the site and details are also submitted in relation sightline visibility at the junction of the land and the public road.

2.7. The site is serviced by a WWTP treatment plant located in the southwestern area of the site and site suitability tests were submitted indicating the installation of a septic tank and percolation area discharging to the ground. The proposed means of water supply is a private well located to the north of the proposed dwelling and details of separation distances of the well to existing septic tanks in compliance with EPA CoP.

2.8. Details relating to discharge of surface water were submitted with a surface water disposal / drainage impact assessment in relation to what will accumulate on the proposed site indicating that it will be dealt with within the site boundaries by way of nature-based surface water drainage systems.

2.9. A Flood Risk Screening Assessment was also submitted concluding that the site and surrounding area has a low (less than 0.1%) risk of flooding. Mitigation measures: the proposed development will incorporate soak pits and water butts to capture surface water run-off. The proposed entrance shall have a 225mm diameter rigid pipe draining all surface water run off to an adjacent soak pit.

2.10. Documentary information was also submitted in relation to ties and connections to the 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 twenty standard planning conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 23rd June 2026 refers to development plan provisions and planning history in the area and an assessment of the development including the principle of the development in the context of objective 5.4 of the current CDP and it was considered that the development could be considered having regard to Objective RP 5-4 (d) of the plan.

Noting the significantly high density of residential development in the immediate surrounding area, it is noted that this site is essentially an infill backland site. In this case and considered that there is merit in developing this site and completing this pocket or rural development rather than, for example, further extending the established pattern of ribbon development evident along both the L7020 and the L6977.

In relation to siting/design the proposal is considered acceptable and will not impact on the residential amenities of adjoining properties and the report recommended that planning permission be granted.

3.3. Other submissions

The area engineer in a report dated 10th June 2026 indicated no objection and recommended conditions.

A third party submission was received indicating no objection in principle to a dwelling on this site, but raised concern in relation to the design, scale, height and siting of the development which would impact on the residential amenity of a neighbouring property, will block sunlight and will overshadow the adjoining dwelling; will overlook the adjoining dwelling, resulting in a loss of privacy and should be

relocated on the site to minimise the impact on neighbouring dwellings and revised to relocate the dwelling away from the eastern site boundary.

4.0 Planning History

4.1.1. No planning history on the appeal site but there is planning history in relation to lands in the vicinity.

4.1.2. It is noted that the applicants were refused planning permission for a dwelling on a site located at Templemichael under P.A Ref. 24/5330 for the following reason:

The site is located in a rural area which is under significant pressure for housing development. Objective RP 5-24 of the Cork County Development Plan incorporates a presumption against development which would contribute to or exacerbate ribbon development. There are four dwellings adjoining the site to the west, with additional dwellings to the east. The site is open, with extensive road frontage. The proposed development will result in the creation of ribbon development, detract from the rural character of the area, and set a precedent for further similar development in the area. The proposal is considered contrary to an objective of the County Development Plan and is considered contrary to the proper planning and sustainable development of the area.

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. Chapter 2 refers to core strategy identifying strategic planning areas for the county including areas in proximity to Cork City including the County Metropolitan Cork Strategic Planning Area and the Greater Cork Ring Strategic Planning Area immediate to Cork City.

5.1.3. Chapter 5 refers to rural areas with the aim to ensure that the housing needs of all rural communities including island communities, which have many distinctive needs from those in urban areas are identified, and that policies are put in place to ensure

that the type and scale of development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

5.1.4. The Chapter includes principles including;

Sustainable management of rural areas is required in order protect the rural economic base, rural livelihoods, natural resources, and other land uses.

The special land use requirements of agricultural areas and the open countryside should also be accommodated;

The balance between housing delivery in our towns, villages and rural areas needs to be carefully balanced so as not to undermine the long-term viability of the individual towns and villages ensuring in particular that key local community facilities are retained and continue to be viable.

5.1.5. The CDP refers to National and Regional Policy in section 5.2, to Rural Housing Guidelines in section 5.3, to identifying Rural Area Types in section 5.4 and the site is within an area defined as being part of the Rural Area Under Strong Urban Influence in figure 5.1 of the plan.

5.1.6. In relation to Rural Generated Housing RP 5-2 provides for:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

5.1.7. The site is located within an area defined as a ‘Rural Area Under Strong Urban Influence’ where Objective RP 5-4 of the Cork County Development Plan 2022 applies.

5.1.8. Rural Area under Strong Urban Influence and Town Greenbelts in section 5.4.4 are defined as the rural areas of the Greater Cork Ring Area outside the Metropolitan Greenbelt are now within easy commuting distance of Cork City as a result of road and infrastructural improvements. These areas exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity. The Town Greenbelts

define the visual setting around the main towns and have been established to prevent sprawl and control linear roadside development.

5.1.9. Objective RP 5-4 states; The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c) Other persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

(e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

5.1.10. Other objectives relating to rural housing include;

RP 5-22 which sets out criteria in relation to the design and landscaping of new dwelling houses in rural areas.

RP 5-23 which sets out requirements in relation to servicing of single houses and ancillary development) in rural areas.

RP 5-25 which provides for the inclusion of occupancy conditions relating to rural housing.

Chapter 14 refers to Green Infrastructure and Recreation and section 14.7 to landscape. Objectives in relation to landscape include;

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

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.

c) Ensure that new development meets high standards of siting and design.

d) Protect skylines and ridgelines from development.

e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.2. **National Guidance**

5.2.1. **Project Ireland 2040** National Planning Framework First Revision April 2025

5.2.2. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.2.3. Chapter 5 refers to Planning for Diverse Rural 5 Places and that the National Planning Framework places a major focus on rural areas in relation to: Strengthening Ireland's rural fabric and supporting the communities who live there.

In support of the overall pattern of rural and small town development in Ireland, this Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities and this is outlined in National Policy Objective 24; Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

In relation to the countryside a distinction is made in relation to rural areas located within the commuter catchment of cities and our largest towns and, on the other hand, rural areas located outside these catchments. A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements.

This is outlined in National Policy Objective 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.4. **Sustainable Rural Housing Development Guidelines 2005**

The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply are outlined in section 3.2.3, including 'persons who are an intrinsic part of the rural community'; that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated. Provision is also outlined in relation to persons working full time or part time in rural areas.

The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.2.5. **EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021**.

The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS. The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to

designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

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 or approximate to such a site or having a direct connection (Source-Pathway- Receptor) to a site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. 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

7.2. The appellant grounds of appeal in summary refers to;

7.2.1. The planning Authority failed to discharge its statutory duty Under Section 34(3). of the Planning and Development Act 2000 as amended in relation to the appellants' formal submission, resulting in a decision that wholly fails to address any of the substantive planning concems raised and which are stated in the grounds of appeal.

7.2.2. The proposal will result in an overbearing structure and permanent loss of sunlight and daylight to the appellants' southwesterly facing property by reason of its scale, height, massing, length and proximity to the shared boundary.

In relation to this the proposed dwelling is positioned immediately adjacent to the western boundary of the appellants' property and this westem boundary currently provides an open aspect through which afternoon and evening sunlight reaches the appellants' principal garden and adjoining habitable rooms as demonstrated by the photograph submitted as Attachment A. The appellants' existing boundary hedge stands at approximately 3 metres in height. The proposed building will rise to 6 metres at the ridge exactly double the height of the existing boundary treatment for a continuous and unbroken length of 15 metres along the appellants' entire south-western boundary. The existing boundary hedge preserves the appellants' access to direct sunlight and daylight above the boundary line. The proposed structure will rise 3 metres above that existing boundary treatment for the full length of the shared boundary.

A structure of 6 metres in height, positioned in close proximity to the shared boundary on the south-western side of the appellants' property, will materially reduce afternoon and evening sunlight reaching the appellants' principal garden and west-facing habitable rooms and the impact is likely to be most pronounced during autumn and winter months and the proposed dwelling is likely to result in a significant and permanent reduction in direct afternoon sunlight to the appellants' property. It will also introduce a continuous overbearing built form fundamentally and permanently altering the character and amenity of the appellants' property and cast shadow over the appellants' principal garden area and west-facing habitable rooms during the afternoon and evening period. The adverse impact on sunlight and daylight to the appellants' property is permanent in nature and cannot be adequately addressed by conditions.

It is also contended that on a site extending to approximately 0.58 hectares, it has not been demonstrated why the dwelling must occupy the location that gives rise to the greatest impact on the only immediately adjoining residential property and the impact can only be avoided by the relocation of the proposed dwelling to an alternative position within the available landholding, or by a material reduction in the ridge height of the elevation facing the appellants' property.

Not one condition addresses, references, responds to or in any respect reflects any of the substantive planning concems raised in the appellants' formal submission. No condition imposes a minimum setback distance from the shared boundary. No

condition restricts or modifies the ridge height of the elevation facing the appellants' property. No condition restricts or modifies the glazed openings on the side elevation facing the appellants. No condition addresses overlooking, privacy or loss of sunlight. The development as permitted therefore comprises the full 6-metre ridge height, the full 15-metre elevation alongside the appellants' boundary, and all glazed openings facing the appellants' property without modification of any kind.

7.2.3. The proposed development will result in unacceptable direct overlooking of the appellants' main living spaces by reason of the positioning of large glazed openings on the side elevation of the proposed dwelling facing the appellants' property. The submitted floor plan (Drawing No. POI) demonstrates that the principal living spaces of the proposed dwelling the kitchen/dining area and the living room are located on the side elevation directly facing the appellants' property and this constitutes a direct and unacceptable overlooking relationship between two immediately adjoining residential properties at ground floor level.

The existing boundary hedge at approximately 3 metres in height provides no adequate screening against direct horizontal overlooking at ground floor level between properties in such close proximity and the proposed 1 metre earth berm with new planting as indicated on the submitted site layout plan is wholly inadequate as a mitigation measure.

No condition attached to the Planning Authority's grant of permission addresses, restricts or modifies the glazed openings on the side elevation of the proposed dwelling facing the appellants' property and the loss of privacy as between the two properties will therefore be direct, total and permanent as permitted.

7.2.4. The siting of the proposed dwelling immediately alongside the appellants' property is unjustified, disproportionate given the availability of alternative locations within the 0.58 hectare landholding that would eliminate or substantially reduce all adverse impacts on the appellants property which is the only residential dwelling immediately adjoining the site. All other neighbouring properties are situated at greater distance and the applicants chose to locate the proposed dwelling at the one position on that site that affects only the appellants immediately alongside their entire western boundary for its frill 15-metre length. Every other available position within the site would have left the appellants entirely unaffected.

7.2.5. The presence of overhead ESB electricity lines traversing the application site directly along the shared boundary hedge at which the proposed dwelling is to be constructed to the shared boundary with the appellants' property raises unresolved safety concerns relating to the proposed construction in that location, which have not been adequately addressed by the Planning Authority's conditions.

7.2.6. Reference is made to the presence of overhead ESB electricity lines traversing the application site directly along the shared boundary hedge with the appellants' property. Cork County Council's own decision acknowledges this by way of a condition requiring the developer to liaise with ESB Networks regarding the overhead lines prior to the commencement of any development, and requiring any requirements arising to be implemented in full. The presence of this infrastructure in the chosen location of the proposed dwelling gives rise to distinct and material planning concerns. This raises concerns for construction workers and the presence of this infrastructure in the location chosen for the proposed dwelling is a material consideration that reinforces the case for requiring an alternative siting of the development within the available landholding.

7.2.7. Reference is made to concerns in relation to the conversion of the attic space and if the attic space is subsequently converted to habitable use, whether under exempted development provisions or otherwise, the impact on the appellants would be materially and significantly compounded in relation to overlooking. The appellants request that An Coimisiún Pleanála, if minded to grant permission, attach an explicit condition prohibiting the conversion of the attic space to habitable accommodation without the prior grant of planning permission.

7.2.8. If minded to grant permission on the current plans, it is requested that An Coimisiún Pleanála impose substantive and meaningful conditions including: a minimum setback distance from the shared boundary commensurate with the height and scale of the proposed structure; the elimination or restriction of all glazed openings on the side elevation facing the appellants' property; a material reduction in ridge height on the elevation facing the appellants' property; an explicit prohibition on the conversion of attic space to habitable use without prior planning permission; and the provision of a boundary treatment of sufficient height and density to provide effective privacy screening between the two properties.

7.2.9. The submission also includes a photograph in relation to demonstrating impacts raised in the grounds.

7.3. Planning Authority Response

7.3.1. The planning authority in a response dated the 17th August 2026 indicate all relevant issues were addressed in technical report and have no further comments.

7.4. First Party Response

7.4.1. The applicant in a response dated the 14th August 2026 in summary refers to;

- The applicants note that the appellants do not object to the right to build a home.
- The issues raised in the grounds of appeal relate to the siting and design of the house on the appeal site.
- Drawing submitted with the response demonstrate that the proposed dwelling will have no effect on the appellants' property and no part of the dwellinghouse will be visible from the appellants' rear garden and rear windows.
- No technical reports and drawings are submitted in relation to concerns raised.
- The planning report refers to the appellants' submission and determined technically and factually that the proposed dwellinghouse will not have an impact and specifically refers to distance of the elements of the dwelling, will not result in overshadowing or loss of light and landscaping is proposed along the boundary to further mitigate impact and the proposal which is a single storey dwelling will not give rise to overlooking.
- The site cross section submitted with the response demonstrates without reasonable doubt that the proposed development will not have an impact.
- ESB has not raised concerns in relation and the applicants will duct the powerline where it traverses the site as suggested by ESB.

8.0 **Assessment**

8.1. The main issues in this appeal relate to the principle of development in the context of national guidance and the provisions of the CDP on rural housing, matters raised in the grounds of appeal specifically in relation to impact on residential amenities, siting and design and technical matters relating to servicing the site. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. **The principle of the development**

The proposal as submitted is for the construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.

8.2.1. In section 5 of the report, I have outlined the main provisions at national and county level relating to consideration and assessment of housing in rural areas.

8.2.2. The provisions as stated in the CDP reflect national guidance and the need to distinguish between urban generated rural housing and rural generated housing and tailoring policy and objectives for different rural areas. The planning authority in assessing the proposed development considered that the proposed development complies with the provisions of the CDP and in particular objective RP 5-4 and it is noted that the appellants have not raised any objection to the principle of a dwelling on the site.

8.2.3. The site is located within the rural area defined as a Rural Area Under Strong Urban Influence where Objective RP 5-4 of the Cork County Development Plan 2022 applies which are areas which exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity. Criteria for assessment prospective as outlined and applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the categories of housing need outlined.

8.2.4. In relation to these categories the appellant would not based on the documentation submitted comply with (a) farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm; (b) persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.; (c) other persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation and (e) returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

8.2.5. The category where consideration can be assessed relation to 5.4 (d) persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

The planning authority in assessing the proposal considered that Applicant 2 qualifies for a dwelling in a 'Rural Area Under Strong Urban Influence' where it can be satisfactorily demonstrated that this current application site is within the same 'local rural area' applying the definition of 'local rural area' as outlined in paragraph 5.4.10 of the CDP as Applicant 2's family home, i.e. within the parish of Glanmire.

8.2.6. In relation to the documentation submitted the applicants have submitted information in relation to compliance with objective RP 5.4 (d) for the principle of rural generated housing on the appeal site to be considered.

8.2.7. I would initially note that the site is an area under very strong urban pressure, just on the edge of the greenbelt area and the pattern of development and the high level of housing adjoining the site and the immediate demonstrates this pressure.

8.2.8. Objective RP 5-4 states that applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area and this is done by demonstrating compliance with one of the categories and there is reliance on RP5-4 (d) which refers to Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

8.2.9. The appellants would appear to have a strong connection to Glanmire a designated settlement in the overall settlement hierarchy for the county which has lands zoned for housing. The appeal site is however removed from Glanmire and in the open countryside and in a rural area and other than being in the same parish neither applicant has a link to the immediate local rural area or any rural employment need and reside 4 to 5 kilometres southeast of the appeal site and there are extensive zoned and urban lands for housing between the appeal site and the applicants' family home in the Brooklodge area of Glanmire and in the wider Glanmire area.

8.2.10. Given that national guidance and the CDP distinguish between rural generated housing and urban generated housing it is not I consider demonstrated that the applicants have sufficiently demonstrated a rural generated need or a strong connection to the local rural area to warrant compliance with objective RP5-4 and that the proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area.

8.2.11. Given that the overall strategy to promote new residential development in settlements and that there is an overall presumption against urban generated housing in rural area and to accommodate genuine rural generated housing need it would not appear that the development plan provides for such flexibility for housing in such areas under development pressure to applicants who reside within an urban area and do not reside in the rural local area or have strong ties to a rural area to warrant consideration of rural generated housing as set out in objective 5-4.

8.2.12. I would also note that the Planning Authority assessment noted that there is a significantly high density of residential development in the immediate surrounding area; that the site is a backland site, accessed via a private laneway off the L7020 which serves an existing dwelling, that a single storey dwelling as proposed on site will be substantially screened in views from the public road that the site is essentially an infill backland site and considered that there is merit in developing this site and completing this pocket or rural development rather than further extending the established pattern of ribbon development evident along both the L7020 and the L6977 and utilises an existing backland opportunity in an area where there is an established precedent for backland development.

I would agree with this overall assessment and given it will be substantially screened in views from the public road it is considered that there will be no perceptible increase in the density of development at this location and therefore the principle of the development of this site for applicants who establish a genuine rural generated housing need could be considered acceptable.

8.3. Impact on residential amenities.

8.3.1. The primary issue raised in the grounds of appeal relates to impact on residential amenities and in particular impacts relating to overshadowing and overlooking.

8.3.2. It is noted that the proposed dwelling is single storied in design. The site is a backland site and there is established housing on three boundaries of the site including three dwellings on the southeastern boundary. The proposed dwelling is a minimum of 13.226 metres from the common boundaries with these dwellings. The boundary is defined a well established mature hedgerow in excess of 3 metres in height. The dwellings on the eastern side of the common boundary are I estimate a minimum of 33 metres from the proposed dwelling. There is I consider sufficient separation distance to existing residential properties.

8.3.3. In relation to overlooking the proposed dwelling has a single window for an office/playroom on the gable nearest the boundary 13.226 metres distant. There is a sliding door in the kitchen/dining facing toward this boundary a further 4 metres distant and these glazed areas at ground floor level and below 3 metres at their greatest height.

8.3.4. Roof lights are proposed in the roof of the kitchen dining area which has a vaulted ceiling and these rooflight windows given the nature of the design and construction will not give rise to any overlooking issues directly or indirectly.

8.3.5. It is also noted that the existing boundary is to be retained.

8.4. Siting and design

8.4.1. The proposed dwelling is located relatively centrally in the rectangular area of the site. I note that the grounds of appeal refers to relocating on the site. The siting would appear to be determined by maintaining separation distance from boundaries and other constraints such as distances from existing neighbouring septic tanks. I would have no objections to the siting of the dwelling as proposed and relocating on the site would not be warranted by reason of effects on adjoining residential amenity.

8.4.2. The dwelling is single storied of a modern design and construction which will not be visible from the public road and I would have no objection to the design as proposed.

8.4.3. In relation to a condition restricting use of the roof area, I would note that the element incorporating the kitchen/dining area is designed as a vault ceiling and is of insufficient height to incorporate upper floor area and in relation to main element of the dwelling any use of the roof area would be required to comply with building codes. The conversion of this roof area would not I consider impact on adjoining properties given the distance and orientation from the neighbouring properties.

8.5. Site specific matters including traffic and services.

8.5.1. The site is accessed by a via a private laneway located off the L7020 which currently serves an existing dwelling located to the northwest of the appeal site. the submitted site layout plan shows 90m sightlines in either direction at the junction with the public road and I note that the Area Engineer in a report raises no objection to the proposal, subject to conditions. I would have no objections to the details as submitted.

8.5.2. In relation to services, the means of water supply is a well located to the north of the proposed dwelling and details of separation distances of the proposed well to existing septic tanks in compliance with EPA CoP are submitted and I have no objections to the details as submitted.

8.5.3. The site is services by a WWTP treatment plant located in the southwestern area of the site and site suitability tests were submitted indicating the installation of a septic

tank and percolation area discharging to the ground in accordance with the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 as amended. The assessment noted in the visual assessment the high presence of dwellings in the vicinity referred to in section 5.4.1 of the guidance and the site layout map the approximate location of existing septic tanks / WWTPs immediate to the appeal site and that the siting of the proposed WWTP and percolation complies with the required minimum distance from existing effluent treatment plants. It is also noted that the assessment does not identify the site to be in an area of extreme or high groundwater vulnerability which may give rise to a negative effect on groundwater quality in areas of high-density housing. Based on the documentation submitted I would have no objections to the details as submitted.

8.5.4. Details relating to discharge of surface water were submitted which included a surface water disposal / drainage impact assessment in relation to what will accumulate on the proposed site indicating that surface will be collected and discharged within the site boundaries by way of nature-based surface water drainage systems and soakways. Based on the documentation submitted I would have no objections to the details as submitted.

9.0 **AA Screening**

9.1. I have considered the proposal for construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on a rural area and is not within or proximate to a designated site.

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 refused.

12.0 **Reasons and Considerations**

12.1. The proposed development is located in a rural area in an un-zoned and un-serviced area outside the development boundary of a designated settlement defined the Cork County Development Plan, 2022-2028 and within an area identified as a Rural Area under Strong Urban Influence, in the Cork County Development Plan, 2022-2028. Within this area, applicants are required to demonstrate that their proposal constitutes a genuine rural generated housing need based on their social / economic links to a particular local rural area and must demonstrate compliance with one of the categories of housing need set out in Objective RP 5-4 an objective which is considered reasonable. On the basis of the information submitted, An Coimisiún Pleanála is not satisfied that the applicant has demonstrated a rural generated housing need for a house at this location and to demonstrate compliance with any one of the categories of rural housing need set out in Objective RP 5-4. The proposed development would thus conflict with the settlement policy and Objective RP 5-4 of the Cork County Development Plan, 2022 and would 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

19th October 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501731-CK-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.
Development Address	Coolgreen, Glanmire, County Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ **X Yes**, it is a 'Project'. Proceed to Q2.
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)?	
☐ **X Yes**, it is a Class specified **in Part 1.**	
☐ No,	
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: 19th October 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-501731-CK-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system together with all associated site works.
Development Address	Coolgreen, Glanmire, County 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 (	*The development provides for a dwelling in rural area where public services are not fully available. 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 development is situated in rural area. The development is not located within sensitive habitats, designated sites and landscapes of identified significance in the County Development Plan*
Types and characteristics of potential impacts	*Having regard to the nature of the proposed development and the availability of piped services 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	**EIA is not required.**

environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	**No**
There is a real likelihood of significant effects on the environment.	**No**

Inspector: Derek Daly Date: 19th October 2026