



Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: 19/38500

APPEAL by Declan O’Flaherty of 15 Shrewsbury Downs, Ballinlough Road, Cork against the decision made on the 26th day of August, 2019 by Cork City Council to grant subject to conditions a permission to Michael Kang Yau Cheung care of O’Keeffe O’Connell Architects Limited of Annabella, Mallow, County Cork.

Proposed Development: (a) Demolish existing shed and (b) construct a storey and a half type dwelling, site entrance and all associated site works at a site to the rear of Manfu House Chinese Take-Away, Ballinlough Road, Ballinlough, Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The Board considered that the proposed new vehicular access, through the rear of a commercial premises, would restrict the manoeuvrability of delivery/maintenance vehicles accessing/egressing the commercial premises, and would be a safety hazard by reason of conflicting vehicle manoeuvres and pedestrian movements between the proposed residential dwelling and the existing commercial property, and, therefore, the proposed development, in conjunction with the existing commercial premises, is considered overdevelopment of the overall site at this location. The proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had serious concerns with the adequacy and safety of the proposed access arrangements involving shared usage between the proposed residential dwelling and the existing commercial premises.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020