



An  
Bord  
Pleanála

## Inspector's Report ABP-305525-19

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<b>Development</b>	Permission for new vehicular access to Highfield West and provision of off street car parking to front of existing property.
<b>Location</b>	1 Fernhurst Villas, College Road, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38529
<b>Applicant(s)</b>	Celine McInerney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	Celine McInerney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> November 2019
<b>Inspector</b>	Elaine Power

## **1.0 Site Location and Description**

- 1.1. The subject site is located at the junction of College Road and Highfield West in the south-central suburb of Cork City. The site accommodates a three-storey semi-detached house with a single storey garage to the rear. The boundary treatments comprises a low plastered wall with railings above and a plastered wall onto College Road and an approx. 2m high random rubble wall onto Highfield Road. There is an existing pedestrian gate onto College Road and an existing 4m wide vehicular access onto Highfield Road.
- 1.2. Car parking is restricted on Highfield West. There are double yellow lines located on the both sides of the street, with limited sections of pay and display parking provided on the western side of the street. There are double yellow lines on College Road, with no on-street car parking.
- 1.3. The house is listed on the NIAH (20866177) as part of 3 no. pairs of semi-detached houses on College Road.

## **2.0 Proposed Development**

- 2.1. It is proposed to remove a section of the existing random rubble boundary wall to provide a new 3.6m wide vehicular access onto Highfield West. It is also proposed to provide a hard-standing area in the front garden to provide 8 no. car parking spaces and associated circulation areas. The 2 no. existing trees along the northern boundary would be retained and additional landscaping is proposed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reasons: -

1. The proposed additional car parking spaces would be contrary to Section 16.107 and Table 16.8 Car & Cycle Parking Requirements for Development Management of the Cork City Development Plan 2015-2021, where it is an objective of the Planning Authority to constrain car trip generation and

promote patronage of 'green' modes of transport and would therefore be contrary to the proper planning and sustainable development of the area.

2. The application would have a serious negative impact on the setting of a house of architectural heritage importance which is listed on the NIAH, (reference no. 20866182) and on the character of the UCC / College Road / Magazine Road ACA in which it is located.
3. Having regard to the layout of the local road network, it is considered that the proposed development access, by reason of location and scale, would result in unacceptable traffic manoeuvres and consequent traffic hazard in Highfield West and would set an undesirable precedent for similar future development in the area. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

### 3.2. **Planning Authority Reports**

#### 3.2.1. ***Planning Reports***

The reports by the Area Planner and Senior Executive Planner recommended that permission be refused for the reasons noted above.

#### 3.2.2. ***Other Technical Reports***

***Road Design (Planning)*** report recommends that permission be refused

***Conservation*** report recommends that permission be refused

***Drainage*** report: Further Information is required regarding drainage proposals for the site

### 3.3. **Prescribed Bodies**

***Irish Water***: No objection

### 3.4. **Third Party Observations**

None

## 4.0 Planning History

### ***Appeal Site***

***PL28.202371 (reg. ref. 03/26769)***: Permission was refused in 2003 for the change of use of the ground and part of the first floor from residential to medical clinic and the removal of a section of the front boundary wall to provide 5 no. car parking spaces in the front driveway.

***Reg. Ref. 02/26006***: Permission was refused in 2002 for a three-storey extension to provide for 13 bedrooms for student and holiday accommodation. The 4 no. reasons for refusal related to excessive scale, the lack of adequate off-street car parking, inadequate site parking and impact on adjoining properties.

### ***Surrounding Sites***

***ABP-304537-19, Reg. Ref. 19/38287***: Permission was granted subject to conditions in 2019 for the partial demolition of the front boundary wall and provision of a driveway at 2 Highfield West.

## 5.0 Policy Context

### 5.1. **Cork City Development Plan, 2015-2021**

The site is located in an area zoned - 'Residential, Local Services and Institutional Uses' with the associated landuse objective *'to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3'*.

It is also located within the University College Cork, College Road and Magazine Road Architectural Conservation Area. Relevant Policies include the following:

- Objective 9.29 – Architectural Conservation Areas.
- Objective 9.30 – Demolition in Architectural Conservation Areas.
- Objective 9.32 – Development in Architectural Conservation Areas.
- Objective 9.35 – Elements of Built Heritage.

Section 16.73 Residential Entrances/Parking in Front Gardens states: -

*The cumulative effect of removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes (e.g. in Architectural Conservation Areas, Street Improvement Areas and other areas of architectural and historic character) or on the building itself e.g. a protected structure etc. Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation. Where permitted, "driveins" should:*

- *Not have outward opening gates;*
- *Have a vehicular entrance not wider than 3m;*
- *In general, have a vehicle entrance not wider than 50 per cent of the width of the front boundary;*
- *Have an area of hard-standing (parking space of 2.5m x 5m);*
- *Inward-opening gates should be provided. Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath/roadway;*
- *Suitably landscape the balance of the space;*
- *Other walls, gates, railing to be made good. Environmental Impact Assessment*

Section 5.47 notes that on-street parking constitutes a significant public asset, which can be managed in a manner that promotes fairness and the achievement of sustainable transportation policies. Relevant policies include the following: -

- Objective 5.1: Strategic Transport Objectives
- Objective 5.5: Transport Corridors
- Objective 5.31 Residential Parking Permits

Part G of the Development Plan sets out Car and Cycle Parking requirements for Development Management.

## 5.2. **Natural Heritage Designations**

There are no relevant designated areas in the immediate vicinity of the site.

## 5.3. **EIA Screening**

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The appeal relates to the 3 no. reasons for refusal. A Landscape Report and a Built Heritage Assessment have been submitted with the appeal. The grounds of the appeal are summarised below.

- A detailed planning history was provided for the appeal site and adjoining sites which indicates that there is a precedent in the immediate vicinity of the site and within the ACA for the remove boundary walls provide driveways. It is also noted that the adjoining properties to the west, along College Road, which form part of the NIAH reference have removed sections of their front boundary walls to provide off street car parking.
- The proposed development would provide for 8 no. additional car parking spaces, which would increase the total of spaces on site to 11. The house accommodates 7 no. bedrooms, each of which is rented out. Due to the large size and number of occupants there is a demand for additional car parking on site. The development would not generate any additional trips as the vehicles associated with the house are currently parked on-street. Due to proposals to increase the number of students in University College Cork there would be an increased demand for on-street car parking. The proposed development would remove vehicles currently parking on-street. It is

proposed to provide 4 no. electric charging points on the site, which is above the requirement of the Cork City Council Development Plan, 2015.

- The proposed development would not detract from the Architectural Conservation Area of the setting of the buildings listed on the NIAH. The proposed works do not impact on the front boundary onto College Road. The existing and proposed landscaping would reduce the visual impact of the car parking area and would protect the character of the site. It is also noted that large sections of the front boundaries of the adjoining properties, listed on the NIAH, have removed significant portions of the front boundaries and provided driveways.
- While it is noted that sightlines of 45m cannot be achieved in both directions, having regard to the nature of the road, the speed of vehicles using the road and the urban location it would not result in a traffic hazard

## 6.2. **Planning Authority Response**

The Planning Authority reiterated its concerns regarding the proposed development.

## 7.0 **Assessment**

7.1. The main grounds of this appeal relate to the reasons for refusal, in this regard the principle of development, impact on the ACA and traffic. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Architectural Conservation Area
- Traffic
- Appropriate Assessment

### 7.2. ***Principle of Development***

7.2.1. The Planning Authority refused permission on the basis that the proposed additional car parking spaces would be contrary to Section 16.107 and Table 16.8 Car & Cycle Parking Requirements for Development Management of the development plan where

it is an objective to constrain car trip generation and promote patronage of 'green' modes of transport.

- 7.2.2. Section 16.107 of the development categorises the city into different car parking zones and Table 16.8 sets out maximum car parking standards for a variety of uses within the different zones. With regard to a residential unit with 3 or more bedrooms the development plan allows for a maximum of 2 no. spaces plus 0.25 of a space for visitors. The existing site accommodates a 3-storey house, with 7 no bedrooms and a garage. There is an existing vehicular access to the site from Highfield West which provides access to 4 no. off-street car parking spaces. The applicant has stated that the house is rented and due to its exceptional size, there is a demand for additional car parking spaces.
- 7.2.3. Cork City Council is committed to supporting and implementing measures which would assist a in modal shift towards sustainable travel. This commitment is reflected in Chapter 5 of the Development Plan. It is noted that the Planning Authority raised concerns that the proposed development would undermine this objective.
- 7.2.4. The applicant has stated that the occupants of the house work / study in UCC and are dependant on their cars for work and social purposes and that the existing house generates car parking onto the surrounding streets. In my view this is not a sufficient justification for additional car parking on site and would undermine the objectives of the Cork City Development Plan to promote sustainable transport modes.
- 7.2.5. The proposed access is approx. 3.6m in width. To facilitate turning movements into and out of the site it would be required to remove at least 2 no. designated on-street car parking spaces. Drawings submitted with the appeal also indicated the removal of a significant portion of the existing on-street car parking to improve available sightlines. I would have serious concerns regarding the removal of on-street spaces and the negative impact that the loss of parking spaces on the existing amenities of the area, which currently experiences high volumes of parking congestion. Section 5.47 notes that on-street parking constitutes a significant public asset, which can be managed in a manner that promotes fairness and the achievement of sustainable transportation policies. The associated objective (Objective 5.31: Residential Parking Permits) seeks to ensure policies which promote sustainable transportation objectives and the best use of public infrastructure. On-street car parking spaces

have a dual use, during the daytime spaces are used for short stay commercial / leisure uses and, in the evenings the spaces are used by local residents. They therefore perform an important function for the city. There is also a finite supply of on-street car parking which cannot be replaced once removed.

- 7.2.6. Having regard to the high demand for on-street car parking in the immediate vicinity of the site, it is my opinion that, the provision of a vehicular access to serve a private residential dwelling would have a negative impact on the amenities of the area and would undermine the council's objectives to promote sustainable transportation objectives and best use of public infrastructure.

### 7.3. ***Architectural Conservation Area***

- 7.3.1. The subject site is located within University College Cork / College Road / Magazine Road Architectural Conservation Area with the associated Objective 9.29 to preserve and enhance the designated ACA's in the City. Section 16.73 of the Development Plan notes that the cumulative effect of removing front boundary walls damages the character and appearance of areas and are generally not permitted in Architectural Conservation Areas. The Planning Authority refused permission on the basis that the provision of a vehicular access, would have a negative impact on the setting of a house of architectural heritage importance which is listed on the NIAH (ref. 20866182) and on the character of the ACA.
- 7.3.2. In the appeal the applicant has provided details of a number of vehicular accesses in the vicinity of the site, which have been granted by the Planning Authority, and noted that the adjoining properties to the west, along College Road, which form part of the NIAH reference have removed sections of their front boundary walls to provide significant areas of hard standing for car parking and considered that the provision of a vehicular access and driveway at the subject site would not negatively impact on the setting of the house or on the ACA.
- 7.3.3. During a site visit on the 28<sup>th</sup> November 2019 it was noted that there are a substantial number of existing driveways on Highfield West and on College Road that a significant portion of the historical front boundary walls and railings have been removed.

- 7.3.4. It is noted that the Planning Authority's Conservation Officer recommended that permission be refused and noted that the provision of vehicular accesses along College Road occurred prior to the area being designated an ACA. In my view, vehicular entrances can be provided, subject to appropriate design specifications, without a significant loss of visual amenity or historic fabric. However, having regard to the location of the proposed entrance in the centre of the wall and on a prominent corner in the city, it is my opinion that the removal of approx. 3.6m of the boundary wall would have a negative impact on the visual amenities and special character of the streetscape.
- 7.3.5. It is also proposed to remove approx. 170sqm of soft landscaping from the front garden and provide a hard-standing area for 8 no. cars. While it is acknowledged that the 2 no. existing trees at the northern boundary of the site with College Road would be retained and additional landscaping provided along the site boundaries, in my view the removal of such a substantial portion of the front garden would have a negative impact on the setting of the existing house which is listed on the NIAH.

#### 7.4. **Traffic**

- 7.4.1. The site is located in a heavily trafficked area of the city and there is a high demand for on-street car parking. It is proposed to provide a new 3.6m wide vehicular access onto Highfield West, approx. 10m from the junction with College Road. An area of hard standing with parking for 8 no. cars and associated circulation areas is proposed in the front garden.
- 7.4.2. The Planning Authority refused permission on the basis that the proposed development by reason of its location and scale would result in unacceptable traffic movements and a traffic hazard. As part of the appeal the applicant submitted a drawing which indicated that sightlines of 45m are available to the south and sightlines of 21m are available to the north (at the junction with College Road). It is noted that to achieve these sightlines existing on-street car parking would have to be removed.
- 7.4.3. Notwithstanding the provision of on-street car parking and the limited sightlines available, it is my opinion that having regard to the urban context of the site, the layout of the car parking area and the limited number of car parking spaces

proposed the proposed development would not result in a traffic hazard or any road safety issues.

#### **7.5. *Appropriate Assessment***

Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

#### **8.0 Recommendation**

I recommend that permission be refused for the reasons stated in the attached schedule.

#### **9.0 Reasons and Considerations**

1. The proposed vehicular access and car parking area, by reason of the resultant loss of at least two on-street car parking space in a location where there is high demand for on-street car parking, would be contrary Objective 5.31, which seeks to promote the best use of public infrastructure. The 8 no. additional car parking spaces would also be contrary to the maximum car parking standards set out in Table 16.8 of the Cork City Development Plan, 2015-2021 which aim to constrain private car trip generation and promote sustainable modes of transport. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
2. The proposed vehicular access and car parking area, by reason of the removal of 3.6m of the side boundary wall and the removal of a significant portion of the front garden area, would seriously detract from the character and setting of a house of architectural heritage which is listed on the National Inventory of Architectural Heritage (20866182) and on the character of the University College Cork / College Road / Magazine Road Architectural

Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Power  
Planning Inspector

20<sup>th</sup> December 2019