



An
Bord
Pleanála

Inspector's Report 306802-20

| | |
|-------------------------------------|--|
| Development | Permission to construct vehicular access 3.5m wide |
| Location | 4 Beaumont Place, Blackrock Road, Ballintemple, Cork |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 19/38926 |
| Applicant(s) | Garvan Lynch |
| Type of Application | Planning permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | First Party |
| Appellant(s) | Garvan Lynch |
| Observer(s) | None |
| Date of Site Inspection | 31 st July 2020 |
| Inspector | Mary Kennelly |

1.0 Site Location and Description

- 1.1. The site is located on Blackrock Road, in the Cork suburb of Ballintemple. Beaumont Place consists of a row of four terraced Georgian houses which are set back from Blackrock Road by c.18m. It is one of a number of similar terraces located on the southern side of Blackrock Road, between Beaumont Avenue and Beaumont Lane. This area is an established residential area and is the subject of a Proposed Architectural Conservation Area.
- 1.2. No.4 is at the eastern end of the terrace. The house has recently been renovated. The front boundary with Blackrock Road is defined by a rendered stone wall, with cast iron railings and includes a pedestrian gate of cast iron set between two stone piers. The railings are set into a wall of c.1 metre in height and are described in the planning authority reports as being original Georgian railings. The wall and piers are in a poor state of repair and some of the decorative elements of the railings are broken or missing. The pedestrian gate appears to be of a different design to the railings and may be a later addition.

2.0 Proposed Development

- 2.1. It is proposed to create a vehicular entrance with a width of 3.5 metres. This would necessitate the removal of part of the front boundary fence. It is proposed to provide a new set of gates, 1.8m high, which would be located between the existing plinth wall and railings on either side. The tall stone piers and associated pedestrian gate would also be retained.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason:

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. 20868113) and on the character of Blackrock Road Architectural Conservation Area in which it is located, would set an undesirable precedent for similar future

development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report noted that the site is located in an area zoned 'ZO 4 Residential, Local Services and Institutional Uses', with the objective to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in chapter 3 of the CDP. It was further noted that Paragraph 15.10 of the plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning. It was further noted that the Council's policy set out in Section 16.73 of the CDP, regarding Residential Entrances and Parking in Front Gardens, is that the maximum width of a driveway for a single residential unit is 3.0m and that the removal of front garden walls and railings will not normally be permitted where they have a negative impact on the character of streetscapes such as those within ACAs.

Reference is made to the inclusion of the property in the NIAH with a regional rating of architectural interest and to Objectives 9.28 of the CDP which seeks to protect such structures and to 9.32 which seeks to protect features of interest within the public realm of ACAs such as railings, paving and original materials. It is stated that the Georgian railings at this property are specifically mentioned as a feature of note in the NIAH entry and that the Conservation Officer believes that the removal of the railings would have a negative impact on both the character of the historic building and on the ACA.

Refusal was recommended on the basis that the proposed vehicle entrance would have a negative impact on the NIAH listed property, would affect the character of the building and surrounding area and would set an undesirable precedent.

3.2.2. Other Technical Reports

Conservation Officer – (06/02/20) - It was noted that the site is located within a Proposed ACA, which in turn is located within the Blackrock Road ACA, Sub Area A. The wrought iron railings are noted as being mentioned specifically as a "reflection of the then evolving urban character of the area". It was noted that the NIAH entry

mentions the property as being “regionally significant” and notes the “boundary walls and fine iron railings”. As such, the C.O. considers that the railings are an original feature which contribute positively and reinforce the historic character of the area. It was further considered that the historic character of the building had been slowly eroded by the replacement of the natural slate roof and cast iron rainwater goods, and that the removal of the original railings would have a further negative impact on its historic character.

Roads Design - Planning - (05/02/20) raised no objection subject to conditions restricting the width of the entrance to 3.0m and the reconstruction of the footpath and crossover to ensure pedestrians have priority over vehicles.

Drainage – Planning – (27/01/20) stated no objection.

3.3. Prescribed Bodies

3.3.1. Irish Water (05/02/20) – no objection subject to conditions.

3.4. Third party submissions

3.4.1. None.

4.0 Planning History

There is no planning history relating to the site, but the following relevant history relating to adjacent sites is noted -

TP18/37832 – Mosely Villa – Permission granted for modifications to the existing Protected Structure comprising 1) widening of the existing entrance and provision of a pedestrian entrance gate; 2) construction of a 2-storey lift to the west of the building; 3) construction of a new single storey gym building with car port to the southern boundary and a new sliding entrance gate from the rear.

TP07/32613 – Ailsacraig – Permission granted to construct single storey extension and alterations to existing two-storey dwelling with granny flat.

TP07/31933 - Ailsacraig – Permission granted for 2-storey/single-storey extension and alterations to existing 2-storey dwelling with granny flat.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

5.1.1 The site is zoned ZO 4 Residential, Local Services and Institutional Uses, the objective for which is to “To protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies. The provision and protection of residential uses and residential amenity is a central objective of this zoning (15.10)”.

5.1.2 Relevant policies include the following.

16.73 – Residential entrances and parking in front gardens – requires that vehicle entrances and exits be designed to avoid traffic hazard for pedestrians and passing traffic, including cyclists. For single residential dwellings, the maximum width of an entrance is 3.0m. The cumulative impact of removing front garden walls and railings is recognised as having the potential to damage the character and appearance streets and will not be permitted where they have a negative impact on the character of streetscapes, such as in ACAs. In addition, entrances should not be wider than 50% of the width of the front boundary and should not have outward opening gates.

Built heritage/conservation – Protection of NIAH properties

9.28 - Protect structures of built heritage interest - Ministerial Recommendations made under section 53 of the planning acts will be taken into account with respect to protecting structures where the P.A. is considering development proposals that would affect the historic interest of these structures of significance.

9.32 – Development in Architectural Conservation Areas

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not generally be permitted.
- Acceptable design, scale, materials and finishes for new developments.
- Original materials and methods of construction should be retained, such as timber barge boards, windows and doors should not be replaced with PVC.
- Features of historic or architectural value should not be removed.

5.2. Design Manual for Urban Roads and Streets (2013)

These statutory guidelines focus on the role and function of streets within urban areas where vehicular traffic interacts with pedestrians and cyclists. The manual generally seeks to achieve better street design in order to encourage more people to choose to walk, cycle and use public transport by making the experience more pleasant and safer, and thereby promoting more healthy lifestyles. It outlines practical design measures to support and encourage more sustainable travel patterns in urban areas. These include guidance on materials and finishes, street planting, design and minimum width of footways (including minimum widths, verges and strips), design and location of pedestrian crossings, kerbs and corner radii and shared surfaces.

5.3. Natural Heritage Designations

Great Island Channel SAC (001058) and Cork Harbour SPA (004030) lie approx. 5km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal may be summarised as follows:

- **Precedent** – it is considered that many instances of precedent are evident in the surrounding area. This includes Litchfield House to the immediate east, the property directly adjacent to Litchfield House and two properties directly opposite. It is considered that the vehicular gates and entrances at these properties do not have a negative impact on the area. Photographs of these properties are enclosed with the grounds of appeal.
- **Road safety** – it is considered that the ability to park vehicles associated with the house is in the interests of road safety. The applicant has just moved into the house and has three children who will be learning to drive shortly and will need to be able to park within the grounds.

- **Condition of the existing wall and railing** – The existing wall and railings are in need of repair and tidying up.

6.2. Planning Authority Response

6.2.1 The P.A. responded to the grounds of appeal on 16th March 2020. It was considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Visual amenity and architectural character of area
- Road safety
- Precedent

7.2. Visual amenity and architectural character of the area

7.2.1. The site of the appeal forms part of a Georgian terrace in an established and mature suburb of Cork City. This part of Blackrock Road has a rich heritage and forms an attractive streetscape which has been designated as a Proposed Architectural Conservation Area, and is situated in Sub Area A, Ballintemple Village and Surrounding Suburbs. The ACA Character Statement notes that the area is characterised by large Georgian houses on the northern side, which are sited to maximise the picturesque riverside proximity, and smaller houses which line the southern side of the roadway. The latter houses are generally terraced or semi-detached with front gardens featuring ashlar, cut-stone or rough-cast rendered walls and wrought iron railings, some with pedestrian gates, demonstrating an evolving urban character. It is stated that the ACA (overall) represents the evolution of mid-20th century suburban housing, which merits protection. The main issues identified for the ACA include increasing traffic pressure, difficulties with parking, pedestrian and cyclist safety and a poor public realm, especially in Ballintemple and Blackrock villages. It is stated that these issues detract from the amenities of the area and that

the integrity of the streetscape and condition of the building stock should be maintained.

- 7.2.2.** The Georgian terrace, Beaumont Place, has been listed on the NIAH as being of regional significance and is effectively a proposed Protected Structure. These properties have been recommended by the Minister for Arts, Heritage and the Gaeltacht (S53 P&D Act) to be added to the RPS, and in the meantime benefit from protection through S53(2) of the Act. The Georgian railings have been singled out as being a feature of particular note in the Regional Rating. Objective 9.28 of the CDP seeks to protect such properties and Objective 9.32 seeks to protect features of interest within the public realm of ACAs such as railings, paving, original materials and methods of construction etc. Objective 9.30 also seeks to prevent demolition of structures/parts of structures in ACAs, particularly where they contribute to the special and/or distinctive character of the area. Obj. 9.35 seeks to protect important elements of the built heritage such as stone walls, historic ironwork which form an integral part of the urban landscape and provide important significant historic references and contribute to the character of the area.
- 7.2.3.** The streetscape along this section of Blackrock Road has experienced much change in the past and many of the historic buildings have been altered, with the loss of features such as boundary walls, railings etc. No. 4 Beaumont Place is one which has been the subject of considerable change in the recent past as renovations to the house have resulted in the loss of the natural slate roof, the replacement of original cast iron rainwater goods, and the replacement of windows and the front door with more modern versions. Although the front garden has been attractively landscaped, the original wall and railings remain intact and the pedestrian gate is in place. The boundary treatment of the adjoining property immediately to the west represents a continuation of the original wall and railings, with matching wrought iron spear heads and scrolled finials (painted blue). The property immediately to the east is Lichfield, which is a Protected Structure, and its original boundary treatment appears to be in place. This consists of a tall masonry wall with a pedestrian gate set inside two tall stone pillars. Although some of the properties further to the east and to the west have had their original boundary walls and/or railings replaced in the past, the overall character is generally intact.

7.2.4. It is considered that the wall and railings of the appeal site, together with those of its immediate neighbours, comprise an important central element of the historic boundary treatment at Beaumont Place and forms an integral and important feature of the streetscape and urban landscape at this location. It is further considered that it provides a significant historic reference in terms of the evolving urban character of the area, which is an important element of the character of this ACA that is worthy of protection. I would agree with the Conservation Officer's view that the railings are an original feature which contribute positively to and reinforce the historic character of the area, and that the removal of the wall and railings would further erode the character of the NIAH listed property. The demolition of part of the wall and removal of railings would adversely affect the special character of this part of the streetscape. It is acknowledged that the existing walls and railings are in a poor state of repair and are in need of renovation. However, there is no reason why such works could not be carried out.

7.2.5. I noted during my site inspection that the front garden had been attractively landscaped, which positively contributes to the visual amenity of the area. However, the provision of a hardstanding parking space in front of the house would detract from the appearance of the terrace and from the visual amenity of the area.

7.3. Road safety

7.3.1. The current Cork City Development Plan 2015-2021 at paragraph 16.73 states that vehicular entrances should be designed to avoid traffic hazard for pedestrians and passing traffic. For single residential dwellings, the maximum width of an entrance is 3.0m and it should not exceed 50% of the width of the front boundary. It is further noted that the cumulative effect of the removal of a front boundary treatment can result in negative effects in terms of pedestrian safety and on-street parking. It is stated that consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety and traffic generation.

7.3.2. It is considered that the removal of a substantial part of the front boundary treatment in this instance, combined with the introduction of a vehicular entrance of 3.5 metres would give rise to increased hazard for pedestrians and passing traffic. Although this is a residential area, Blackrock Road is an arterial route and one of the main routes into the city centre. Traffic tends to travel at speed on the approach to Ballintemple

Village, particularly as it is downhill. As cars would enter and leave the driveway, pedestrians would have to stop and wait or step out onto the road. This would be exacerbated by the slight bend in the road at this location, which would reduce visibility, and by the fact that the car would have to reverse onto Blackrock Road. It is considered that this risk is further increased by the cumulative effects of existing vehicular entrances at nearby properties. I do not accept the appellant's view that the absence of an off-street parking space poses a greater traffic hazard, as the road is not wide enough for cars to park on the carriageway and there is a laneway to the rear of the property. In light of the above, it is considered that the proposed development is not in compliance with the current Development Plan policy (16.730 and would give rise to a traffic hazard for pedestrians and passing traffic.

7.4. Precedent

- 7.4.1.** The appellant makes reference to several precedents in the vicinity of the site. It is considered that the most relevant ones relate to two relatively recent permissions, at Mosely Villa to the east of the site, and at 1 Ardmore, Blackrock Road (opposite). I note that planning permission was granted for alterations and extensions to Mosely Villa in 2018 (TP18/37832) which included a vehicular and a pedestrian entrance. A review of the reports on the P.A. website however, indicate that the vehicular entrance at that property was an existing one (3m wide) and that the Roads Design Engineer had considered that the widening of the entrance to 3.6m would improve the sightlines available at this location. It had further been noted that although the revised entrance would still not meet the required standards, the opening was existing, and as such it was acceptable as it would result in a minor improvement.
- 7.4.2.** In respect of 1 Ardmore, permission was granted in July 2020 (P.A. Ref. 2039258) for the widening of an existing entrance from 2.975m to 3.6m. It is noted (from P.A. website) that the Conservation Officer had not raised any objection to this proposal on the basis that there would be no loss of historic fabric and no material effect on the character of the ACA. The Planner's report also noted that the proposal would not result in an opening that would comprise more than 50% of the frontage. I note that the railings are not of the same historic value as the Georgian railings at the appeal site and that the vehicular entrance is to the side of the wall and railings.

7.4.3. Although there are other vehicular entrances in the general vicinity, I am not aware of any recent planning permissions that would be comparable to the current proposal to demolish the central section of the original masonry wall and Georgian wrought iron railings and to replace them with a vehicular entrance. It is considered, therefore, that the grant of permission for the proposed development would create an undesirable precedent which would make similar development within the terrace and the streetscape more difficult to resist in the future. The cumulative effect of this would be to create a hazardous situation for pedestrians and passing cars and would seriously injure the visual amenities and historic character of the area. This would, therefore, undermine the policy of the planning authority which is considered to be reasonable.

7.5. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.6. Appropriate Assessment

Great Island Channel SAC (001058) and Cork Harbour SPA (004030) lie approx. 5km to the east. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1. It is recommended that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the character of the historic streetscape that forms an integral part of the Blackrock Road Architectural Conservation Area, which is

characterised by masonry walls and cast-iron railings, and to the character of the property which is listed on the NIAH (reference no. 20868113), and which is enclosed by an original masonry wall with Georgian wrought iron railings, it is considered that the proposed development which would remove the central section of the wall and railings, and introduce a 3.5 metre-wide vehicular entrance gate and associated driveway to the front of the dwelling within the front garden, would result in the loss of historic fabric and adversely affect the integrity of the property, would detract from the character of the Architectural Conservation Area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the provisions of the Cork City Council Development Plan 2015-2021, would create an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would give rise to a traffic hazard and obstruction of road users by reason of the increased width of the entrance and driveway on this residential roadway and would be contrary to policy 16.73 of the Cork City Development Plan 2015-2021 and to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

14th August 2020