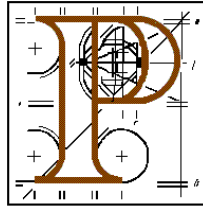


An Bord Pleanála



Inspector's Report

Development: Change of use from tutorial / language centre to 4 no. apartments, new garden deck at second floor level to rear, alterations to Crispin's Lane elevation with ramp to entrance at 4 North Abbey Street, Cork.

Planning Application

Planning Authority: Cork City Council
Planning Authority Reg. Ref.: 15/36693
Applicant: Prosys Sampling Systems Ltd.
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Michael & Madeleine Lehane and Tony & Una Langlois
Christopher Geogan
Type of Appeal: Third Parties V Grant
Observers: None
Date of Site Inspection: 19th July 2016

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site is situated to the south of the Shandon area within Cork City and close to the quays of the north-channel. The subject property is located on North Abbey Street.

The subject property is a 3-storey period property (c. 1890) and currently the building is unoccupied. The property has its main entrance onto North Abbey Street and a side fire escape onto Crispin's Lane.

The subject property has many original sash windows however there is limited historic features within the existing building.

There is a courtyard to the side of the building, i.e. eastern side of the building. This courtyard is overlooked by adjoining buildings.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the following;

- 2 bed apartment on ground floor level
- 1 bed apartment at first floor level
- 1 bed apartment on 2nd floor
- 1 bed duplex apartment on 1st and 2nd floor
- New garden deck at 2nd floor level to the rear
- Alterations to Crispin's Lane elevation including new glazed screen at entrance and new bay window at first floor level
- Ramp to entrance

The proposal involves some internal modifications that include omitting the internal stairs at ground floor level and providing a kitchen in lieu of the existing stairs. The ground floor level is a single self-contained two-bedroom apartment.

The proposed first floor level includes modifications with the introduction of pedestrian entrance from Crispin's Lane and a new staircase. The first floor level will comprise of a self contained one bedroom apartment and the lower level of a duplex apartment. The one bedroom apartment includes the provision of a bay window onto Crispin's Lane.

The second floor level comprises of a 1-bed self contained apartment. The second floor also includes the upper level of the duplex apartment. The duplex apartment includes the provision of a garden deck which overhangs the internal courtyard.

Additional information was sought for the following (a) waste management provisions, and (b), reconsider the garden deck due to its implications on established residential amenities.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to **grant** planning permission subject to four conditions.

- Condition no. 2 requires that the west side of the bay window at first floor level on the western elevation shall be fitted with obscure glazing.
- The remainder of the conditions are standard.

Internal Reports: There are three internal reports on the file:

- Environmental Waste Management & Control; - Further details required in relation to waste management proposals.
- Drainage Division; - No objections subject to conditions
- Conservation Officer; - No objection however it is recommended that the level of the balcony facing the courtyard is lowered. Timbers sash windows recommended to over internal courtyard.

Objections: There are two third party objections on the planning file and the issues raised have been noted and considered.

4.0 PLANNING HISTORY

- L.A. Ref. 07/32205 – Permission **granted** by Cork City Council and refused by An Bord Pleanala for the demolition of existing tutorial / language centre and shed and construction 8 apartments.

5.0 DEVELOPMENT PLAN

Cork City Development Plan, 2015 – 2021, is the operational Development Plan.

The appeal site is zoned '*3-Inner City Residential Neighbourhood*'. The objective is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.

Part C – Chapter 16 sets out guidance in relation to residential development.

The subject site is located within the Shandon Architectural Conservation Area.

6.0 NATIONAL GUIDELINES

Sustainable Residential Development in Urban Areas, 2009

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning

applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2015

These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

7.0 GROUNDS OF APPEAL

Christopher Geogan, third party, lodged an appeal and the grounds of appeal are summarised as follows:

- The proposed development includes the demolition of an outhouse in the courtyard however this demolition has not been considered in the application or the appeal.
- The outhouse is attached to the foundations supporting no. 18 Rock Cottages.
- Visual plans within in the application illustrate that the outhouse is absent.
- It is considered that the demolition of the outhouse may cause the structure on no. 18 Rock Cottages to become insecure. There is no information within the application that provides a solution for this issue.
- It is submitted that the proposed garden deck would overlook the private garden and front entrance of no. 18 Rock Cottages. This would therefore interfere with the privacy of established amenities.
- It is contended that given the proximity of the garden deck to the boundary wall that it would represent a security threat.
- It is submitted that the garden deck would result in noise concerns that would adversely impact on the residents of no. 18 Rock Cottages.
- The proposed deck is not in keeping with the character of the area.
- There is no wheel chair accessibility to the side of no. 4 North Abbey Street and Rock Cottages.

Una Langlois, on behalf of Michael & Madeleine Lehane (no. 7 North Abbey Square) and Tony & Una Langlois (no. 9 North Abbey Square) third party, lodged an appeal and the grounds of appeal are summarised as follows:

- The proposal represents overdevelopment of the area.

- The proposal does not accord with heritage and sustainability principles of the area.
- It is contended that this area has reached its capacity of apartment buildings.
- The subject building is unique as it borders three streets and should be used for a community use.
- It is submitted that the proposed bay window is within close proximity to bedroom windows within no. 7 North Abbey Square. This will therefore have an adverse impact on established residential amenities.
- The proposed balconies and garden deck areas will face northwards.
- It is submitted that there is established anti-social behaviour in the local area and the addition of more apartments will only compound this problem.
- There is inadequate car parking provision.
- The term 'glazed screen' to Crispin's Lane is unclear.
- The privatisation of public laneways is contrary to recent court rulings.
- The local area is designated as an Architectural Conservation Area. It is considered that the proposed development would damage the historic character of the area.

8.0 RESPONSES

Second Party Response

The Planning Authority submitted a response stating that they had no further comments.

First Party Response

The following is a summary of a response submitted by the applicant's agent;

Suitability

- It is contended that the proposed development meets the zoning objective and complies with the planning policy and objectives of the Cork City Development Plan in particular goals 1 and 2.
- The proposal is well-considered and well-designed.
- The proposal will revitalise an area and bring attractive new housing units to the local area.

Density

- The proposed development is consistent with the revised ministerial guidelines, 2015, for floor area of apartments.
- The proposed floor areas exceed the minimum required floor areas.
- The Minister has stated that these guidelines will take precedence over local development plans.

Privacy

- The proposed design was adjusted following a further information request and this adjustment will reduce visual impact.
- The garden deck has been reduced down by 0.5m and increasing the height of the sand blasted glass screens to 2m high to the southeast of the garden deck.
- The access to the garden deck is the same with a few additional steps.
- The stone boundary wall to the western side of the garden deck which borders the front garden of no. 18 Rock Cottages is effectively increased to a height of at least 1.8m above the level of the garden deck. This will prevent overlooking to the front garden of no. 18 Rock Cottages from the proposed deck. A revised drawing is submitted illustrating same.
- The purpose of the garden deck is to provide adequate private open space provision.
- The proposed bay window will address existing privacy issues as there will be no direct looking from the proposed apartment to the roof of no. 7 North Abbey Square.
- The proposed bay window will provide passive supervision of Crispin's Lane.
- The proposed new glass screen will have opaque glazed blocks up to the door height with a glazed panel above.
- The proposed door will meet Part M requirements of the Building Regulations.
- There will be no impact on Crispin's Lane.

Structure of a rear boundary wall

- There is no outhouse however marks on the wall indicate that there was one once an outhouse.
- No permission is required to demolish the outhouse.
- The applicant is advised to carry out a structural assessment prior to the commencement of works.
- The wheel chair accessibility from Crispin's Lane is outside the planning application. A Disability Access Certificate was lodged to the City Council and the same was granted.

Noise and Dust

- Conditions of the local authority permission have given guidance in relation to noise and dust.
- There are no objections from the residents of no. 1, 2, 4, 5, 6 and 10 North Abbey Square.

Third Party Responses

The following is the summary of a response submitted by **Una Langlois**, on behalf of Michael & Madeleine Lehane (no. 7 North Abbey Square) and Tony & Una Langlois (no. 9 North Abbey Square);

- The proposed development does not fit into the plan.
- The local area with narrow streets and historic character is not suitable for development.

- The house is unsuitable for bay windows and garden decks.
- The proposed garden deck will have an adverse impact on privacy and peace.
- It is contended that the bay window is a gross intrusion of privacy and an opening of the window in warmer weather will result in noise impacts.
- It is contended that the clear glass of the bay window of various angles will result in views of upper floor bedrooms of no. 7, 8 and 9.
- Crispin's Lane is in public ownership and already has a gate on it.
- This response also includes the support of no.s 1, 2, 3, 4, 5, 6 and 10 North Abbey Square.

The following is the summary of a response submitted by **Christopher Geogan**;

- The adjustments to the proposed deck do not satisfy my concerns in relation to overlooking.
- It is submitted that adjoining property does not have a garden deck as an amenity feature.

Structure of rear boundary wall

- A structural assessment is strongly recommended.

9.0 ASSESSMENT

The main issues to be considered in this case are: -

- Principle of Development
- Residential Amenities for Future Occupants
- Impact on Established Residential Amenities
- Conservation

Principle of Development

The objective of the land-use zoning pertaining to the appeal site is *'is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions'*.

It is national policy, (i.e. Sustainable Residential Development in Urban Areas, 2009) to promote residential densities in urban areas in close proximity to services and public transport. The appeal site offers an opportunity to fulfil these national objectives as the subject site is located within Cork City Centre and the proposal would increase the density of a vacant building in this built-up area.

Overall I would consider that the principle of residential development on the appeal site is acceptable given the zoning objectives pertaining to the site and

national policy however any development would need to have regard to both proposed and established residential amenities and the character of the area.

Residential Amenities for Future Occupants

In terms of residential amenities that the proposed apartments would offer future occupants I would consider a number of amenity factors and these include;

- private open space provision
- public open space provision
- floor areas
- aspects / orientations
- car parking and storage provision

These amenity factors are referred to in Part C 'Residential Development' of the Cork City Development Plan, 2015 – 2021.

The Board will be aware of the challenging nature of this type of project given that it is proposed to re-use an historic building and therefore there is limited opportunity to comply with all the development plan standards for new apartments.

Indeed the applicant's agent has recognised this challenge and as such has focussed on some positive amenities of the proposed development and this would include the location of the appeal site within a well-located central site close to established amenities. In addition the applicant submits that the residential units would benefit from a south facing orientation, dual aspect, good views and high ceilings. I would accept that these factors are all positive amenities for future occupants.

It is my reading of the proposed development that the Board are asked to consider amenity factors such as views, aspects / orientations, high floor to ceiling heights and central location in lieu of full compliance of the development plan standards.

In relation to apartment no. 1 I would note that it is a ground floor two-bedroom apartment with a floor area of approximately 88 sq. metres. This is a generous floor area. This apartment has sole access to an internal courtyard which will function as its private open space provision. This apartment has no car parking however there is on-street car parking available adjacent to this subject building. A key intervention to this apartment is the extension of the kitchen into the old stairwell.

In relation to apartment no. 2 I would note that this is a first floor one-bedroom apartment with a floor area of approximately 52 sq. metres. The minimum required floor area for a one-bedroom apartment in the recent ministerial publication (Sustainable Urban Housing: Design Standards for New Apartments) is 45 sq. metres. The proposal also provides for storage. However this apartment has no private open space provision or car parking

provision. Given the local topography the proposed apartment would provide attractive views over the city and the south-facing aspect would be a positive amenity. A feature of the proposed design is the introduction of a bay window along the Crispin's Lane elevation. This bay window while consisting of obscure glazing along its western side (as per the local authority condition) would include clear glazing along its northern and southern elevation. An added feature of this proposed bay window is that it will provide passive supervision of Crispin's Lane.

In relation to apartment no. 3 I would note that this unit is a one-bedroom apartment and is situated on the second floor and has a floor area of 63 sq. metres. This apartment is similar to apartment no. 2 described above. As such this apartment will offer attractive views over the city and would benefit from its south facing orientation. There are attractive floor to ceiling heights which would be a good residential amenity. However this apartment has no private open space provision, car parking provision or indeed direct storage provision.

In relation to apartment no. 4 which is a one-bedroom duplex unit the floor area of this unit is approximately 58 sq. metres. This unit is situated over the first and second floor level. The private open space provision is a garden deck which overhangs the internal courtyard. This garden deck would satisfy private open space provisions. As with the other residential units the duplex has no car parking provision.

Overall I would consider that the proposed development is a positive use in this central location and offers an opportunity to revitalise an historic building. However I would have reservations with the level of private open space provision on offer for future occupants. Although apartment no. 1 and apartment no. 4 would offer acceptable private open space provision I would consider that no private open space for units no. 2 and no. 3 would offer a poor level of amenity. In addition the primary orientation of apartment no. 4, although accepted it is a duplex apartment, is west and east facing. This therefore offers a relatively poor amenity in my view. In addition the storage provision is located at an upper floor level and this would, in my view, present a difficulty for bin storage. As I have noted above the overall development provides no car parking provision which in my view would offer a substandard level of amenity for future occupants.

I would acknowledge that the proposed development attempts to revitalise this historic building and offers benefits to future occupants in terms of location however any future redevelopment should be sustainable for the needs of future occupants. It is my view however, given principally the inadequate provision of private open space that the proposal would offer substandard level of residential amenity. I therefore would recommend a refusal to the Board on the grounds of inadequate private open space provision.

Impact on Established Residential Amenities

I would consider having regard to the submissions to the Board that there are two principal concerns in relation to impacts on established residential amenities.

In relation to the garden deck I would consider that the revised proposals adequately address concerns in relation to adverse impacts on established residential amenities. In accordance with additional information response it is now proposed to provide a higher screening around the garden deck which will be sandblasted. This amendment will prevent any potential overlooking. In addition the appellant considers noise from the proposed garden deck will have an adverse impact on their amenities. However I would consider that there is established noise in the local area from residents using their private open space and that the proposal will not lead to any significant increases.

I would acknowledge the concerns in relation to the proposed bay window however there is an established window in the location of the proposed bay window. In addition the proposed bay window will have obscure glazing on its western elevation. I would not consider that the bay window to the western elevation would adversely impact on established residential amenities given the design and obscure glazing proposed.

Conservation

The appeal site is located within the designated Shandon Architectural Conservation Area. The City Development Plan Objective 29 which states '*to seek to preserve and enhance the designated Architectural Conservation Areas in the City*'.

The proposed development involves minimum external intervention and in my view is consistent with the objective 32 of the City Development Plan 'Development in ACA's' which requires development to take account of recommended criteria.

I would also note the report from the Conservation Officer which recommends that the proposal is acceptable. I would consider that the proposal makes a positive contribution to urban conservation.

10.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the reason set out below.

REASONS AND CONSIDERATIONS

1. The proposed residential development by virtue of inadequate private open space provision and the aspects and orientations of the apartments would be contrary to the DoEHLG Guidelines 'Sustainable Urban Housing: Design Standards for New Apartments', 2015, and the

Cork City Development Plan, 2015 – 2021, and would set an undesirable precedent for similar type of development in the area. The proposed development would therefore set an undesirable precedent in the area, seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector
5th August 2016