



An
Bord
Pleanála

Inspector's Report ABP-301254-18

Development	Alterations and partial conversion of house and construction of ground and first floor extensions to use as separate two-storey house
Location	1 Charlotte Terrace, Maulbaun, Glenbrook, Passage West, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/4003
Applicant(s)	Jane Horgan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Jane Horgan
Observer(s)	Nicholas Mulcahy & Simone O'Shaughnessy
Date of Site Inspection	20 th June, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 1 Charlotte Terrace is an end-of-terrace, three-storey house located in Glenbrook, Passage West in County Cork. The house has a single-storey annex abutting the original northern gable of the house. The rear of the property comprises an open paved area. Development to the north consists of a two-storey, semi-detached house with a single-storey extension on its southern side.

2.0 Proposed Development

- 2.1. The proposed development would comprise alterations to the elevations of the existing dwelling, conversion of part of it, and the construction of ground and first floor extensions to provide a separate two-storey, two bedroom house on the 0.02318 hectare site. The gross floor space of the proposed works would total 42.42 square metres and 46.03 square metres of existing floor area would be retained as part of the development.
- 2.2. The application included a letter from the applicant indicating a need to downsize to a smaller house due to health issues.

3.0 Planning Authority Decision

3.1. Decision

On 26th February, 2018, Cork County Council decided to refuse permission for the development for one reason relating to traffic congestion arising and setting an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, interdepartmental reports received, and the third party submission made. It was submitted that, due to on-street parking at this location, there is a partial single carriage width available and cars commonly have to pull in to allow oncoming traffic to pass. It was noted that no additional parking proposals are being provided. The absence of parking was considered to be

unacceptable on public safety grounds and due to the precedent that would be set. It was considered that, in the event consideration was to be given to the proposal, a revised design approach would be recommended. A refusal of permission was recommended as set out in the planning authority's decision.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Conservation Officer noted the proposed development would be within an Architectural Conservation Area (ACA) and would adjoin a building in the National Inventory of the Architectural Heritage. There was no objection to the nature of the proposed development but the design was regarded as pastiche that would not contribute to or enhance the character of the ACA or the adjoining historic terrace. A revised design was requested.

The Area Engineer noted the site is on a busy regional road, where there is inadequate parking, and where the road tends to be one way, with cars pulling in to any available spaces not parked on. It was submitted that the applicant seeks to remove an existing garage and to replace it with a house that would require two parking spaces. It was considered that any increase in parking at this location could cause a significant traffic hazard. A refusal due to lack of parking was recommended.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

A letter of support for the proposal was received from Nicholas Mulcahy and Simone O'Shaughnessy, the owners of an adjacent dwelling to the north.

4.0 Planning History

I have no record of any planning application or appeal relating to this site.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Zoning

The site is zoned 'Existing Built-up Area'.

Architectural Heritage

The site forms part of a terrace that is listed on the NIAH.

The site of the proposed development is located within the Passage West ACA.

Policies include:

HE 4-2: Protection of Structures on the NIAH

Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

HE 4-5: Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas

... This will be achieved by:

- a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations
- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA ...

Car Parking

The Plan requires the provision of 2 spaces per dwelling in the Cork City South Environs.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The appellants have reduced travel needs and will inevitably consider a no car policy. By continuing to reside immediately adjacent to the existing house the appellant sees no increase in parking demand arising from the occupation of the new house. Parking needs will transfer from one house to another. It will be clear to any prospective purchaser of the existing house that on-street parking is limited and so the sale is unlikely to attract buyers with a high parking demand. The area is served by a public transport route and is located on one of the area's better cycling routes. While accepting some increase in car parking demand, the overall parking spaces required will not be greater than that required in 2008, when peak demand was easily met on the street.
- The appellant does not see how possibly one or two additional cars would tend to create serious traffic congestion. Traffic volumes are moderate and speeds are low at this location. This is an area where there has been a long record of roadside parking and it causes traffic to slow down and have due regard to oncoming vehicles and non-motorised traffic.
- In view of the nature of the development, it is considered the proposal would not set an undesirable precedent. The development should be actively encouraged to release larger dwellings for use by those who have a housing need. The number of opportunities for other similar development in the area is questioned.
- The proposed development is in accordance with planning policy and is sustainable.

In response to the Conservation Officer's report, it is stated that a range of different options were submitted at pre-planning stage and the option chosen was based, for the most part, on nearby two-storey houses. The Board is informed that should it feel revised drawings are required to be submitted the appellant would be happy to do so.

6.2. **Planning Authority Response**

I have no record of any response to the appeal by the planning authority.

6.3. **Observations**

Nicholas Mulcahy and Simone O'Shaughnessy, who reside in the adjoining house to the north of the site, support the first party appeal and consider the proposal to be acceptable in terms of design, height, scale, impacts on residential amenity and traffic. The Board is asked to consider that the site is within a settlement where sustainable development should be encouraged and that the proposal would be within a 50kph speed limit zone where on-street parking is established, where there is a public transport route and a bus stop 80 metres away, and where the appellants generate very limited demand for private transport.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider that the two principal planning issues relating to the proposed development are traffic impact and the house design.

7.2 Traffic Impact

7.2.1 In considering this relevant planning issue, the context of the proposed development must first be understood. The location for the proposed development is effectively a site on a property that has an infill opportunity, which is a site that exists at the edge of the village centre of Passage West. At this location in the village, the common form of parking for houses is on-street parking. This is the norm at this location and the associated parking with the occupancy of the proposed house would follow the norm. It is acknowledged that the road narrows as on-street parking occurs (which logically follows) but to suggest that one should refuse planning permission for an infill house in this village location on traffic grounds, where on-street parking is most prevalent, is misplaced. This is a sustainable form of residential development, in an appropriate serviced location, where on-street parking is permissible immediately to the front of the property. There is no merit in refusing this proposal on traffic grounds.

7.2.2 Contrary to any significant traffic congestion or endangerment of public safety resulting (as concluded by the planning authority), I am satisfied to inform the Board that the proposed development would not create any undesirable precedent for similar development proposals in the area as the opportunity for this arising does not readily present itself in any obvious manner in the locality.

7.3 House Design

7.3.1 I first note that the planning authority did not refuse permission for the proposed development for any reason relating to the design of the proposed house. If there were serious concerns about this fundamental planning issue, one would have expected the planning authority to have refused permission for the proposed house based on its unacceptability in terms of design, incompatibility with the existing structure on the site, visual incongruity with its setting, adverse impact on the character of the area, or other important planning matter of relevance to the Passage West Architectural Conservation Area. As the planning authority decided to refuse permission for the proposed development on traffic impact grounds alone, the house design issue must have been understood as a secondary issue.

7.3.2 I acknowledge that No. 1 Charlotte Terrace is listed on the NIAH. However, it is not a protected structure. It is particularly notable that the proposed works would principally affect the annexe to the main house. The structural integrity of the main house would not be significantly impacted, with small sections of new internal party walls being provided as part of the proposal. It is noted that the planning authority had no particular concerns relating to the principle of the development of a house in the manner proposed at this location. It is reasonable, therefore, to conclude that the development of a house adjoining No. 1 Charlotte Terrace would have no significant effect on physical structure of the existing house.

7.3.3 With regard to the design of the house, the new structure would replace a single-storey, gable-fronted annexe which abuts the three-storey house. The proposed two-storey building allows the new proposal to form a subservient end to the main terrace, clearly distinguishable from the original terrace. The replacement would be a significant improvement over the visual presentation of the annexe in terms of form and general character. The roof design could be improved visually by continuing a

uniform roof line for the full length of the front elevation. The fenestration at first floor level on the front elevation could also be improved by introducing some degree of symmetry with ground floor windows, resulting from a revised design of the window serving bedroom no. 2. The necessary changes can readily be the subject of a condition of any permission that would issue. I consider the form of door opening to the streetscape and the addition of the gate, low wall and railing to be in keeping with the street frontage provisions of the terrace.

7.3.4 Finally, I note that there is a wide variety of house types in the immediate vicinity of this site, with extensive new development to the south of the terrace at Glenbrook Wharf and different architectural forms expressed in the more established dwellings in the immediate vicinity. The proposed development would not be out of character in such a context.

7.4 Conclusion

Having regard to the above considerations, it is my submission to the Board that the proposed development would be compatible with relevant development plan provisions. Furthermore, it should also be acknowledged that the proposed development would have no adverse impact on the amenities of adjoining residents.

8.0 **Recommendation**

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 **Reasons and Considerations**

Having regard to the zoning provisions for the site, to the edge of village centre location, to the design, character and layout of the development proposed, and to the established parking provisions serving the residential properties in the area, it is considered that the proposed development would not endanger public safety by reason of traffic hazard, would be acceptable in terms of visual impact, would not adversely impact on the residential amenities of adjoining properties, and would

otherwise be in accordance with the provisions of the current Cork County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, revised plans and details shall be submitted to the planning authority for written agreement providing for a uniform roof line on the front elevation and alterations to fenestration at first floor level serving bedroom no. 2 to improve symmetry with ground floor openings.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

2nd July 2018