



An
Bord
Pleanála

Inspector's Report 301849-18

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| Development | Construct 1 no. residential dwelling including the closure of the existing access lane serving Loreto House and all ancillary site development works |
| Location | Loreto House, Magazine Road, Cork |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 1837734 |
| Applicant(s) | Denis O'Brien Developments (Cork) Ltd. |
| Type of Application | Planning permission |
| Planning Authority Decision | Grant permission s.t. conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Eleanor Chambers |
| Observer(s) | None |
| Date of Site Inspection | 1 st October 2018 |
| Inspector | Mary Kennelly |

1.0 Site Location and Description

- 1.1.** The site is located on Magazine Road, in the suburb of Highfield, Cork City. Magazine Road (R608) runs parallel and to the south of College Road and UCC, and to the north of The Lough. It connects the western inner-city area with Dennehy's Cross. It is a densely developed suburb characterised by terraced and semi-detached houses fronting onto narrow roads with limited on-street parking. The site is located just to the west of the junction with Dorgan's Road and Highfield Avenue. It is situated within the University College Cork (UCC), College Road and Magazine Road ACA.
- 1.2.** The site currently comprises the access to a back-land site which is occupied by a single detached house, Loreto House. At the time of inspection, I can confirm that Loreto House had been demolished and is currently forms part of a larger construction site with frontage onto Dorgan's Road. To the west of the site (access road) there is a pair of semi-detached 2-storey houses, the closest of which is 'Holly Hill View', followed by a terrace of similar houses. Holly Hill View is listed on the NIAH. To the east, there is a further pair of 2-storey semi-detached houses, the closest of which is the appellant's property (Innisfail).
- 1.3.** The appeal site (red line boundary) comprises the access leading from Magazine Road to site of Loreto House only and excludes the most southern part of the former access. The blue line includes Loreto House, Dunleary House and associated gardens. This is a much larger site which is roughly T-shaped and has frontage to Dorgan's Road stretching from Magazine Road almost to Glasheen Road to the south. The site area is given as 0.017ha (170sq.m) and the dimensions of the site are c. 6.18m in width and 27m in depth. The submissions on file indicate that it formerly was the site of a terraced dwelling, which was demolished to provide access to Loreto House.

2.0 Proposed Development

- 2.1.** It is proposed to erect a two and a half-storey dwelling, (287m²), which would be fully serviced, together with all associated and ancillary works, including boundary

treatments, landscaping and drainage. The dwelling would be accessed from Magazine Road. The submitted drawings show a footprint which is set back in line with the front building line of 'Holly Hill View', with a front garden. The rear building line also follows that of the house to the west. However, this means that the front and rear building lines lie behind those of the house to the east (Innisfail).

- 2.2. The proposed development includes the closure of the existing access to Loreto House and the use of the space to construct the new dwelling. A concurrent application for planning permission (18/37735) was submitted by the landowner of Loreto House to demolish that dwelling and associated outbuildings and to construct 7 no. terraced housing units for student accommodation. This development would be accessed by means of an existing permitted development on Dorgan's Road.
- 2.3. The gross floor area of the proposed dwelling is stated as 132.4m². The design of the dwelling is a contemporary approach. It will be attached to the dwelling to the west (Holly Hill View). Vehicular access would be via the existing entrance from Magazine Road, with the front boundary walls and gates remaining in situ. The front garden area would incorporate a single parking space. The rear garden would be c. 48m². The pitched roof would have a velux roof light in the front slope and a dormer window on the rear slope. The proposed accommodation is for 4 bedrooms, three of which are at First Floor level and the fourth in the attic space. Bedroom 3 would be located in a rear annex which projects 4.38m from the main rear elevation at FF level and is set back approx. 2.2m from the eastern boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to twelve conditions which were generally of a standard nature. Condition 2 required the uPVC windows to be omitted and to be replaced with a suitably designed timber framed window system. This condition also required the omission and replacement of the uPVC fascias and soffits and the roof to be of natural stone slate. Condition 3 restricted use to a single dwelling house. Conditions 5 and 6 related to control of noise and environmental impacts during construction, and conditions 7 and 8 to waste

management matters. Condition 12 related to the payment of a development contribution in accordance with the GDCCS.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 The initial planning report (12/03/18) It was noted that the site is zoned residential and that as such, the development of a dwelling on the site would be acceptable in principle, subject to the required standards. It was considered, however, that the lack of any access from a public road to Loreto House was of concern. It was noted that a concurrent application had been submitted for the demolition of Loreto House but it could not be assumed that this would be granted permission by either the P.A. or by the Board, should an appeal be submitted. Thus, the application as submitted would result in creating a land-locked site. It was therefore considered that the application should be amended to either include the demolition of Loreto House or the provision of at least pedestrian access from the public road to Loreto House.

3.2.1.2 It was considered that the proposed dwelling would not result in any significant impact on residential amenities and that the contemporary design was appropriate. However, the comments of the Conservation Officer regarding refinement of the design to help better integration with the existing terrace should be required.

3.2.2. Other Technical Reports

3.2.2.1 Roads Design - Planning - No comments.

3.2.2.2 Drainage/Water Services – no objection subject to conditions.

3.2.2.3 Environment – no objection subject to conditions.

3.2.2.4 Conservation Officer (8/03/18) – no objection in principle subject to refinement of the detail to better integrate into the adjacent terrace. Application should be considered on a stand-alone basis. Access to Loreto House also needs to be resolved.

3.3. Prescribed Bodies

3.3.1 Irish Water (8/03/18) – no objection subject to recommended conditions.

3.4. Third Party Observations

3.4.1 Two third party submissions were received by the P.A. The main concerns are summarised in the Area Planner's report and fall into the following main topic headings:

- Application cannot be considered in isolation from the concurrent application.
- Cumulative impact of the various developments and overdevelopment of the site.
- Design and impact on architectural heritage and visual amenities of the area - Considered to be not in keeping with streetscape and surrounding Victorian houses. Design is inappropriate within ACA.
- Residential amenity – would result in overlooking and overshadowing of adjacent houses.
- Traffic, access and parking – would create traffic and parking problems in vicinity of site.
- This site should be used to fulfil Part V obligations.
- Construction – excavation works would impact on adjoining property and cause adverse impacts for neighbouring properties. No consent from adjoining property owners.

3.5. Response to Further Information Request (25/04/18)

3.5.1. FI was requested on 12/03/18 and a response was submitted on 25/04/18. The responses were considered to be generally acceptable. These may be summarised as follows:

1. Revised site layout plan (17093P/503) with proposed pedestrian access via the previously permitted development 16/37214 (PL28.248387) onto Dorgan's Road. The purpose of this is to ensure that Loreto House is not landlocked, in the event that permission for the concurrent application, (TP18/37735), for the redevelopment of that site is delayed. As it involved a very small revision to the permitted student accommodation (248387), the press noticed was re-advertised.

2. Revised plans and particulars showing a refined design, which it is stated was informed by discussions with the Conservation Officer. The revision is stated to “emanate from the adjoining terraces and using a softer form which is simplified in detail, enhancing the character of the ACA”. (Drawings 17093P/600, 17093P/601 and 17093P/602 refer).

3.5.2. Further responses were received from the third-party observers. These are summarised in the Area Planner’s report as follows:

- Changes to proposed house design hard to identify.
- Refined design does not integrate with the existing terrace, particularly the front elevation
- The changes to the site boundary should require a new application
- This application assumes that TP 18/37735 (Redevelopment of Loreto House) will be granted.

3.5.3. The Area Planner considered that the issues regarding access to Loreto House had been satisfactorily addressed and could be dealt with as part of the current application. It was further considered that the revised proposal would impede implementation of either of the development proposals on the adjoining lands. He was also satisfied with the revisions to the design and noted that the Conservation Officer had no further objections subject to conditions regarding materials of windows and roof. Permission was, therefore, recommended, subject to conditions.

4.0 Planning History

TP 07/32278 – Loreto House - planning permission granted for alterations to house.

TP18/37735 – Loreto house – permission granted for demolition of house and construction of 7 no. terraced units fronting Dorgan’s Road for student accommodation. Proposal included modifications to permission granted under 16/37214

PL28.248387 (TP 16/37214) – permission granted for student accommodation development of 7 terraced houses fronting Dorgan’s Road and use of and modifications to Dunleary House, Magazine Road for student accommodation.

TP 06/30531 – permission granted for a vehicle entrance at Dunleary, Magazine Rd.

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 protect and provide for residential uses, local services, institutional uses and civic uses”. Paragraph 15.10 states that the provision and protection of residential uses and residential amenity is a central objective of this zone. Relevant policies contained in Chapter 16 include the following.

16.49 – Proposals for new residential developments

16.58 – Single units including corner and garden sites

16.59 – Infill Housing

16.64 - Private open space for residential development

16.73 – Vehicle entrances

5.1.2 Chapter 9 contains the Conservation Management guidance, policies and objectives. Section 9.32 sets out Conservation Principles. The site is located within University College Cork, College Road and Magazine Road ACA. Objective 9.29 seeks to preserve and enhance the designated Architectural Conservation Areas in the city. Objective 9.32 provides more specific guidance for development within ACAs.

5.2. Architectural Heritage Protection Guidelines for P.A.s (2011)

5.2.1. These guidelines include advice on appropriate development within Architectural Conservation Areas.

5.3. Sustainable Residential Developments in Urban Areas 2009 and Best Practice Urban Design Manual, Parts 1 & 2 (2009)

5.3.1. These guidelines provide advice on matters such as density, layout and site-specific standards for the protection of amenity and the promotion of good quality spaces in accordance with best practice in urban design.

5.4. 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.

5.5. Natural Heritage Designations

Cork Harbour SPA – lies approx. 4km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by Eleanor Chambers of Innisfail, Magazine Road, which lies immediately to the east of the appeal site. The main points raised may be summarised as follows:

- **Overdevelopment** – When taken in conjunction with the other developments in the area, (16/37214, 17/37683 and 18/37735), the proposal would result in overdevelopment and would be contrary to the Z04 zoning objective to protect residential amenity. It would also be contrary to Goal 2 of the Core Strategy.
- **Overlooking** - The height, depth and location of the proposed development would be intrusive and would result in overlooking and loss of amenity to the appellant's rear garden. The ridge height of the proposed dwelling (39.52m) is c. 2m higher than that of her property (37.53). The depth of the proposed dwelling extends 78m beyond her home.

- **Overshadowing** – size, mass and location of proposed dwelling would lead to loss of daylight and of sunlight, particularly in the afternoon and evening.
- **Traffic and parking** – parking congestion is already severe in the area. The proposed development, in combination with the already permitted development, will exacerbate the situation. Despite what the developer says, students do have cars nowadays.
- **Substantial changes to boundaries** - The alterations to the site boundaries are so substantial that a new application should have been required.
- **Dwelling attached without consent** – the proposed dwelling would be attached to the appellant's property (as well as the property to the west). However, no consent has been sought or granted for this.
- **Downdraught** – the height and proximity of the proposed dwelling to her chimney would result in a downdraught in her home.

6.2. Planning Authority Response

6.2.1 The P.A. has not responded to the grounds of appeal.

6.3. First party response to the grounds of appeal (12/07/18)

The First party response is in the form of a rebuttal of the grounds of appeal and no new issues are raised.

7.0 Assessment

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

- Compliance with policy
- Visual amenity and impact on architectural heritage of area including protected structures;
- Residential amenity
- Access and parking
- Construction impacts, consent to attach dwelling, changes to boundaries

7.2. Compliance with policy

- 7.2.1.** The Core Strategy of the current Cork City Development Plan 2015-1021 includes two goals which are considered relevant to the proposed development. Goal 1 seeks to increase population and households to create a compact and sustainable city. Goal 2 seeks to achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in. Various objectives are consistent with this overall theme such as Objective 6.1 (a) to encourage the development of sustainable neighbourhoods and 6.1€ to encourage the use of derelict and underused land and buildings to assist in their regeneration. The Zoning objective for Z04 seeks to protect and provide for residential uses, local services, institutional uses and civic uses, and the provision and protection of residential uses and residential amenity is a central objective of this zone (15.10).
- 7.2.2.** It is considered that the proposal to replace what is to become a redundant access way with a terraced house on the site of what would have formerly contained such a terraced house, in the heart of an established neighbourhood with excellent accessibility to local services, the city centre, employment opportunities, UCC and to public transport facilities is consistent with the Core Strategy and strategic housing and zoning objectives for the area. It is also considered that it is consistent with national policy to make the most sustainable use of existing serviced urban land to create sustainable neighbourhoods.
- 7.2.3.** The Development Management Chapter (16) of the Plan contains further policies in relation to appropriate densities, plot ratios, accessibility and design/quality of layout. It is stated (16.42) that residential densities in inner suburbs are likely to be greater than 75 dwellings per hectare and that plot ratios in these suburbs can be between 1.0 and 1.5. The proposed development approximates to 58 dwellings/ha and has a plot ratio of approx. 1.3. Sections 16.58 and 16.59 provide guidance on infill housing and single units, including corner and garden sites. The emphasis is on the design of such development reflecting the existing character and built form, being compatible with the design and scale of adjoining dwellings, protecting the residential amenity of existing properties and ensuring adequate amenity for future occupiers. These matters will be discussed in the following sections.

7.3. Visual amenity and architectural heritage

- 7.3.1.** The site is a rather unique one in many ways. It was formerly the site of a terraced house, which was demolished to provide access to a back-land site. As this site is now proposed to be redeveloped as part of a larger site for student accommodation, the access laneway is no longer required, although it conceivably have been incorporated into the larger site as an alternative/additional access to the student accommodation development. It is considered that the most sustainable and appropriate use for the site is as residential development and that the most appropriate form is as a continuation of the former terrace. Thus, in principle, it is considered that the proposed development is appropriate in this context.
- 7.3.2.** The proposed footprint and building envelope generally respects the existing building lines, height and roof profile of the adjoining terrace to the west. It does, however, differ from the building lines, height and roof profile of the pair of semi-detached dwellings to the east. However, the differences are relatively slight and it is noted that these semi-detached houses are set forward of the building line to the west and have a slightly shallower roof pitch and lower ridge line. In terms of the elevational treatment, the approach is contemporary, which is generally considered appropriate for a new infill building, but also seems to reflect the elevational treatment of the house to the east of Innisfail, which is also painted white with similar sized openings.
- 7.3.3.** Objective 9.32 of the Development Plan specifies the matters that should be taken into account in designing a new development in an ACA. These included that the development should be of an acceptable design, scale, materials and finish for a new development and that original materials and methods of construction should be retained. It is considered that the employment of a generally contemporary approach whilst reflecting the elements of the established building envelope, footprint and solid-to-void ratio is appropriate for this site and consistent with Objective 9.32. I would agree with the P.A.'s Conservation Officer, however, that the materials should be traditional rather than uPVC in terms of the windows and soffits, and the roof materials. It is further noted that the proposed development includes the retention and reuse of the original pillars walls and railings on the front boundary, which is consistent with the CDP Objective 9.32 to ensure that such features are not negatively impacted by development.

7.4. Residential amenity

- 7.4.1.** The proposed dwelling has been designed so that there are no windows in the side elevations. As the rear building line is behind that of the neighbouring house to the east, there is the potential for a slightly increased degree of overlooking from the first-floor bedroom windows and from the dormer windows at second floor level, albeit at an oblique angle. It is noted that the windows are generally recessed which would restrict the angle of view somewhat. However, it is considered that in the context of a densely developed suburban location such as this, it would not be unusual for two-storey dwelling to overlook neighbouring gardens at an oblique angle in this way. Thus, it is considered that there would be no significant loss of amenity from any increased potential for overlooking from the proposed development of adjoining properties.
- 7.4.2.** The proposed dwelling is located to the west of the adjoining house. It is, therefore, likely that the proposal would result in some degree of overshadowing of the neighbouring garden to the east in the evenings. However, the main element of the footprint which extends beyond the rear building line of the appellant's house is the first floor, which is recessed approx. 2m from the common boundary. Thus, the degree of overshadowing is unlikely to be excessive or unusual in the densely developed urban setting.
- 7.4.3.** The proposed development has provided for a front and rear garden, similar to the existing pattern of development in the adjacent terraces. The rear garden area is stated to be 48sq.m in area and is south facing with a reasonable configuration.
- 7.4.4.** It is considered that the proposed development has been designed to minimise the impact on the residential amenities of the neighbouring properties and generally reflects the established pattern of development in the area.

7.5. Access and parking

- 7.5.1.** The site is located in an area which is characterised by terraced houses with shallow front gardens fronting onto narrow streets. Consequently, there is a limited amount of off-street parking and a high demand for on-street parking. The dense nature of development in the area also contributes to the on-street parking demand. The proposed development, however, makes provision for one off-street parking space in

the front garden area of the house. It is considered, therefore, that it would not be likely to exacerbate parking and traffic congestion in the area.

7.6. Other matters

- 7.6.1.** The observations regarding construction impacts on the amenities and structural stability of neighbouring residents are noted. It is considered that an infill site in a built-up urban area will inevitably lead to disruption to adjoining residents. However, it is considered that subject to the implementation of good construction management practice, the proposed development is not likely to give rise to undue disruption to neighbouring properties.
- 7.6.2.** The appellant considered that the changes to the boundaries proposed during the course of the application (in response to FI request) should have required a fresh application. It is considered, however, that the changes involved were of a very minor nature. The site layout plan 16147P/003 (under 16/37214, PL28.248387) permitted by the Board on 24/11/17 indicated a pedestrian gate adjacent to the northern-most student housing unit with an unidentified space behind it. The change involves the designation of this space as a potential pedestrian access route to serve Loreto House in the event that permission to redevelop that site was delayed or impeded. The press notices were re-advertised and any observation were taken onto account by the P.A. In the meantime, permission has been granted (including final grant) for the demolition of Loreto House and I observed during my site inspection that the building has indeed been demolished as part of the construction of the student accommodation. Thus, I do not consider that a separate, fresh planning application would be warranted.
- 7.6.3.** The appellant has also objected to the lack of consent being sought to attach the proposed dwelling to her dwelling (at ground floor level). It is considered, however that this is a matter outside of the Board's remit. The onus is on the developer to ensure that sufficient legal interest exists prior to the carrying out of any development.
- 7.6.4.** The appellant considered that the proximity of the proposed building to the existing chimney would cause a downdraught. However, this is not a planning matter.

7.7. 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.

7.8. Appropriate Assessment

Cork Harbour SPA lies approx. 4 km to the east. Given 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 I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the **Cork City** Development Plan 2015-2021, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. 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, as amended by the further plans and particulars submitted the 25th day of April 2018, 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. The proposed development shall be amended as follows:
 - (a) The uPVC windows shall be omitted and replaced by suitably designed painted timber framed glazing system.
 - (b) The uPVC fascias and soffits shall be omitted and replaced by painted timber or plastered flush finish.
 - (c) The black slate/flat tile on the roof shall be omitted and replaced by natural stone slate.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the architectural heritage and visual amenities of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

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

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

8. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Mary Kennelly
Planning Inspector

16th November 2018