



An  
Bord  
Pleanála

## Inspector's Report 302544-18.

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<b>Development</b>	Permission for change of use from store to one bedroom residential unit.
<b>Location</b>	Junction of Kington Avenue and Victoria Road, Cork
<b>Planning Authority</b>	Cork City Council.
<b>Planning Authority Reg. Ref.</b>	1837959.
<b>Applicant</b>	Olan Trevor.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	Olan Trevor.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2018.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is in close proximity to the junction of Kingston Avenue /Rosehill and Victoria Road on the south eastern fringe of the central area of Cork city. The site fronts onto the eastern side of Kingston Avenue a small cul de sac road off Victoria Road.
- 1.2. On the appeal site is an existing building used as a store and which forms part of an overall single building incorporating two contiguous stores. The site itself is irregular in configuration.
- 1.3. The building fronts onto the inner edge of the carriageway. To the south of the site is a residential dwelling and on the opposite side of the cul de sac are terraces of two and three storied dwellings. To the side and rear of the dwelling are boundary walls in excess of 2 metres. To the rear of the site in close proximity to the boundary is the gable of two storey dwelling.
- 1.4. At the junction of Kingston Avenue /Rosehill and Victoria Road on the same side of the appeal site is a detached dwelling.
- 1.5. The site has a stated area of 0.0065 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 26<sup>th</sup> of June 2018 was for a change of use part of the existing store to a one bedroomed two storied dwelling unit. In effect it is proposed to sub-divide an existing store retain part of it retained as a store and developing a dwelling unit in the remainder. In relation to the roadside elevation it is proposed to remove the roller shutter door and replace with a window. It is proposed to install a new dormer window at first floor level but otherwise retain the street elevation. Access to the dwelling unit will be via a side passage way to the north of the building.
- 2.2. A yard area is proposed at the west/rear of the dwelling unit. Other than the dormer window and the installation of windows and doors no alteration of the height or roof profile of the existing building is proposed.
- 2.3. The overall gross floor area of the proposed development is stated as 89m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision of the planning authority was to refuse planning permission. One reason was stated which refers to the restricted nature of the site and proximity to site boundaries, substandard area of private open space and detrimental impact on the residential amenity of future residents.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report dated the 16<sup>th</sup> of August 2018 refers to

- The planning history.
- Policy context in relation to the city development plan
- Reference is made to the site's location within an area defined as Zone B as per the Flood Risk Management Guidelines and CRFAMS.
- An assessment of the issues including principle of the development and policy and it is considered that in principle the proposal is acceptable.
- There are it is indicated issues in relation to the development in terms of the overall alignment of space available and useable within the site. There would a poor level of amenity for future residents particularly in the context of an adjoining commercial premises.

Refusal of permission was recommended.

#### 3.2.2. Other Technical Reports:

Roads Design Report dated 25<sup>th</sup> of July 2018 indicates no objections.

Drainage report dated the 1<sup>st</sup> August 2018 indicates no objections.

#### 3.2.3. Other submissions

Irish water in a submission dated the 2<sup>nd</sup> of August 2018 indicate no objection to the proposed development.

## 4.0 Planning History

Planning history relating to the site.

P.A. Ref. No.04/28347

Permission granted for the demolition of an existing storage area and to erect two stores and a single storey dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The current operative plan is the Cork City Development Plan 2015-2021.
- 5.1.2. As part of the core strategy in chapter 2 of volume 1 it is a stated goal is to increase population and households in a sustainable city. The housing strategy as stated in chapter 6 also has an overriding objective to increase housing supply in the city.
- 5.1.3. Chapter 15 of the plan relates to land use objectives. The site is zoned ZO 3 Inner City Residential Neighbourhood with the objective *to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.*

The site is located within the Victoria Road Architectural Conservation Area.

- 5.1.4. Chapter 16 of the plan relates to development management and outlines standards in relation to development.

Table 16.7 outlines Private Open Space Standards (Min. Requirements) for residential development referring to a minimum of 30m<sup>2</sup> for townhouses/terraced houses in the City Centre, Docklands and Inner Urban Areas. The requirement for a one bedroom apartment within the same zone is 6m<sup>2</sup>.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant in a submission dated the 11<sup>th</sup> of September 2018 refers to;

- Reference is made to the zoning of the site for residential use.
- The proposed unit is separate from the northern store unit and should be treated so.
- The wisdom of previously granting a 2 store unit previously is raised, and this gives a chance to put right the original decision.
- The access to the site has been widened with the agreement of the neighbour to the south and this can permit and facilitate wheelchair access.
- The unit is of a good size and area, there is adequate space for bin storage and the site is in close proximity to amenity areas.

## 6.2. Planning Authority Response

The planning authority in a response dated the 24<sup>th</sup> of September 2018 indicate that they have no further comments.

## 7.0 Assessment

- 7.1. The proposed development as submitted to the planning authority on the 26<sup>th</sup> of June 2018 is for a change of use part of the existing store to a one bed roomed two storied dwelling unit.
- 7.2. The proposal is in effect it is proposed to sub-divide an existing store retain part of it retained as a store and developing a dwelling unit in the remainder. The proposal provides for a minimal intervention in relation elevational changes. Access to the dwelling unit will be via a side passage way to the north of the building. A yard area is proposed at the west/rear of the dwelling unit.
- 7.3. The overall gross floor area of the proposed development is stated as 89m<sup>2</sup> doubling the floor with the introduction of two floors replacing the existing single floor layout.
- 7.4. Principle of the development.

The provision of a dwelling unit on the site is acceptable given the zoning of the site. The issue to be addressed in the appeal is whether the proposal as submitted provides for an appropriate standard in relation to the provision of an acceptable

standard of residential amenity of occupants of the proposed residential unit and this is main issue which arises in the stated reason for refusal.

7.5. Siting and design.

- 7.5.1. The planning authority in refusing the development referred to issues in relation to the development in terms of the overall alignment of space available and useable within the site. It was considered that there would a poor level of amenity for future residents particularly in the context of an adjoining commercial premises.
- 7.5.2. In the grounds of appeal indicates that the proposed unit is separate from the northern store unit and should be treated so. Reference is made to the planning history and the wisdom of previously granting a 2 store unit previously is raised, and this gives a chance to put right the original decision. In terms of access to the site this has been widened with the agreement of the neighbour to the south and this can permit and facilitate wheelchair access. The unit is of a good size and area, there is adequate space for bin storage and the site is in close proximity to amenity areas.
- 7.5.3. In relation to the internal layout as proposed I would have no objections in relation to floor area provided which in excess of desired national standards in relation to floor area, the internal layout and the internal daylighting which is augmented by the provision of additional windows on both levels located on the street elevation. I would note an absence of internal storage provision.

The main issues which arise are the access which is from a side access off the roadway which is narrow in its current state, the level of amenity open space provided and the overall arrangement whereby the existing store building is sub divided with a section retained as a store and a residential unit is constructed in the remainder.

The planning history is referred to by the appellant and it is what it is. It is correct to indicate the current proposal gives a chance to put right the original decision to grant two store units but it only in part addresses the original decision and the larger section of the storage building will be retained in its current use.

It is difficult to classify precisely whether the proposed development as a townhouse or an apartment. The current development plan in relation to private amenity open space requires 30m<sup>2</sup> for a townhouse and 6m<sup>2</sup> for a one bedroom apartment and

there is flexibility permitted in the level of space required to be provided in for townhouses.

The issue, however, is not quantitative standards but I consider qualitative standards. The level of private amenity space provided is inadequate and of limited amenity value to the occupants of the proposed dwelling unit and this is in part due to the restricted area and configuration of the site. The access to the dwelling unit from the roadway is restricted and I would agree with the planning authority's assessment in relation to the overall poor provision of residential amenity and the relationship with the adjoining store.

#### 7.6. Appropriate Assessment

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

#### 7.7. EIAR Screening Determination

Based on a preliminary examination of the nature, size or location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

### 8.0 Recommendation

8.1. I recommend that permission be refused.

### 9.0 Reasons and Considerations

9.1. Having regard to the limited size of the site, the restricted nature and configuration of the site, the limited and inadequate useable provision of private amenity open space it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the residential unit by reason of inadequate provision of good quality open space. It is also considered that the proposed development having regard to the limited area and access arrangements associated with the site and its relationship to adjoining

commercial property would give rise to a haphazard form of development which would adversely impact on the residential amenities of future occupants of the dwelling unit. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Derek Daly  
Planning Inspector

4<sup>th</sup> November 2018