



An
Bord
Pleanála

Inspector's Report ABP-302756-18

Development	Permission to widen existing vehicular entrance to provide two number parking spaces in total.
Location	No. 14, Hartlands Road , Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1837993
Applicant(s)	Seamus and Anne Lane
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Seamus and Anne Lane
Observer(s)	None on file
Date of Site Inspection	30 th November 2018
Inspector	Sarah Moran

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1.0 Site Location and Description

1.1. The site is a 2 storey detached house located in a suburban area on the western side of Cork City. There is a mix of house types along Hartlands Road including detached and semi-detached units and some backland developments. The front gardens of many properties have been converted to hardstanding parking areas with vehicular access directly from the street. There is also some on street parking. The existing house at no. 14 Hartlands Road has a vehicular access from the street providing 1 no. off street parking space to the front of the property.

2.0 Proposed Development

2.1. Permission sought to widen the existing vehicular entrance from Hartlands Road to provide 2 no. vehicular parking spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority refused permission for the following reason:

“The proposed entrance would materially contravene Section 16.73 ‘ Residential Entrances / Parking in front gardens’ of the Cork City Development Plan 2015-2021, which states that, where permitted, “drive-ins” should have a vehicular entrance not wider than 3m. The proposed development would, by reason of its excessive width and loss of front boundary wall, damage the character and appearance of the street and would therefore seriously injure the amenities of properties in the vicinity and the general area. It would also result in the loss of one on-street car parking space contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of Assistant Planner 17th September 2018. Recommends refusal. This recommendation is endorsed by the Senior Executive Planner.

3.2.2. Other Technical Reports

Roads Design (Planning) report 13th September 2018. Recommends refusal.

Drainage Division 4th September 2018. No objection.

3.3. **Prescribed Bodies**

3.3.1. Irish Water 26th July 2018. No objection.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. None on file for the development site. I note the following history files in the vicinity of Hartlands Road:

4.1.2. Reg. Ref. 0934072 No. 18 Hartlands Road

Permission refused for retention of driveway and vehicular entrance for 2 no. reasons relating to loss of on-street parking space, overdevelopment of site and obstruction of road users due to width of entrance

4.1.3. Reg. Ref. 18/38004 ABP-302979-18 'Hove', Hartlands Road

Permission granted for: A) retention of alterations made to the existing driveway entrance to improve sightlines and vehicle access, B) alterations to the existing bungalow and demolition of two existing one storey extensions to the rear and side of the bungalow, C) construction of 74 sq.m. (total floor space) 1.5 storey extension to the side of the existing bungalow and all ancillary site works. This decision is the subject of a current third party appeal.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

5.1.1. The site has the zoning objective 4 “Residential, Local Services and Institutional Uses”.

5.1.2. Development plan section 16.73 deals with residential entrances / parking in front gardens:

“The cumulative effect of removal of front gardens and railings damages the character and appearance of suburban streets and roads. Consequently proposals for off street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscape (e.g. in Architectural Conservation Areas, Street Improvement Areas and other areas of architectural and historic character) or on the building itself e.g. a protected structure etc. Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety and traffic generation. Where permitted, “drive-ins” should:

- *Not have outward opening gates;*
- *Have a vehicular entrance not wider than 3m;*
- *In general, have a vehicle entrance not wider than 50% of the width of the front boundary;*
- *Have an area of hard-standing (parking space 2.5m x 5m);*
- *Inward-opening gates should be provided. Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath / roadway;*
- *Suitably landscape the balance of space;*
- *Other walls, gates, railings to be made good.”*

5.2. Natural Heritage Designations

5.2.1. There are no Natura 2000 sites within or immediately adjacent to the development site. The relevant designated sites are Cork Harbour SPA (site code 004030) and

the Great Island Channel cSAC (site code 001058). Having regard to the nature and scale of the proposed development and to its location relative to the above Natura 2000 sites, 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.

6.0 The Appeal

6.1. Grounds of First Party Appeal

6.1.1. The main points made may be summarised as follows:

- Development plan section 16.73 applies to a situation where a new entrance is proposed, as opposed to the proposed development to widen an existing entrance.
- The proposed width is the minimum required to accommodate 2 no. parking spaces.
- Less than half the front boundary wall is to be removed with remainder to be retained.
- The area is not of particular architectural importance. There is a mixture of house types and front boundaries on Hartlands Road. The proposed development would not detract from the character or appearance of the street.
- There is high demand for on-street parking in the area due to its proximity to UCC. The applicants are frequently unable to use the existing parking space in front of the site and then have to park elsewhere. The existing on-street parking space could be used by the applicants or a guest when the parking spaces inside the property are occupied.
- Hartlands Road is narrow. The presence of on-street parking often makes it very difficult to negotiate the road. The provision of off-street parking would benefit this situation.
- The appeal is accompanied by photographs of other properties in the vicinity, including houses where the front boundary has been removed in its entirety.

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Observations

6.3.1. None on file.

6.4. Further Responses

6.4.1. None on file.

7.0 Assessment

7.1. The existing vehicular entrance to the subject site is c. 2.7m wide and provides 1 no. car parking space to the front of the property. While the concerns of the first party are noted, I consider the following:

- The property already has an off-street car parking space.
- The proposed entrance is wider than 3m and > 50% of the total width of the front of the property. The development would therefore contravene development plan section 16.73 as outlined above.
- While the site is not located in an ACA, the existing front boundary treatment was probably constructed along with the house and adds to the historic character of the area. Its removal would result in the erosion of this historic character.
- The development would result in the decommissioning of an existing on-street parking space to the front of the development site. The issue of the management of demand for on-street parking in the area is a separate matter outside the scope of this Appeal.

7.1.1. I also note that the above refusal reason states that the proposed development would materially contravene development plan section 16.73. Section 37(2)(b) of the Planning and Development Act 2000 (as amended) provides that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission where it considers that—

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

I do not consider than any of the above apply in this case and that the Board is therefore precluded from granting permission in this instance.

8.0 Recommendation

- 8.1. With regard to the above assessment, I recommend that the decision of the planning authority be upheld in this instance and that permission should be REFUSED for the proposed development.

9.0 Reasons and Considerations

- 1. The proposed entrance would materially contravene section 16.73 of the Cork City Development Plan 2015-2021, which states that permitted 'drive-ins' should (i) have a vehicular entrance not wider than 3m and (ii) should not be wider than 50% of the front boundary. In addition, the development would result in the removal of an existing on-street car parking space and would result in the erosion of the historic character of the area due to the removal of a large part of the existing front boundary. The proposed development would therefore seriously injure the amenities of properties in the vicinity and contrary be the proper planning and sustainable development of the area.

Sarah Moran
Senior Planning Inspector

2nd December 2018