



An
Bord
Pleanála

Inspector's Report

ABP-303858-19

Development	Extend dwelling involving the demolition of a former public toilet building and council store and construct a detached granny annex with associated site works. Protected Structure Ref: 3002.
Location	Station Master's House, Front Strand, Williamstown, Youghal, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/7171
Applicant(s)	Kirby Kearns
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Knockaverry Strand Residents Association
Observer(s)	None
Date of Site Inspection	5 September 2019
Inspector	Brendan Wyse

1.0 Site Location and Description

- 1.1. The site is located at Front Strand, a short distance to the south of Youghal town centre and at the northern end of Youghal beach and promenade.
- 1.2. It has a stated area of 0.28ha and currently comprises a period house with a substantial contemporary extension to the rear (south west). Further to the rear the site includes two structures indicated on the application drawings as 'former toilets' and 'former council stores'. This end of the site is not enclosed.
- 1.3. The site is part of an 'island' between the Front Strand Road to the north and a footpath, promenade and beach to the south. The remainder of the 'island', to the south west, includes stores and a toilet block. To the north/north east of the site, across Front Strand Road, there is a public house and a substantial, 4/5 storey, apartment block (Strand Palace Apartments). There is an extensive area of former railway lands to the north/north west/ west, including the former railway station building. The Upper Strand Road/Knockaverry Strand Road is located further to the north/north west on higher ground.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Demolition of former toilet building and council store.
 - Construction of a detached granny annex.
 - Extension to the existing house by way of further extension to the contemporary rear extension.
 - Modifications to boundary walls, including pedestrian access.

The overall design approach, including finishes, would mirror the existing contemporary extension. The proposed layout provides for a second internal courtyard and an extended first floor level terrace overlooking the promenade and beach. It is stated that the granny annexe would be ancillary to the main dwelling and a condition to this effect is invited.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. This is a decision to grant permission subject to 6 conditions.

Condition 5 stipulates that the granny flat be used for purposes ancillary to the main dwelling only.

Condition 6 requires a development contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority decision. Includes:

- Confirms that toilets proposed for demolition have been closed and associated lands have been sold to the applicants.
- While the toilets area is subject to the zoning objective 'utilities/infrastructure' in the development plan it constitutes only a very small part of the area subject to that objective. In response to observations lodged it is not considered that the proposal would materially contravene the zoning objective.
- The original house on site is known as the Station Masters House and was built as the residence for the station master of the nearby Youghal railway (no longer operational).

3.2.2. Other Technical Reports

Area Engineer – conditions recommended.

3.3. Prescribed Bodies

Irish Water – no objection.

3.4. **Third Party Observations**

Submissions objecting to the proposed development were lodged by/on behalf of the following:

- Knockaverry Strand Residents Association. This included an extensive petition. Issues raised are similar to those raised in the grounds of appeal (see Section 6.0 below).
- Councillors Noel Collins, Danielle Twomey and Susan McCarthy citing similar issues including; visual; impact; heritage; and zoning.

4.0 **Planning History**

P.A. Ref. 16/6608

This is the 2016 permission for the refurbishment/extension of the house as recently completed.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant plan is the **Youghal Town Plan 2009 – 2015 (extended)**.

The site is subject to two zoning objectives (Map 3A).

The eastern end, associated with the original house, is subject to Objective R – Residential.

The remaining, western end, is subject to Objective 'Utilities/Infrastructure'.

Architecture, Townscape, Landscape, Seascape and Amenity Objectives (Section 4.1) include:

It shall be a particular objective to preserve existing and create new publicly available views of the harbour.

It shall be an objective to restrict development that would impair views of the harbour from the towns' public areas.

The Upper Strand Road/Knockaverry Road is part of a designated Architectural Conservation Area (Map 7B). A number of the terraced houses are also Protected Structures (Map 8A).

The original house on the appeal site is a Protected Structure (Ref. No. 3002 and Map 8A).

The plan describes it as a detached 3 bay house built c.1860, having porch to front.

5.2. **Natural Heritage Designations**

The Blackwater River SAC (Site Code 002170) is located approx.300m to the north east of the development site.

It is also a pNHA (Site Code 000072).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The appeal against the decision of the planning authority is lodged on behalf of the Knockaverry Strand Residents Association. The main grounds of appeal include:

Principle of Development (Zoning)

- Queries the planning authority's planner's approach to determining that the proposed development does not materially contravene the zoning objective for the site.

Visual Amenity

- The Youghal Town Plan explicitly states that views to the harbour ought to be protected from public viewing points.
- The proposed development would impair the visual connection from the beach to the terraced houses along Upper Strand Road, some of which are protected structures and all of which are within an Architectural Conservation Area (ACA).

Dilution of Local Amenity

- The proposed development, both by reason of scale and massing and overlooking, would have a negative impact on the use of the nearby beach.

6.2. **Applicant Response**

6.2.1. Includes:

Principle of Development (Zoning)

- There is no clarification/elaboration in the written statement of the development plan as to what uses might/might not be permissible within the utilities/infrastructure zone.
- The only indicator is provided on Map 4 of the plan which identifies parts of the southern areas subject to this zoning, and within which part of the development site is located, as being involved in the delivery of development plan objective 13, to preserve the line of the former railway, and objective 11, to provide for new pedestrian and cycle routes. The proposed development would not affect the delivery of either of these.
- The proposed development could not be considered a material contravention as it affects less than 0.05% of the utilities/infrastructure zoned area in the vicinity.
- The proposed development, being a redevelopment of a brownfield site, would be consistent with a number of policies/objectives in the plan in relation to the development of such sites, derelict structures etc.
- There is no basis, therefore, to the argument that the proposed development would be a material contravention of the zoning objective.

Visual Impact

- The dwellings at Upper Strand Road are not public viewing points.
- There is no basis to restrict development outside an ACA on the grounds that it might be visible from the ACA or interrupt a view towards the ACA.
- There were no established/historical uninterrupted views from the ACA to the beach.

Dilution of Local Amenity

- Overlooking of a public beach is a positive feature due to the benefits of passive surveillance.
- Being within the town the beach has always been overlooked.

6.3. **Planning Authority Response**

6.3.1. None received.

6.4. **Observations**

6.4.1. The board circulated the appeal to relevant prescribed bodies. No submissions were received.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Zoning
- Visual Amenity
- Local Amenity
- Appropriate Assessment

7.2. **Zoning**

7.2.1. The issue here is whether or not the proposed development materially contravenes the zoning objective for the lands.

7.2.2. As indicated the appeal site, and the long narrow 'island' of which it forms a part, straddles two zoning designations, residential to the eastern end, associated with the original Station Master's House, and utilities/infrastructure that applies over the remainder. It is noted that the recently completed rear extension to the house is within the latter zoning.

7.2.3. The development plan, in this instance, does not provide specific guidance in terms of uses that might/might not be permissible within particular zones. In this context, therefore, the interpretation of the zoning objective requires a reasoned approach by reference, in particular, to the overall scheme of the development plan in relation to the matter of zoning. While there is little in the plan, in this regard, specific to the

utilities/infrastructure zone there is considerable guidance as to the overall approach to zoning by reference to some of the other zoning objectives.

- 7.2.4. For example, in Section 3.1, under Town Centre Development and Zoning Objectives, it is indicated that 'Zoning should be considered as primary use zones but not necessarily excluding other ancillary developments that in the opinion of the council are necessary for the vitality and proper development of the town'. A similar reference is repeated in relation to the Employment/Enterprise Development and Zoning Objectives (Section 3.3) and Residential Development and Zoning Objectives (p.36). Similar guidance is inherent in the titles given to some of the other zoning objectives such as; Primarily Institutional/Educational/Civic Zoning Objectives (Section 3.7) and Primarily Open Space/Sports/Recreation/Amenity/Community Zoning Objectives (Section 3.10).
- 7.2.5. The approach indicated here, whereby a zoning objective refers to a primary use but not excluding all other potential uses, is consistent with the normal planning interpretation of zoning and with the approach adopted in development plans generally. In this context, the zoning designation utilities/infrastructure in the Youghal plan cannot reasonably be interpreted as absolutely excluding any use that does not fall precisely within the definition of these terms.
- 7.2.6. The proposed development, comprising a minor extension to an established residential property, itself, as the Station Master's House, formerly associated directly with the adjacent utilities/infrastructure (the railway), cannot, in my view, be considered to materially contravene the zoning objective of the lands. On this basis I consider that this ground of appeal should not be upheld.

7.3. Visual Amenity

- 7.3.1. The issue here focusses on the appellants contention that the proposed development would impair the views from the Upper Strand Road Architectural Conservation Area (ACA) to the harbour/beach.
- 7.3.2. The relevant development plan objectives are set out at Section 5.1 above. It will be noted that these objectives are of a general nature and refer to views towards the harbour from public vantage points.

- 7.3.3. Due to its' topography many of the streets in Youghal enjoy views of the harbour and beach and this undoubtedly enhances the amenity value of the town. Many such views are available from the Upper Strand Road with varying degrees of interruption due to intervening buildings to the southern side of the road, including, in the vicinity of the appeal property, a public house and a substantial 4/5 storey apartment block.
- 7.3.4. Though located in a prominent position the proposed development is a relatively minor extension to an existing house. While it would increase the visual envelope of the property this would not, in my view, be significant or excessive in the context of the surrounding urban area. The design approach proposed is entirely compatible with the recently completed contemporary extension to the property. The proposed annexe, as a separate block with an intervening courtyard, would facilitate 'break out' views of the sea in much the same way as currently exist from the Upper Strand Road between existing buildings. Additionally, the development would be a very significant improvement on the existing vacant/disused structures on the site.
- 7.3.5. The proposed development, in my view, would not have any negative implications for the Upper Strand Road ACA and, in fact, could only enhance the general outlook from that area. I consider, therefore, that this ground of appeal should not be upheld.

7.4. Local Amenity

- 7.4.1. The issue here relates to the appellants contention that the proposed development would have a negative impact on the use of the beach primarily due to overlooking.
- 7.4.2. The beach at Youghal is extensive and is subject to varying degrees of overlooking along its' length. It provides plenty of opportunity for the user to choose a location depending on preference. The stretch closest to the town, and in the vicinity of the appeal property, is very open and already overlooked both from nearby properties and from the adjacent promenade.
- 7.4.3. I agree with the applicants that overlooking of a public beach is generally a positive feature as it provides benefit through passive surveillance. The proposed development would represent only a very minor alteration to the existing situation at this end of the beach. I consider, therefore, that this ground of appeal should not be upheld.
- 7.4.4.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the minor nature and scale of the proposed development, being a domestic extension within a serviced urban area, 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.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to its minor nature and scale, being an extension to a single residential property, it is considered, subject to compliance with the following conditions, that the proposed development would not materially contravene the zoning objective for the lands as provided for in the current Youghal Town Development Plan and that it would 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. Reason: In the interest of clarity.
2.	The granny flat annexe shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use. Reason: To ensure an appropriate level of residential amenity at the property.
3.	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.

4.	<p>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.</p> <p>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.</p>
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Brendan Wyse
Assistant Director of Planning

27th September 2019