



An
Bord
Pleanála

Inspector's Report ABP 303866-19

Development	Driveway entrance and front boundary wall alterations.
Location	3 Mount Pleasant Road, Turner's Cross, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	18/38092
Applicant	Aoife Kirwan
Type of Application	Retention permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Amanda Stokes
Observer(s)	None
Date of Site Inspection	24/04/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

3 Mount Pleasant Road is a single storey semi-detached dwelling in the mature inner suburban area of Turner's Cross to the south of Cork City Centre. It is bounded by No.2 Mount Pleasant Road, which is a two storey dwelling that backs onto the shared boundary. It is orientated onto Friar's Road with access from same.

The dwelling on the appeal site has been renovated and extended to the rear. The original front boundary which provided for pedestrian access, only, has been modified to provide for vehicular entrance allowing for off street parking. The pedestrian access has been retained. The boundary wall, as amended, is in the region of 1 metre high.

There is a bus stop outside of the site and, save for the area in the immediate vicinity of same, on-street parking is precluded by way of double yellow lines.

2.0 Proposed Development

The application was lodged with the planning authority on the 15/10/18 with further plans and details submitted 09/01/19 following a further information request dated 03/12/18.

Retention permission is sought for a 3.9854 metre wide vehicular entrance to allow for off-street parking in the curtilage of the dwelling. To facilitate the access a new wall 1 metre in height has been erected. The existing pedestrian entrance is also widened from 0.760 metres to 1.093 metres.

The works require the relocation of a bus stop. Bus Eireann in correspondence submitted with the further information response confirms that it has no objection to same.

3.0 Planning Authority Decision

3.1. Decision

Grant retention permission for the above described development subject to 4 conditions including:

Condition 2: Development shall have been and shall be carried out in accordance with drawing RT.100 received 09/01/19.

Condition 3 (a): Gates to be recessed and/or be incapable of opening outwards.

Condition 4: Footpath to be dished by City Council at applicant's expense

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Executive Planner's report recommends further information on the matters raised in the Roads Design report summarised below. The recommendation is endorsed by the Senior Executive Planner. The 2nd Executive Planner's report dated 30/01/19 following further information recommends a grant of permission subject to 4 conditions. The recommendation is endorsed by the Senior Executive Planner.

3.2.2. Other Technical Reports

Roads Design in a report dated 27/11/18 notes that the vehicular entrance is located immediately behind an existing bus stop which will prevent access. The wall and pillars are approx. 2 metre high and will restrict visibility on egress. Further information recommended on relocation of bus stop and lowering of boundary walls and pillars to 1 metre. The 2nd report dated 24/01/19 following further information states there is no road safety objection to providing an entrance of 3.9 metres which deviates from the maximum of 3 metres recommended in the City Development Plan. Dishing of the footpath will be required. No objection subject to conditions. Drainage Division has no objection.

3.3. Prescribed Bodies

Irish Water has no objection.

3.4. Third Party Observations

An observation to the application received by the planning authority is on file for the Board's information. The issues raised relate to the size of the rear extension and and loss of privacy and to the height of the wall along the shared boundary.

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy and Context

5.1. Cork City Development Plan 2015

The site is within an area zoned ZO4 Residential, Local Services and Institutional uses.

Section 16.73 Residential Entrances/Parking in Front Gardens

The cumulative effect of removal of front garden walls 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 streetscapes (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, "driveins" should:

- Not have outward opening gates;
- Have a vehicular entrance not wider than 3m;
- In general, have a vehicle entrance not wider than 50 per cent of the width of the front boundary;
- Have an area of hard-standing (parking space of 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 the space;
- Other walls, gates, railing to be made good.

5.2. **Natural Heritage Designations**

None in the vicinity.

5.3. **Environmental Impact Assessment**

The development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submission by John McCarthy B.E. on behalf of the 3rd Party appellant, which is accompanied by photographs, can be summarised as follows:

- The information and details submitted do not accurately represent the site and developments thereon. The applicant has carried out a number of developments on the site prior to the submission of the application which include demolition and reconstruction works which are not indicated on the drawings submitted.
- Boundary changes carried out by the applicant which are continuing are not referenced.
- The accurate representation of developments carried out would permit further engagement so that the full injurious impact can be understood.
- As the documentation is inadequate the application is considered to be invalid.
- The alterations undertaken have had an adverse impact on the residential amenities and value of the appellant's home.

- Amenity is a legitimate planning consideration on which there is case law. Maher v. An Bord Pleanala cited.
- The developments carried out are contrary to guidance as set out in the Urban Design Manual.

6.2. Applicant Response

The submission by Rachel O'Toole Solicitors on behalf of the applicant can be summarised as follows:

- The application is seeking to retain a new driveway entrance and front wall alterations only. These specific elements do not cause injurious impacts to others in the vicinity.
- All site boundary and site conditions to which the application relates and relevant to the driveway entrance or front wall alterations are clearly shown on the drawing no. RT.101. This was deemed acceptable by the City Council. The application was validated.
- Exempted development has occurred on the site and is not relevant to the subject works.
- The exempted boundary works undertaken were not carried out at the time of the planning application.
- The new driveway entrance allowing for off street parking will assist in reducing traffic hazard and improved the visual amenity of the streetscape.

6.3. Planning Authority Response

None received

6.4. Observations

None

7.0 Assessment

As extrapolated from the documentation on file and the grounds of appeal the appellant's concerns centre on the extension constructed to the rear of the dwelling on the appeal site and the works that have been carried out along the shared boundary.

I note at the outset that the nature and extent of the development before the Board for assessment is the retention of alterations to the driveway entrance and front boundary wall to Mount Pleasant Road, only. The application does not pertain to any other boundary treatment or to other works carried out on the site. Such matters are not before the Board for comment or assessment. This could be further clarified by way of condition should the Board be minded to a favourable decision.

I consider that the plans and details accompanying the application, as amended by way of further information, are sufficient in detail to allow for a proper assessment of the development for which retention permission is being sought. The fact that an extension erected to the rear of the dwelling is not shown on the site layout does not negate the adequacy of the documentation in the context of the subject development. As noted previously the said extension does not form part of the application before the Board.

The site to which the appeal refers is in the mature, inner suburban residential area of Turner's Cross characterised by a mix of housing types. The area, whilst having an innate quality, is not an architectural conservation area. Many of the properties were originally served by pedestrian entrances, only. Amendments to front boundaries so as to provide of vehicular entrance and off street parking are prevalent in the area. Save for the bus stop area outside the appeal site double yellow lines along Mount Pleasant road preclude on street parking.

The works carried out to date entail the removal of the original front boundary wall to allow for a gated vehicular entrance 3.985 metres wide. Whilst this exceeds the City Council recommended maximum of 3 metres I have no objection on aesthetic or traffic safety grounds and note that it does not exceed 50% of the overall site frontage, which is calculated to be 11.286 metres. The boundary wall as constructed is 1 metre in height which matches that of the dwelling to which it is adjoined with the pedestrian entrance retained, albeit slightly wider at 1.093 metres.

The wall and pillars have a smooth render finish that matches the dwelling. The bus stop has been relocated along the site frontage to allow for the vehicular access. I note that Bus Eireann in correspondence accompanying the further information request has no objection to same.

I consider that the works to be retained would generally accord with the current City Development requirements for vehicular entrances and parking in front gardens as set out in section 16.73, would not have a negative visual impact on the established character or visual amenities of the area and would not give rise to concerns in terms of traffic safety. In terms of the latter I note that the appellant's property is accessed from Friar's Walk to the north and around the corner from the appeal site.

Appropriate Assessment

Having regard to the location of the site and the nature and scale of the proposed development 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

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that retention permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the scale, nature and design of the works to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to a traffic hazard. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the applicant as amended by the plans and particulars received by the planning authority on the 9th day of January 2019.

Reason: In the interest of clarity

2. The development to which this permission for retention relates is limited to the plans and details lodged the planning application as amended by the plans and particulars received by the planning authority on the 9th January 2019, only, and does not refer to any other works within the site

Reason: In the interest of clarity

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety

4. Within three months from the date of this order the footpath outside the vehicular entrance shall be dishd in accordance with the requirements of the planning authority. The works shall be carried out at the applicant's expense.

Reason: In the interest of vehicular and pedestrian safety

Pauline Fitzpatrick
Senior Planning Inspector

April, 2019