



An
Bord
Pleanála

Inspector's Report ABP-304537-19

Development	Part demolition of front boundary wall and railing to form a vehicular driveway, provision of a hardstanding area and all associated site works
Location	2 Highfield West, College Road, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38287
Applicant(s)	Susan McGarry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Susan McGarry
Observer(s)	None
Date of Site Inspection	29 th July 2019.
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located on Highfield Road West in the south central suburb of Cork City. The site accommodates a two and a half storey, mid terrace house. The front boundary treatment comprises a plastered wall with a low railing. The railing is partially hidden by a mature hedge. There is an existing pedestrian gate from Highfield Road West, with 3 no. steps and an elevated hardstanding area in the front garden.
- 1.2. Car parking is restricted on Highfield Road West. There are double yellow lines located on the both sides of the street, with some pay and display parking provided along sections of the western side of the street.

2.0 Proposed Development

- 2.1. Permission is sought to demolish the entire front boundary wall and railing, approx. 3.3m in width and to provide a new vehicular access and driveway. The existing front piers and pedestrian gate would be retained. The proposed driveway is approx. 3.5m in width by 5m in depth and is level with the road. A raised bed with a gravel finish is proposed along the southern and eastern boundaries of the front garden and the existing hedge along the southern boundary would be retained.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for the following reason: -

Having regard to the location of the site with the U.C.C. / College Road / Magazine Road Architectural Conservation Area (A.C.A.) and Objectives 9.29, 9.30 and 9.32 in relation to developments in such areas and having regard to planning policy as set out in paragraph 16.73 of the Cork City Development Plan 2015-2021 in relation to the development of residential vehicular entrances, the proposed development would contravene the aforementioned policies and objectives, would have a negative impact on the special character of the streetscape and A.C.A. and would set an undesirable precedent for similar type developments. The proposed development

would therefore seriously injure the amenities of property in the vicinity and would adversely affect the character of the A.C.A, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The Area Planners report recommended that permission be refused for the reason noted above.

3.2.2. *Other Technical Reports*

Conservation Report: Recommended a refusal of permission due to the loss of the original front wall and railing and the unacceptable negative impact on the character of the ACA.

Roads Design (Planning) report: No objection subject to conditions.

Drainage Report: No Objection

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

None.

4.0 Planning History

4.1. *Subject Site*

None

4.2. *Surrounding Sites*

Reg. Ref. 15/36471: Retention Permission was granted in 2015 for a driveway at no. 3 Highfield West.

Reg. Ref. 12/35176: Permission was granted in 2012 for a driveway at no. 10 Highfield West.

Reg. Ref. 06/31394: Permission was granted in 2006 for a driveway at no. 6 Highfield West

5.0 Policy Context

5.1. Cork City Development Plan, 2015-2021

5.1.1. The site is within an area zoned ZO4 – ‘Residential, Local Services and Institutional uses’. It is also located within a Architectural Conservation Area. Relevant Policies include the following:

- Objective 9.29 – Architectural Conservation Areas.
- Objective 9.30 – Demolition in Architectural Conservation Areas.
- Objective 9.32 – Development in Architectural Conservation Areas.
- Objective 9.35 – Elements of Built Heritage.

5.1.2. Section 16.73 Residential Entrances/Parking in Front Gardens states: -

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. Environmental Impact Assessment*

5.2. Natural Heritage Designations

There are no relevant designated areas in the immediate vicinity of the site.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The main grounds of the appeal are summarised below.

- The on-street pay and display car parking along the western side of Highfield West is insufficient to cater for the demand for residential parking.
- The house is located in a terrace of 12 no. houses, 7 no. of which have removed the front boundary and provided off street car parking. Of the 16 no. houses on the opposite side of the street, 14 no. have removed the front boundary and provided off street car parking.
- It is acknowledged that some of the existing driveways are unauthorised however the planning authority have already set a precedent of granting permission for driveways on Highfield West.
- The sites location within an ACA is noted, however, a significant number of boundary walls had already been removed prior to the designation of the area.
- Having regard to the pattern of development the proposed development would not have a negative impact.

- Details of driveways which have been granted permission by Cork City Council, on Highfield West and the immediate environs have been included with the appeal.

6.2. **Planning Authority Response**

The Planning Authority reiterated its concerns regarding the proposed development. If permission is being completed the Board should restrict the width of the access, the wall and railing be retained where possible and appropriate landscaping be provided.

7.0 **Assessment**

7.1. The main grounds of this appeal relate to the reason for refusal, in this regard the impact on the ACA. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

7.2. ***Architectural Conservation Area***

7.2.1. The subject site is located within an ACA with the associated Objective 9.29 to preserve and enhance the designated ACA's in the City. Section 16.73 of the Development Plan notes that the cumulative effect of removing front boundary walls damages the character and appearance of areas and are generally not permitted in Architectural Conservation Areas. The Planning Authority refused permission on the basis that the demolition of the boundary wall and railing, to facilitate the proposed vehicular access, would have a negative impact on the special character of the streetscape and the ACA and would set an undesirable precedent for similar developments.

7.2.2. In the appeal the applicant has provided details of a number of vehicular accesses on Highfield West and in the vicinity of the site, which have been granted by the Planning Authority, and considers that the provision of a driveway at the subject site would not negatively impact on the ACA.

- 7.2.3. During a site visit on the 29th July 2019 it was noted that there are a substantial number of existing driveways on Highfield West and that a significant portion of the historical front boundary walls and railings have been removed.
- 7.2.4. It is noted that the Planning Authority's Conservation Officer recommended a refusal of permission due to the unacceptable loss of the original front wall and railing and the negative impact on the character of the ACA. In my opinion, the removal of the entire front boundary wall, approx. 3.3m in width, to facilitate the proposed vehicular access and driveway would have a negative impact on the special character of the streetscape. However, it is considered that subject to appropriate design specifications, vehicular entrances can be provided without a significant loss of visual amenity or historic fabric. The design of the proposed vehicular entrance should be revised to provide a single combined access to the site. In this regard, the existing pedestrian and the proposed vehicular access should be combined to form an entrance no greater than 2.6m in width. In addition, the proposed driveway should have a maximum width of 3.5m, and soft landscaping should be provided in the remaining area of the front garden.
- 7.2.5. It is also noted that Highfield West is approx. 6.5m in width with double yellow lines on the eastern side of the road and on-street pay and display parking along sections of the western side of the road. The applicant notes in the appeal that there is insufficient on-street car parking to cater for the demand from the residential properties. While it is not intended to promote car use in the city, it is considered that the proposed off-street car parking would provide car storage and improve the residential amenity of the existing house.
- 7.2.6. In conclusion, having regard to the proliferation of vehicular accesses on Highfield West, it is my view that a vehicular access at this location, which is limited to a maximum width of 2.6m and combined with the existing pedestrian gate would not have a detrimental impact on the ACA or the special character of the streetscape and would improve the residential amenity of the existing house.

7.3. ***Appropriate Assessment***

Having regard to the nature and scale of the proposed development and the distance from 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.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable 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 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. 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 vehicular access shall have a maximum width of 2.6m and shall be combined with the existing pedestrian gate.
 - b. The driveway shall have a maximum width of 3.5m and a maximum depth of 5m.

- c. Soft landscaping shall be provided in the remaining area of the front garden.

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 visual amenity.

3. Drainage arrangements, including the disposal and attenuation 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. The formation of the vehicular access to the site including alteration of the existing public footpath shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

Elaine Power
Planning Inspector

14th August 2019