



An
Bord
Pleanála

Inspector's Report ABP-304683-19

Development

Upgrades of the existing front façade of, and modifications to the roof to facilitate the provision of 1 no. one-bed apartment in the attic to, No. 14 (a protected structure), and construction of a three-storey detached annex to the rear to provide 3 no. one-bed apartments

Location

No. 14 North Mall, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

19/38331

Applicant(s)

Hayley Newton

Type of Application

Permission

Planning Authority Decision

Grant, subject to 14 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Maria Carney

Observer(s)

None

Date of Site Inspection

16th August 2019

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on the North Mall, which runs west from Griffith Bridge, on the northside of the River Lee in the north western portion of Cork city centre. This site accommodates a three storey mid-terrace period house from the 18th Century. This house is accompanied by other similar houses on either side, which overlook North Mall and the River Lee beyond. While the majority of these houses are in residential use, two doors down, at No. 12, is the Franciscan Well, a brewery and public house which laps around to the rear of the site. Further to the east/north east of the site, there are examples of more modest houses in the form of cottages, known as Rock Cottages, some of which are at an intermediate level between the North Mall and higher ground to the north on Blarney Street.
- 1.2. The site itself is of roughly regular shape and it extends over an area of 0.0325 hectares. The above cited three storey house is presently in use as 5 apartments. To the rear of this house is a narrow single storey extension that abuts the western boundary of the site. The remainder of the site is laid out as a yard, which is accessed from the North Mall via an alleyway through the eastern portion of the house. Four car parking spaces are marked out on the western side of this yard, which rises gently to the north. It is enclosed by walls and there is a vehicular gate in the rear wall and a pedestrian gate in the eastern side wall.

2.0 Proposed Development

- 2.1. The proposal is for the construction of 4 one-bed apartments and all ancillary site development works.
 - Three of these apartments would be provided in a new three-storey detached annexed building, which would be sited in the rear yard to the existing house.
 - The remaining apartment would be provided in the attic to this house, the roof of which would be modified to accommodate it.
- 2.2. The new building would be of contemporary design and it would be finished in a variety of materials. It would be accompanied by a courtyard in which wall mounted bicycle racks would be hung.

- 2.3. The existing roofscape comprises two parallel double pitched roofs with a valley between them. The rear roof would be removed in favour of a more vertical shaped form clad in metal. (This form would “tie-in” with a similar form to the rear of the adjoining house at No. 13). The front roof would have its rear portion removed to provide a deck for the apartment in question.
- 2.4. The proposal would also entail upgrades of the existing front façade to the house.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 14 conditions.

- Condition no. 2 requires that the proposed second floor deck terrace be fitted with a solid wall on its western edge instead of a low-level glazed panel, in the interests of residential amenity.
- Condition no. 3 requires that an overhead roof shelter be installed at the 2 no. bicycle parking locations, in the interests of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, commentary provided.
- Cork City Council:
 - Drainage: No objection, subject to conditions.
 - Environment (Waste): No objection, subject to conditions.
 - Roads Design: No objection, subject to conditions.
 - Conservation: No objection, subject to a condition.

4.0 Planning History

Site:

- Pre-planning consultation occurred on 12th November 2018, and
- 1722/19: Part V Exemption Certificate submitted to shadow current proposal.

No. 13 North Mall (protected structure):

- 17/37479: Change of use from a single dwelling to 3 no. apartments + new roof extension, alterations to brickwork and repair and reinstatement of existing entrance steps and railings + retention of lean-to-bin store, chimney stack, single storey annex, and alterations to windows to the rear of the property: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within Zone ZO 3 – Inner City Residential Neighbourhood. The accompanying Objective is “To reinforce the residential character of inner city residential neighbourhoods while supporting the provision and retention of locals services, and civic and institutional functions.”

The CDP identifies the subject property as a protected structure (RPS no. PS 209) and it shows this property as lying within North Mall/Marsh ACA. It is also an entry in the NIAH (reg. 20500338).

5.2. Natural Heritage Designations

- Cork Harbour SPA (site code 004030)
- Great Island Channel SAC (site code 001058)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.0325-hectare site to provide 4 dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The second storey of the proposed detached annex would significantly affect the lighting of the three-storey residential building at No.13.

The appellant has submitted 3 no. photographs with the outline of the proposed detached annex etched onto them. These photographs are accompanied by a commentary.

The rear elevation of No. 13 contains kitchen and bedroom windows and it is accompanied by a first-floor balcony and a yard.

- In addition to the loss of light, the appellant is concerned that the proposed detached annex would create a “hemmed-in” feeling.
- Attention is drawn to the ACA.

6.2. Applicant Response

- With respect to residential amenity, the applicant expresses concern that the depiction of the proposed detached annex on the submitted photographs is inaccurate and that the appellant has not submitted any evidence to substantiate her claims.

The applicant has undertaken a sun path study of the proposal and, as the proposed detached annex would be sited to the north east of the rear elevation of No. 13, he concludes that the sun lighting and overshadowing impacts arising would not affect No. 13.

- With respect to built heritage, attention is drawn to the proposed roof modification, which is patterned on a similar modification, which was undertaken at No. 13.

The proposed detached annex would not be visible from the surrounding streets and it would not have a negative impact upon the setting of the adjacent protected structures at Nos. 13 and 14.

The proposal would be of benefit to the ACA, as improvements to the front façade of No. 14 are proposed, and the attic conversion/extension would not entail the loss of any original fabric.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

The appellant has responded to the applicant's response, as follows:

- Attention is drawn to the height of the proposed annexe and, in particular, the presence of the third storey.
- While the sun path study is acknowledged, this study does not address the concern that the annexe would impact upon daylight (skylight). Government advice is cited in this respect, which emphasises that, as overcast conditions are common in Ireland, sunlight/overshadowing studies do not convey the whole impact.
- Essentially, objection is raised to the third storey of the proposed annexe only.

7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Conservation,
- (iii) Amenity,
- (iv) Parking,
- (v) Water, and
- (vi) Screening for AA.

(i) Land use and development standards

7.2. Under the CDP, the site lies within an area zoned ZO 3 – Inner City Residential Neighbourhood. The Objective for this Zone is “To reinforce the residential character of inner city residential neighbourhoods...” The existing residential use of this site is in conformity with this Objective and the proposed intensification of such usage from 5 apartments to 9 would likewise be in conformity.

7.3. Relevant development standards are set out in the Sustainable Urban Housing: Design Standards for New Apartments (SUHDSNA Guidelines). Tables on drawing no. 253.17 – 201 cite these standards and the corresponding areas that would be achieved under the proposal.

- The three apartments in the new build annexe would be in compliance.
- The remaining roof top apartment would have a gross floor area of 41 sqm rather than 45 sqm. Its combined kitchen/living/dining area and bedroom area would achieve the relevant minimum floor areas. Internal storage would be provided in the retained front roof and it would be accessed via the inserted deck.

Given the constraints of the roof top siting of this apartment on a house, which is a protected structure, I acknowledge that the achievement of additional volume/floor

area is beyond the applicant's reach. I acknowledge, too, the presence of a similar roof top extension at No. 13 with which the proposal would correspond. In these circumstances and in recognition of the fact that the aforementioned living and night time spaces would comply, I consider that it would be reasonable to accede to this apartment.

- 7.4. The apartments would be accompanied by private and communal open space that would be in compliance with the SUHDSNA Guidelines, too.
- 7.5. I conclude that the intensification of residential use proposed would be in conformity with the Zoning Objective for the site and the proposed apartments would either be in compliance with SUHDSNA Guidelines or, insofar as one would fall short, this would still be consistent with the provision of an adequate standard of amenity for future residents.

(ii) Conservation

- 7.6. The house on the site is a protected structure and an entry in the NIAH.
- 7.7. The proposed annexe would be a freestanding building to the rear of the house. Its contemporary design and use of a variety of finishing materials would clearly distinguish it from this house and so, in accordance with good conservation practice, there would be no risk of confusion between the two.
- 7.8. The proposed roof top apartment would be constructed over the rear portion of the roofscape to the house. Accordingly, the front plane to the front portion of this roofscape would remain unaltered. While the proposed apartment would be accommodated in a metal clad structure that would exceed the height of the existing front ridgeline, the height of the house would ensure that it would not be visible from street level on the North Mall. The existing comparable roof top extension at No. 13 is not visible from Bachelor's Quay on the southern side of the River Lee and so, by the same token, the proposal would not be visible either. By contrast, from the elevated laneway that serves Rock cottages to the north east of the site, the said extension is visible and so this proposal would be, too, albeit they would be seen together as a consistent form of rear roof development.
- 7.9. The existing roofscape to the house is of modern origin and so it exhibits no conservation interest. Its proposed partial replacement thus poses no issue from a conservation perspective.

- 7.10. The proposal would entail upgrades to the front façade of the house. These upgrades are itemised on drawing no. 253.17 – 202. They would in each case be welcome. Condition 4 of the Planning Authority’s draft permission requires that the upgrades be the subject of method statements prepared by a conservation expert. This condition should be replicated in any Order granted by the Board and expanded to require that the said upgrades be undertaken before the commencement of occupation of the proposed additional apartment to the house.
- 7.11. The proposal would be either consistent with or it would enhance the character of the house within its context and so this proposal would represent good conservation practice.

(iii) Amenity

- 7.12. The appellant has submitted three photographs onto which are etched the profile of the proposed detached annexe. She draws attention to the presence of habitable room windows in the rear elevation of her house at No. 13 and to a yard and first-floor balcony. She also draws attention to the loss of light to these windows and spaces that would result from the presence of the said annexe.
- 7.13. The applicant has responded by questioning the accuracy of the profiles thus shown and by submitting a sun path study, which demonstrates that, as the annexe would be sited to the north east of the rear elevation of the appellant’s house, a loss of direct sunlight and overshadowing would not affect this elevation and the yard and first-floor balcony.
- 7.14. The appellant has responded to the applicant’s response by stating that the annexe would lead to a reduction in daylight (skylight) and that it would also lead to a heightened sense of enclosure. Essentially, the third storey of this annexe is what she wishes to contest.
- 7.15. I note that the said profiles are somewhat broad brush and so they do not pick up on the more nuanced shape of the proposed annexe and its associated siting. I, therefore, agree with the applicant that they tend to exaggerate the likely impact of this annexe. I note, too, the lighting and outlooks from the windows in the rear elevation and the yard and first-floor balcony are affected by the equivalent of a part one/part two storey building in the said yard. The introduction of the annexe would thus be experienced in this context and so, while some reduction of lighting and

outlook would arise, the resulting impact would be to heighten an impact that already exists. While this heightening would be mitigated by the removal of the third storey, I consider that, given the site's city centre location and the existing pattern of development in the area, the annexe as proposed would be sufficiently compatible with the level of amenity that neighbours in this context could reasonable expect.

7.16. The Planning Authority's condition no. 2 requires that the western edge of the proposed second floor balcony be enclosed by means of a solid wall rather than a low-level glazed panel, in the interest of residential amenity. I note that western views from this balcony would be over the double pitched roof of the two-storey building in the rear yard to No. 13. I note, too, that further to the west and to the north lies the non-residential site of the Franciscan Well. I, therefore, take the view that residential amenity would not be affected by the retention of the original specification for this balcony and so I am inclined to omit the said condition.

7.17. I conclude that the proposal as originally submitted would be compatible with a reasonable standard of residential amenity in the surrounding city centre neighbourhood.

(iv) Parking

7.18. At present the rear yard to the site is laid out to provide 4 car parking spaces. Under the proposal, these spaces would be lost. In their place, wall mounted bicycle racks would be installed. Under the Planning Authority's condition no. 3, these racks would be required to have overhead roof shelters.

7.19. Under the CDP, the site is shown as lying within Zone 1 for car parking purposes. This Zone is considered to be a walkable environment within which parking is to be constrained below the maximum levels cited in Table 16.8. Under this Table, one/two-bed apartments should be accompanied by no more than 0.5 spaces. At present there are 5 apartments on the site and under the proposal this figure would increase to 9. Thus, fewer than 4.5 spaces would be appropriate.

7.20. I note that the Roads Design advice raised no objection to the proposal. I note, too, that the site is clearly within the city centre and close to UCC and so it could be reasonably be expected that residents would tend to work/study therein. On-street car parking spaces are available on the nearside of the North Mall and the alleyway

vehicular access to the site would be retained. I, therefore, raise no objection to the proposed omission of car parking spaces from the site.

7.21. Under the CDP, each apartment should be accompanied by a minimum of 1 cycle parking space. Under the proposal 14 such spaces are proposed, and these would be sited in two positions adjacent to the annexe. Thus, the CDP minimum standard would be exceeded. The spaces should be under cover as required by the above cited condition no. 3.

7.22. I conclude that, due to the site's city centre location, the need for car parking spaces can be waved. I conclude, too, that the proposed cycle parking spaces should be provided under cover.

(v) Water

7.23. The existing house is served by the public water mains and sewerage system. Irish Water and the City Council's Drainage Section raised no objection to the proposal.

7.24. Under the OPW's flood maps, the site is shown as lying within Flood Zone C and marginally within Flood Zone B, i.e. the front of the site onto the North Mall. The flood risk would arise from fluvial flooding from the River Lee. Flood Zone B would also coincide with the area of the site that would be at risk of costal flooding from the sea.

7.25. Under Table 3.1 of the Planning System and Flood Risk Management (PSFRM) Guidelines, dwellings are considered to be highly vulnerable development. Under Table 3.6, such development is considered to be appropriate within Flood Zone C. The proposed annexe would be sited towards the rear of the site and so it would be within this Zone. However, access/egress to it would be from the front of the site, i.e. via the existing alleyway, and so it would be within Flood Zone B.

7.26. Under Section 5.28 of the PSFRM Guidelines, minor development is defined as including small scale infill and small extensions to houses. In the case of the current proposal, one of the apartments would be provided in a roof top extension to the existing house on the site and the other three would be provided in a new build annexe in the rear yard. I consider that it would thus constitute "minor development" and so, given that Flood Zone B impinges on the above cited alleyway, the need to run the Justification Test does not arise.

7.27. I conclude that the site is serviced already and that the scale of the proposal is such that, notwithstanding the presence of a flood risk, no objection is warranted under the PSFRM Guidelines.

(vi) Screening for Stage 1 AA

7.28. The site, which is beside the River Lee, is neither in nor beside a Natura 2000 site. (Such sites exist downstream, i.e. Cork Harbour SPA and Great Island Channel SAC). This site is fully serviced. Accordingly, I considered that its further development, as proposed, would be unlikely to significantly effect the Conservation Objectives of the said Natura 2000 sites.

7.29. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Planning System and Flood Risk Management Guidelines, and the Cork City Development Plan 2014 – 2020, the Board considers that, subject to conditions, the proposal would fulfil the Zone ZO 3 Objective for the site and it would largely comply with the advice set out in the aforementioned Guidelines. Any divergence from this advice would arise from constraints imposed by the status of the existing house as a protected structure and it would not jeopardise the achievement of a satisfactory standard of amenity to future residents. The proposed upgrades to the front façade of this house would enhance its appearance within the North Mall/Marsh Architectural Conservation Area. The proposal would be compatible with the maintenance of a reasonable standard of residential amenity in neighbouring properties. The omission of car parking spaces and the specification of cycle parking spaces would be appropriate to the site's city centre location. The site

is fully serviced, and no EIA or AA issues arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 11th day of July, 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed bicycle parking spaces shall be enclosed within shelters.</p> <p>(b) A specification for the soft and hard landscaping proposed for the courtyard and a timetable for its planting and installation.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Prior to the commencement of occupation of the apartments in the proposed annexe, the bicycle spaces shall be provided and, thereafter, they shall be retained insitu for the duration of the development.</p> <p>Reason: In order to promote the use of bicycles, as a sustainable mode of transportation, and in the interest of visual amenity.</p>
3.	<p>Prior to the commencement of development, a scheme of specifications, method statements and schedules for (a) the upgrade works to the front façade of the existing house, and (b) the roof top extension to this house shall be submitted to and agreed in writing with the Planning Authority. This</p>

	<p>scheme shall be prepared by a qualified professional with specialised conservation expertise.</p> <p>Prior to the commencement of occupation of the apartment proposed for the roof top extension, the agreed scheme shall be fully implemented under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To ensure that the upgrade works are carried out in accordance with best conservation practice and in a timely manner.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed annexe shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

	<p>development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution of €9812 (nine thousand eight hundred and twelve euro) 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. The application of any indexation required by this condition 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.</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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Hugh D. Morrison
Planning Inspector

24th September 2019