



An  
Bord  
Pleanála

## Inspector's Report ABP-305082-19

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<b>Development</b>	Change of use of taxi base to apartment
<b>Location</b>	111A Old Youghal Road, Dillons Cross, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38401
<b>Applicant(s)</b>	Dave Kenny Jnr.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Dave Kenny Jnr.
<b>Date of Site Inspection</b>	15 <sup>th</sup> October, 2019
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located on the southern side of the Old Youghal Road, approximately one kilometre north-east of Cork city centre. This is an area in which there is a mix of residential and commercial uses. The site comprises a disused single-story building built out to the footpath edge and sited a short distance south-west of the junction of the Ballyhooly Road and Old Youghal Road. Two-storey buildings adjoin the site to the north-east and south-west, the building lines of which are sited behind that of the structure on the appeal site. There is a small forecourt area to the front of the structure to the north-east which is a dwelling. The Dillon's Cross area comprises a mix of residential, commercial and educational uses in the immediate vicinity of the site.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the change of use of the disused single-storey taxi base to a one bedroom apartment. It would include the provision of a new entrance door and window opens. The gross floor area of the apartment would be 51.14 square metres on a site area of 0.007213 hectares.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 10<sup>th</sup> July 2019, Cork City Council decided to refuse permission for the proposed development for one reason relating to the proposal providing a substandard and unacceptable form of residential accommodation.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted the site's planning history, development plan provisions and the reports received. It was submitted that it seemed that the permitted use of the existing structure on the site is retail. Reference was made to the Design Standards for New Apartments 2018 and to development plan provisions relating to residential

development. It was considered that there would be planning gain in providing a residential unit and improving the front façade of the building. It was noted that there is a shared open yard, forming part of the curtilage of 142 Ballyhooly Road, to the north of the building which is included within the site boundary and which has no immediate access from the proposed apartment and no right of way shown. It was submitted that this area is sufficient for bin and bicycle storage, that it would be enclosed, achieve minimal daylight and would be poor for amenity purposes. It was concluded that this would be substandard and an unacceptable form of private open space. It was further noted that there would be restricted access to natural light into the bedroom through the window to the room. Concern was raised for the privacy and safety of occupants due to the siting of the building immediately onto the footpath. Overall, it was considered that the proposed change of use would be substandard qualitatively in terms of natural light, privacy and open space and that it would have a detrimental impact on the residential amenity of future occupants. A refusal of permission was recommended.

The Senior Planner concurred with the Planner's recommendation.

#### 3.2.2. Other Technical Reports

The Environment Waste Management & Control Section had no objection to the proposal subject to conditions.

The Roads Design Section had no objection to the proposal subject to the attachment of a condition.

The Community, Culture and Placemaking Section noted the site met exemption criteria.

The Drainage Engineer had no objection to the proposal subject to conditions.

### 3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

## 4.0 Planning History

P.A. 10/34284

Permission was refused for the retention of change of use from retail to taxi base.

## 5.0 Policy Context

### 5.1. Cork City Development Plan 2015-2021

#### Zoning

The site is zoned 'ZO 10 Local Centres' with the objective "To protect, provide for and/or improve the retail function of local centres and provide a focus for local centres."

Residential uses are acceptable within this zone.

#### Development Management

##### *Infill Housing*

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Have an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

### 5.2. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

### 5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The following is of note:
  - The character of the area is generally residential;
  - The property is vacant and is likely to become derelict unless a new use is found;
  - The proposed use at the site is supported by all relevant national and local planning policies;
  - Residential uses are supported within the site's 'local centre' zoning;
  - The proposal generally exceeds all of the qualitative standards set out in the national guidelines;
  - There have been no objections from any other local authority department;
  - There have been no third party objections; and
  - The physical improvements to the property would improve the appearance of the structure and the visual amenity of the streetscape.
- A revised proposal is submitted to the Board to include a rear skylight to enhance the availability of natural light into the bedroom.
- It is noted from Section 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments in small-scale refurbishment schemes private amenity space requirements may be relaxed in whole or in a case by case

basis, subject to overall design quality. The proposal generally exceeds the minimum quantitative floor areas and standards set out in Appendix 1 of the Design Standards.

- The lack of dedicated private amenity space is not significant in this instance given the site's inner urban location, its current vacancy and the need for new residential uses in a sustainable location.
- The applicant has the right to use the shared yard and it would be used for storage of bins, bicycles, etc. It is noted that the storage of bins in the yard is not different from anywhere else in an inner urban area.
- Concluding that the property fronting directly onto the public footpath forms a basis for refusal ignores the reality of historic inner urban areas. This is no different than anywhere else in the city.

## 6.2. **Planning Authority Response**

The planning authority submitted that it had no further comments to make.

## 7.0 **Assessment**

7.1. The site of the proposed development contains a vacant single-storey, flat-roofed structure in a poor state of repair sited on the edge of a busy road on the approach to Cork City centre from the north-east. It is reasonable to ascertain that this existing structure, in its current form, does not present a visually pleasing façade to this street. It is clear that if the building was to undergo upgrading, new and improved fenestration, etc. that its appearance would be enhanced and the general street frontage along this section of Old Youghal Road would be improved. Such visual improvements could only reasonably be viewed as benefitting the amenity of this area.

7.2. The proposed development seeks to accommodate a one bedroom apartment within the existing shell of the building. Effectively, the existing structure is to be refurbished and openings are to be provided to allow for improved access, light and ventilation into the structure. The form, character and general presentation of the existing structure could not generally be construed as visually pleasing. While there is a wide

mix of building types and styles in the immediate vicinity of this junction location, the existing structure on this site would remain as an infill of poor architectural merit. The structure's refurbishment, while acknowledged above as improving its presentation to the public realm, would do little to redefine what is essentially a poor infill structure in this streetscape. I, thus, would question the development of this site in the manner proposed at this location. The design and ultimate form and character of a structure with a new use on this site should be a primary issue of planning concern. The proposal does little to address this.

- 7.3. Setting aside any relatively minor visual gain that could potentially be achieved by the proposal, one must consider the function of the proposed development and whether it meets with providing a satisfactory standard of accommodation for the occupants of the structure. I have no doubt that the floor areas of the refurbished building could provide more than minimum floor areas required for different rooms within the structure to comply with a range of apartment standards. The principal question is how would this use function at this location? Openings have been located to minimise any intrusion the structure could have by way of overlooking and loss of privacy. The shell of the building is being retained and, therefore, the issues of overshadowing and overbearing impact on neighbouring properties would not arise in such a context. Ultimately, it is the function of the structure for the occupants of the apartment, and not the external effects of the structure, that is the principal matter for consideration.
- 7.4. With due regard to this, I acknowledge the Cork City Development Plan's provisions on 'Infill Housing'. While the proposal could be viewed as making a sustainable use of urban land, not having any significant adverse impacts on its neighbours, and the structure itself would provide an internal layout to meet minimum living standards, it is my submission to the Board that this proposal still falls short of the provisions of the Plan on infill development. Firstly, this structure already detracts from the built character of the area within which it is located. Just because it exists, the facilitation of a change of use that retains an infill of poor built character should not automatically be accepted. Furthermore, the proposed development does nothing to address the issue of respecting building lines, heights, materials, and roof profile. The existing structure fails on each of these important design features. It remains inherently incongruous, an infill that is an anomaly. Returning to its function for

occupants, it is seriously deficient in amenity terms. This would be an apartment unit that would be separated, in direct access terms, from a yard area alongside it which it is proposed to share with a neighbouring house. In functional terms, this is unsustainable. Firstly, it is unsustainable in terms of how access is proposed to be gained, i.e. out through the front door immediately onto the street edge and then via the side of the building on the approach to and within the forecourt of the neighbouring house. Secondly and more importantly in my opinion, I would question how likely it would be to maintain over time such provisions in light of separate ownership of the two separate residential properties which this shared space seeks to serve. This would not be a practical, functional amenity space necessary to serve the most basic of amenity needs of the occupants of the proposed apartment.

- 7.5. Having regard to the above, I am satisfied that the proposed development would constitute a poor standard of accommodation for the occupants of the proposed apartment, that it would continue to detract from the built character of this area, and that it would, as a consequence, fail to meet with the provisions of the Cork City Development Plan as they relate to infill development.
- 7.6. In addition to the above, the ongoing congestion of the street at this location must be acknowledged as having potential adverse effects on the functioning of a unit directly adjoining the footpath edge. This is a location in which on-street parking is permitted and it is very clear that this, associated with the restricted footpath width, makes for potential difficulties in terms of access into and out of the property, i.e. further adversely affecting the amenity for residents of the unit. I acknowledge that this may be viewed as something that is not unusual in a built-up urban environment but this again adds to the concerns of the adequate functioning of such a structure and the amenity provisions for the occupants of the proposed unit.
- 7.7. In conclusion, I note that there appears to be some lack of clarity as to whether the established taxi base has or has not permission. The issue of unauthorised development is a matter for the planning authority. I am satisfied that the above considerations on this appeal address the most relevant planning issues arising from this proposal.



## 8.0 Recommendation

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

## 9.0 Reasons and Considerations

The proposed development would be located on a constrained infill site with restricted access to amenity space and would constitute the refurbishment of a structure that is of poor architectural merit, which undermines the character and appearance of the streetscape on Old Youghal Road. It is a requirement under Cork City Development Plan 2015-2021 that infill proposals should not detract from the built character of the area and that adequate amenity is provided for the infill development. Having regard to the incongruous design, form and built character of the proposed structure and to the seriously deficient amenity provisions to serve the needs of the occupants of the proposed apartment, it is considered that the proposed development would constitute a structure that would fail to integrate satisfactorily with the streetscape, would as a consequence be injurious to the visual amenity of the area, would provide substandard accommodation for the occupants of the apartment unit, and would thereby contravene the provisions of the current Cork City Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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Kevin Moore  
Senior Planning Inspector

21<sup>st</sup> October 2019