



An
Bord
Pleanála

Inspector's Report

ABP-305487-19

Development	Permission to demolish rear annex (derelict structure) and construct a dwelling house on site to rear of no.1 Montenotte View.
Location	Eastville, Albert Road, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38521
Applicant(s)	Galtan Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Galtan Limited
Observer(s)	None
Date of Site Inspection	28 th November 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on Eastville to the rear of no. 1 Montenotte View, approx. 4m south of the junction / roundabout of Victoria Road, Centre Park Road and Albert Road in Cork City Centre. The area is generally residential in nature.
- 1.2. The site has a gross floor area of 35sqm and currently accommodates a derelict rear annex of an existing two and a half storey building and associated yard. The site fronts directly onto the public footpath on Eastville. There is unrestricted car parking located on Eastville and the surrounding road network.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing rear annex, with a gross floor area of 32.48sqm and construct a two-storey house with a stated gross floor area of 46.44sqm. The house consists of a double bedroom and bathroom at ground floor level and an open plan kitchen, living, dining room at first floor level.
- 2.2. The house has pitched roof with a maximum height of 7.1m. The height and fenestration details are similar to those of the adjoining house, no. 1 Eastville. A yard with a gross floor area of approx. 6.5sqm is proposed to the rear of the house, at the boundary with no. 2 Montenotte View.
- 2.3. The works also include the relocation of an existing first floor window on the rear elevation of the no. 1 Montenotte View, which is also within the ownership of the applicant.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons: -

1. Having regard to the objectives of the Cork City Development Plan 2015-2012, for the area, it is considered that the proposed development would be sub-standard, and by reason of its scale, design, bulk and site coverage, the proposed development would represent overdevelopment of a small,

restricted site, which would be out of character and adversely affect, an Architectural Conservation Area, and would seriously injure the amenities of the area and of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would contravene condition no. 1 of TP 16/37149 by the omission of the private open space / yard that was granted within the overall development. This would seriously injure the residential amenity of occupants of the existing building, and set an inappropriate precedent. It would also be contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The reports by the Area Planner and Senior Executive Planner raised concerns regarding the development and recommended that permission be refused for the reasons noted above.

3.2.2. *Other Technical Reports*

Environment Report: No objection subject to conditions

Road Design (Planning) Report: No objection subject to conditions

Drainage Report: No objection

3.3. Prescribed Bodies

Health and Safety Authority: No objection

Irish Water: No objection

3.4. Third Party Observations

None

4.0 Planning History

Reg. Ref. 16/37149: Permission was granted in 2017 for the change of use of an existing ground floor retail / commercial unit to a 1-bed apartment, demolition of existing rear annexes and all associated works.

5.0 Policy Context

5.1. Cork City Development Plan, 2015

The site is located in an area zoned Inner City Residential Neighbourhood with the associated landuse objective *'to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions'*. Relevant sections and policies of the plan include the following: -

- Objective 6.1: Residential Strategic Objectives
- Objective 6.4: Housing Provision
- Objective 6.6 Meeting Housing Needs of Special Categories
- Objective 6.8: Housing Mix
- Objective 6.9: Housing Density
- Objective 13.12: Tackling vacancy and dereliction
- Section 16.59: Infill Housing
- Section 16.64: Private Open Space for Residential Development
- Section 16.78: Demolition of Existing Residential Dwellings

5.2. National Guidance

- National Planning Framework
- Quality Housing for Sustainable Communities: Best Practice Guidelines
- Sustainable Urban Housing: Design Standards for New Apartments

5.3. Natural Heritage Designations

The subject site is located approx. 2.3km north west of Cork Harbour SPA (003040)

5.4. EIA Screening

- 5.4.1. Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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 applicant, Galtan Limited is an established housing charity and a member of the Irish Council for Social Housing and currently manages 66 no. social housing units in Cork city. Its focus is to provide long term housing for people who are homeless or at risk of homelessness. There is a particular need for 1-bed units as the tenants are predominantly single persons.
- The proposed development is in accordance with objective 6.6 of the development plan which aims to meet the needs of special categories requiring housing. Having regard to the number of persons presenting as homeless there is a requirement for additional residential accommodation. Regard should be had to the fact that the proposed house would be managed by a housing charity and would not be sold or rented on the private market.
- Section 16.59 of the development plan allows for the relaxation of standards for infill developments in the interest of developing vacant, derelict and underutilised lands.
- The floor area and layout of the house fully meets the requirements of Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Sustainable Homes (2007). The provision of the living space at first floor level

ensures that well-proportioned spaces with adequate natural light. The ground floor bedroom has a west facing window and would not be overshadowed.

- The proposed development would have no negative impact on the adjoining residential properties and there have been no third-party objections.
- The existing annex is derelict and of no architectural merit. The site is located outside of an Architectural Conservation Area. It is unreasonable to consider that a modest two-storey, 1-bed house which replaces an existing derelict annex, would have a significant impact on the character of an ACA. Large scale developments have recently been granted within the ACA which lies to the north of the appeal site. No report was received from the Conservation Officer. The proposed development would not have a negative impact on the character of the area, which is defined by modest scale and social history rather than sensitive architecture.
- There is no legal basis for the second reason for refusal. The proposed development does not contravene condition 1 of reg. ref. 16/37149. Compliance drawings submitted for Reg. Ref. 16/67149 indicate that the annex would be demolished. However, it was never the applicant's intention to demolish the annex to provide open space for the residential units at Montenotte View. The drawings submitted with the application indicated that the space would be used for an infill development. A copy of the drawing is provided with the appeal submission.

6.2. **Planning Authority Response**

No further comments.

7.0 **Assessment**

- 7.1. The main grounds of this appeal relate to the 2 no. reasons for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Architectural Conservation Area
- Open Space
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. The site is located in an area zoned '*Inner City Residential Neighbourhood*' with the associated landuse objective 'to reinforce the residential character of inner-city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions'

7.2.2. It is proposed to demolish an existing derelict annex to the rear of no. 1 Montenotte View and construct a 2-storey house. The house would be managed by the applicant, Galtan Limited, which is an established housing charity and a member of the Irish Council for Social Housing. Its focus is to provide long term housing for people who are homeless or at risk of homelessness. The applicant currently manages the 3 no. existing apartments at no. 1 Montenotte View, which is located to the south of the appeal site. The applicant has stated that there is a particular demand for 1-bed units, as the tenants are predominantly single persons. Objective 6.6 (d) of the development plan aims to meeting the housing needs of special categories requiring housing by continuing to work with the Homeless Forum in implementing the Cork Homeless Action Plan.

7.2.3. Having regard to the sites zoning objective, to the city centre location, the residential nature and limited scale of the development, and to the applicants status as an established housing charity, it is my opinion that the proposed use is compatible with the existing a pattern of development in the area and in accordance with national and local policy objectives and it is therefore, acceptable in principle.

7.3. ***Design and Layout***

7.3.1. The Planning Authority refused permission on the basis that the development would be substandard by reason of its scale, design, bulk and site coverage and would be

overdevelopment of a small restricted site, which would be out of character with the area and injure the amenities of adjoining properties.

- 7.3.2. Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines sets out space provision and room sizes for typical dwellings. With regard to a 1-bed, 2-storey house its sets a target gross floor area of 44sqm. The proposed house has a gross floor area of 46.44sqm. It is noted that the internal layout of the house reaches and exceeds the standards set out in the guidelines. The development also includes a rear yard with a gross floor area of approx. 7sqm.
- 7.3.3. The appeal site is located in an inner-city residential street. The existing houses on Eastville and the surrounding streets are modest scale with limited or no rear private open space. The proposed house has been designed to harmonise with the existing character of the street and respects the height and fenestration details of the adjoining property no. 1 Eastville. It is also noted that there is an existing derelict structure on the site, which in my view detracts from the amenity, character and appearance of the area. It is, therefore, considered that the proposed redevelopment of the site would improve the visual amenities of the streetscape.
- 7.3.4. Having regard to the limited size of the proposed development and the existing built form, it is my view that the proposed development would not negatively impact on the existing residential amenities of adjoining properties in terms of overlooking, overshadowing or overbearing impact.

7.4. ***Architectural Conservation Area***

The first reason for refusal also considered that the proposed development would have an adverse impact on an Architectural Conservation Area. The site is located approx. 40m south of Albert Quay, Albert Road, Victoria Quay Road proposed Architectural Conservation Area. Having regard to the small scale and nature of the proposed development and the distance from the proposed Architectural Conservation Area, it is my view that the proposed development would not have a negative impact on built heritage or on the character of the area.

7.5. **Open Space**

- 7.5.1. The Planning Authority's second reason for refusal was considered that the proposed development would contravene Condition no. 1 of Reg. Ref. 16/37149 by the omission of the private open space / yard that was granted within the overall development. Permission was granted in 2017 for the change of use of an existing ground floor retail / commercial unit at no. 1 Montenotte View to a 1-bed apartment, including the demolition of existing rear annexes and all associated works. Condition no. 1 was a standard condition which ensured that the proposed development was carried out in accordance with the plans and particulars lodged with the application. While the permission included the demolition of the rear annex, the drawings submitted with the application indicated that the site would be utilised for an infill development, subject to a separate planning application. It is noted that a compliance drawing submitted to the Planning Authority, and attached with the appeal, shows the annex demolished and a yard provided. While it is acknowledged that the compliance drawing submitted with the application indicated that private open space would be provided on the appeal site, it is my view that the wording of condition no. 1 of Reg. Ref. 16/37149 does not preclude future amendments and as such this application should be assessed on its merits.
- 7.5.2. The Planning Authority raised concerns regarding the loss of private open space for the 3 no. existing units at no. 1 Montenotte View, which are within the ownership of the applicant. Under Reg. Ref. 16/37149 permission was granted for the change of use of the ground floor unit from commercial / retail to residential and for the demolition of the annex. The drawings submitted with this application did not include the provision of any private open space. It is also noted that the 2 no. residential units at the first and second floor were pre-existing and did not form part of reg. ref. 16/37149. These units have no private open space provision. Section 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments notes that for building refurbishment schemes of any size, private amenity space requirements may be relaxed in part or whole, subject to the overall design quality. In addition, Section 16.59 of the development plan which relates to infill housing notes that to make the most sustainable use of existing urban land the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and

underutilised land subject to certain criteria. Having regard to the existing derelict structure on site, the city centre location and the nature and scale of the development it is considered that the proposed development would not have a significant negative impact on the existing residential amenities of the residents of no. 1 Montenotte View or on the future occupants of the proposed dwelling and should not form the basis of a refusal of planning permission.

7.6. *Appropriate Assessment*

Having regard to the nature and small scale of the proposed development within a serviced urban area 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 city centre location, the zoning objective of the site and the small scale and nature 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 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. 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. Proposals for a house numbering / naming shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility

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 applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. 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 noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

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

Elaine Power

Planning Inspector

13th December 2019