



An
Bord
Pleanála

Inspector's Report ABP-306059-19

Development	Construction of a two-storey corner infill dwelling and associated works.
Location	54 Douglas Street, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38714
Applicant(s)	Evren Ertugrul
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Evren Ertugrul
Observer(s)	None
Date of Site Inspection	31 st January 2020
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on the northern side of Douglas Street, which forms part of an E/W route in the southern inner city close to the southern channel of the River Lee. This site lies in the NE corner formed by the “T” junction between Mary Street and Douglas Street. (To the north, on the eastern side of Mary Street, lies Red Abbey Street, where the surviving tower of the former Red Abbey still stands within a pedestrianised square). The northern side of Douglas Street, Mary Street, and Red Abbey Street are in predominantly residential use, while the southern side of Douglas Street is in institutional use.
- 1.2. The main body of the site is of rectangular shape with a chamfered SW corner. The subsidiary portion of the site is of rectangular shape and it is attached to the NE corner of the main body. The combined area of the site is 0.02652 hectares.
- 1.3. At present, the main body of the site is a continuous paved area to the back of the public footpaths that “round the corner” between Mary Street and Douglas Street. A large plant box has been positioned towards the NE corner of the site. The northern and eastern boundaries abut the exposed gabled end elevations to the dwelling houses at No. 20 Mary Street and No. 55 Douglas Street. Between these two elevations is a short connecting wall within which is set a doorway that affords access via steps to a sunken rear yard, i.e. the subsidiary portion of the site.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of two storey one-bed dwelling house on the site with a floorspace of 32.26 sqm. This dwelling house would be sited over the entirety of the main body of the site and the subsidiary portion would be utilised as a bin store. It would be inverted in its layout with night time accommodation on the ground floor and day time accommodation on the first floor. The latter floor would be served by an oriel window under a fan shaped roof. The main roof would have a ridgeline that would step up from Douglas Street to coincide with the ridgeline at No. 20 Mary Street.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Having regard to the site size, the configuration of the plot and the nature of the living accommodation proposed it is considered the development represents over development of a restricted site and would produce a living environment of low amenity value. Therefore, it is considered the development proposal would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard and site-specific comments made.
- Cork City Council:
 - Environment Waste Management & Control: No objection, subject to conditions.
 - Road Design: No objection, subject to conditions.
 - Drainage: No objection, subject to conditions.
 - Archaeology: No objection, subject to a condition.

4.0 Planning History

- 05/29785: Two-storey townhouse: Refused for the same reason as the current application.
- 06/31020: Two-storey infill dwelling house: Refusal overturned at appeal PL28.222613.

- Exemption Certificate to shadow the current proposal was granted on 1st October 2019.

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 both the South Parish ACA (Sub-Area B) and Zone 3 Inner City Residential Neighbourhood. Volume 3 of the CDP sets out a Statement of the ACA's Character and the relevant Zoning Objective is "To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions."

The site lies within the Zone of Archaeological Potential for Cork City Centre, which includes its medieval core (CO 0034-001).

Other Objectives of relevance are as follows: Objective 13.11 on city centre living, Objective 9.32 on development in ACAs, Objective 16.9 on sustainable residential development, and Objective 16.58 on single units.

5.2. Natural Heritage Designations

- Great Island Channel SAC & pNHA (001058)
- Cork Harbour SPA (004030)
- Cork Lough pNHA (001081)
- Douglas River Estuary pNHA (001046)
- Dunkettle Shore pNHA (001082)

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 0.02652-hectare

site to provide 1 new build dwelling unit. 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 site lies in a predominantly residential area within the south inner city and the proposal is for a two-storey infill dwelling house.
- The site is presently being used for illegal dumping, anti-social behaviour and by people who are homeless. And yet the Planning Authority's reason for refusal refers to the proposal as one that would "seriously injure the amenities of property in the vicinity." This reason is contested on the basis that the properties on either side are fully developed.
- A previous similar proposal was refused by the Planning Authority (06/31020) and permitted by the Board (PL28.222613).
- Given the current housing shortage, the Planning Authority's decision is difficult to understand.

6.2. Planning Authority Response

No further comments.

6.3. Observations

None

6.4. Further Responses

None

6.5. **Consultees**

An Taisce: Having regard to Objective 9.32 of the CDP, the Planning Authority's decision is supported. Nevertheless, in order to encourage the rejuvenation of the site, a revised proposal to a more suitable design and internal layout would be welcome.

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) Planning history, land use, conservation, and development standards,
- (ii) Water, and
- (iii) Screening for Stage 1 AA.

(i) Planning history, land use, conservation, and development standards

- 7.2. Older Ordnance Survey maps show that there was a dwelling house on the site. More recently a similar proposal (06/31020) to the current one was permitted at appeal (PL28.222613) and so precedent exists for permitting a replacement dwelling house on this site.
- 7.3. Under the CDP, the Zoning Objective for the site is "To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions." Accordingly, there is no in principle objection to the redevelopment of the site for a residential after use.
- 7.4. The aforementioned appeal was determined on 26th July 2007. Since then the South Parish of Cork City has been designated an ACA and the site is shown in its Sub-Area B: 18th Century Streets between Evergreen Street and South Channel. The commentary on this ACA recognises the place of modest 18th and 19th Century terraced houses to this Sub-Area and it states that "There are also some vacant and under-utilised plots in the area, with scope for development to increase amenity and to reinforce the strong character of the area."

- 7.5. The site presents as an example of a vacant plot, which the applicant states is a dis-amenity to the area that would be overcome by the proposal.
- 7.6. The Planning Authority's reason for refusal restates its earlier reason for refusing 06/31020, a decision which was overturned by the Board. Essentially, its concern is that the accommodation that would be afforded would fail to provide a satisfactory standard of amenity to future residents. The Board previously set aside this concern on the basis that the unusual constraints upon the site and the desirability of its development were such that a smaller than normal dwelling house could be acceded to.
- 7.7. Whereas various national planning guidelines have been published in the period of time that has elapsed since the Board's previous decision, as with their predecessors none of these guidelines would endorse the construction of a dwelling house with a floorspace of 32.26 sqm. I, thus, take the view that on this question there has been no material change in planning circumstances.
- 7.8. During my site visit, I observed the space identified as a bin store for the proposed dwelling house. At present, this space forms part of a rear yard/bin storage area for the dwelling house at No. 20, which in turn adjoins a sunken basement level bicycle storage space for No. 11 Red Abbey Street. In relation to the site, this rear yard is at a lower level and it is reached via steps. The submitted plans do not illustrate how the rear yard would be sub-divided so as to ensure that it could serve the external storage needs of both the existing dwelling house and the proposed one. If the Board is minded to grant the proposal, a condition precedent should be attached to ensure that a detailed response is made to the challenge thus posed by levels and the confined size of the rear yard.
- 7.9. As noted above, the site now lies within an ACA and so the conservation interest attendant upon the area has been formally recognised. An Taisce draws attention to the ACA and cites Objective 9.32 of the CDP, which addresses development in such Areas. In relation to new developments, this Objective seeks that they exhibit "acceptable design, scale, materials and finishes". The view is expressed that, whereas exception is taken to the current proposal, an alternative design and layout would be welcome.

7.10. Section 13.10.1 of the Architectural Heritage Protection Guidelines advises proposals for new development. This advice emphasises the importance of design and it states the following:

The greater the degree of uniformity in the setting, the greater the presumption in favour of harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.

7.11. The site abuts the gabled side elevations of No. 55 Douglas Street, an end of terrace dwelling house, and No. 20 Mary Street, a dwelling house that is attached on its northern side to No. 11 Red Abbey Street, another end of terrace dwelling house. Its immediate context is thus defined by No. 55 and No. 20, which, although similar in form, display different heights, e.g. eaves and ridgelines, and different window sizes. Furthermore, the historic footprint of the site appears to have been reduced by the chamfering of its SW corner and so the opportunity to replace the “missing” dwelling house by means of a replica one does not exist.

7.12. The wider context of the site comprises larger and higher institutional buildings on the southern side of Douglas Street and, to the north on Red Abbey Street, the historic tower of the former Red Abbey, a tall local landmark. There is thus a contrast in height between these buildings and this tower and the intervening block of two storey dwelling houses, which I consider should be respected and so the applicant’s specification of a two storey dwelling house is appropriate.

7.13. The constraints upon the site are such that there is clearly an unusually limited range of design approaches to its development, if a single dwelling house is to be provided. One option for a representative contemporary design approach was submitted under the previous application 06/31020 at the appeal stage PL28.222613. This approach would have entailed the specification of a flat roof with a barrel-vaulted feature that would have incorporated the oriel window. However, it was not pursued by the Board and so it has not been re-presented.

7.14. I consider that the proposal would be of an appropriate scale to its immediate context. The shape of the site available and the differing heights of the adjoining dwelling houses necessitates an intricate design of roof, which would effectively

span the gap between these two reference points. The narrow and enclosed nature of the adjoining Streets would limit the opportunities to “read” this roofscape. By contrast, the chamfered SW elevation with the oriel window and fan roof above would be especially visible to road users approaching from the west along Douglas Street. I consider that this feature would enliven its corner setting aesthetically and, as a departure from comparable fenestration, would signal that its chamfered corner is a departure, too, from what came before.

7.15. In the interests of clarity, I consider that the proposed roof and window and door openings should be amplified by means of more detailed working plans and cross sections. If the Board is minded to grant, then these matters could be conditioned.

7.16. I conclude that, in the light of the planning history of the site and in the absence of any material change in planning circumstances that would prompt a different view, the proposed construction on the site of a small dwelling house would continue to be justified. I conclude that, while the site has been included in an ACA since it was last the subject of a planning application, the design of this dwelling house would be appropriate to the character of this Area and reflective of the site’s evolution.

(ii) Water

7.17. The proposal would be served by new connections to the public water mains and the public foul and stormwater sewerage system. Irish Water had raised no objection, in principle, to such connections.

7.18. The OPW’s flood maps do not show the site as being the subject of any identified flood risk.

7.19. I conclude that the proposal would raise no water issues.

(iii) Screening for Stage 1 AA

7.20. The site does not lie in or near to a Natura 2000 site. This site is an inner urban one and it lies within a fully serviced area. Accordingly, its development to provide a single dwelling house would raise no Appropriate Assessment issues.

7.21. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, 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 planning history of the site and the Cork City Development Plan 2015 – 2021, it is considered that, subject to conditions, the proposed dwelling house would be an appropriate land use for this site. The constraints upon the site are such that its development would entail the provision of only a very small dwelling house with inverted accommodation over its two floors. Likewise, they limit the design options available. In these circumstances, the proposed dwelling house would afford an adequate standard of amenity and its streetscape presence would respect both the character of the Architectural Conservation Area within which it is located and the evolution of the site itself. The proposal would thus accord 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.	The proposed development shall be amended as follows:

	<p>(a) Detailed working plans and cross sections of the design and layout of the rear yard shall be prepared. These plans shall demonstrate how this yard would be capable of functioning as a bin storage area for the proposed dwelling house and the existing dwelling house at No. 20 Mary Street.</p> <p>(b) Detailed working plans and cross sections of the design of the roof shall be prepared.</p> <p>(c) Detailed working plans and cross sections of the design of windows and doors shall be prepared.</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>Reason: In order to afford a satisfactory standard of amenity to existing and future residents.</p>
3.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, 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>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>

	Reason: In the interests of public safety and residential amenity.
6.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>If, during the course of site works and construction, archaeological material is discovered, the City Archaeologist and the National Monuments Service shall be notified immediately.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution of €2200 (Two thousand two hundred 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

13th February 2020