



An
Bord
Pleanála

Inspector's Report ABP-306566-20

Development	Demolition of shop, construction of apartment block, alteration and extension of dwelling and change of use to two apartments, increase width of vehicular entrance, and provision of associated services
Location	7a Kiltegan Park, Rochestown Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38862
Applicant(s)	Sean Sweeney
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sean Sweeney
Observer(s)	Finbar O'Regan & Others
Date of Inspection	19 th May, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 0.5 hectare site is located at the southern end of the residential estate of Kiltegan Park, beside its junction with Rochestown Road on the south side of Cork City. There is an existing two-storey house and an attached single-storey shop unit on the site with associated surface parking to the north-west of the building. The site is flanked to the east and north by two-storey houses. There are detached two-storey and dormer-type houses to the south on the opposite side of Rochestown Road.

2.0 Proposed Development

2.1. The proposed development would comprise:

- (a) The demolition of the existing shop;
- (b) The construction of an apartment block containing four two bedroom apartments;
- (c) Alterations to and extension of the existing dwelling and change of use to 2 no. two bedroom apartments;
- (d) Increasing the width of an existing vehicular entrance to facilitate the parking of three cars; and
- (e) Provision of associated services.

3.0 Planning Authority Decision

3.1. Decision

On 14th January 2020, Cork City Council decided to refuse permission for the proposed development for three reasons relating to adverse impact on visual and residential amenities, overdevelopment with regard to the deficiency in open space provision, and the precedent that would be set by the subdivision of a suburban dwelling and injury to residential amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner referred to the site's planning history, planning policy, reports received and third party submissions made. The scale and massing of the proposal were considered excessive. It was also considered that inadequate consideration was given in the design to the development's context. It was submitted that the apartments did not meet DoEHLG minimum floor area standards. The poor quality and usability of private amenity space and the lack of a communal amenity area were referenced. Concern was also raised about the precedent that would be set by allowing the subdivision of the house into apartments. Parking provision was considered excessive. A refusal of permission was recommended for three reasons.

3.2.2. Other Technical Reports

The Environment Section had no objection to the proposal subject to a schedule of conditions.

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

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

The Transport Engineer requested further information in relation to parking and a construction management traffic plan.

The Roads Design Engineer had no objection to the proposal subject to a schedule of conditions.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

52 no. third party objections were received. Concerns raised included matters relating to the scale of the development, design, visual impact, impact on residential amenity, inadequacy of amenity space, density, traffic and parking, inadequate services, and the loss of a local shop.

4.0 Planning History

I note the following from the Planner's report:

P.A. Ref. 01/4908

Permission was granted for an extension to a store room.

P.A. Ref. 05/5960

Permission was granted for the demolition of a store, alterations and extension to a shop, partial change of use of a dwelling to staff room and toilets, and part demolition of front boundary wall to provide 7 car parking spaces.

P.A. Ref. 10/8289

Permission was granted for the retention of alterations to development granted under P.A. Ref. 05/5960.

P.A. Ref. 15/5963

Permission was granted for the change of use from permitted retail use to off-licence use.

P.A. Ref. 17/6487

Permission was granted for the retention of signage.

P.A. Ref. 19/4795

Permission was granted for the retention of signage, a store and change of use of the store from retail use to a dining extension in the existing dwelling.

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In a referral to the Board it was determined that the use of part of the retail unit for the preparation of food for consumption off the premises and associated delivery service in association with "Pizza Hut" was development and was not exempted development.

5.0 Policy Context

5.1 Carrigaline Municipal District Local Area Plan

Cork City South Environs

The site is zoned 'Existing Built Up Area'.

5.2 Cork County Development Plan

Zoning

The County Plan explains the various zoning objectives. Objective ZU 3-1 describes the zoning objective for 'Existing Built Up Areas' as follows:

ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plans development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

5.3 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.

5.4 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 summarised as follows:

- Since the house was an integral part of the attached shop and part of the house at the rear is integrated into the shop, it was felt that converting all into apartments would be more desirable. The Council's decision on the subdivision of the house is accepted and the appellant now proposes that the existing house will be retained as a single dwelling unit.
- As the shop was struggling to be viable an alternative had to be considered. Many options were examined and the design now proposed was deemed the best option. The proposal would be located in a corner/infill site on the periphery of an established housing estate and in a prominent position close to Rochestown Road. The site warrants the use of a bold design concept as a standalone proposal. It is not accepted that the scale, massing, form and design are inappropriate.
- The Council's determination that the proposal constitutes overdevelopment is refuted. It is a very minor apartment development. Great care was taken in the design process to ensure full compliance with Department of Housing, Planning and Local Government Design Standard Guidelines 2018. The apartments will provide the highest standard of accommodation for the occupiers.
- It is refuted that the development will be injurious to residential amenities and that it will be contrary to the proper planning and sustainable development of the area.

6.2. Planning Authority Response

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

6.3. Observations

The observation constitutes a rebuttal of the appellant's submission to the Board and supports the planning authority's decision. The appellant's ability to retain the house as a single unit is refuted, incompatibility with Development Plan provisions are cited, and non-compliance with Design Standard Guidelines for apartments are referenced.

7.0 Assessment

- 7.1. The original proposed development seeks to accommodate 6 no. apartments in a three-storey development in place of a two-storey house and a single-storey retail outlet attached to this house. In response to the planning authority's decision, the appellant proposes to the Board to retain the house as a dwelling. It is, however, evident that there are no details submitted to the Board to support such an alternative arrangement and to demonstrate the design and layout intention. Thus, it would appear reasonable to determine that this assessment should focus solely on the proposal submitted to the planning authority.
- 7.2. The site of the proposed development would effectively be subsumed by the footprint of the three-storey structure and kerbside surface car parking. There would be a small bin yard located in the north-eastern corner of the site and two patio areas in the south-eastern corner to serve Apartment 1 and Apartment 5. There would be no communal amenity space within the site to serve the occupants of the proposed apartments. There would be no external storage areas for bicycles or other communal use. Each apartment would have its own small patio space. The living areas and the patio spaces of Apartments 2, 3 and 4, which would be at first floor level, would each be single aspect and would be north facing. The bedrooms within these apartments at ground and second floor levels would each be single aspect and would be north facing. The private amenity spaces of Apartments 1 and 5 would each comprise small patios that would be east facing and immediately sited behind the boundary wall with a neighbouring property to the east, with the space serving Apartment 5 comprising an irregular narrow layout. The proposed car parking skirting the periphery of the site would be extremely constrained in depth and in terms of accessibility, leading to cars being parked up tight to many bedroom windows and to

cars inevitably reversing out onto the estate roads onto which the spaces adjoin. It is evident from the design, layout and scale of the proposed apartment scheme that this proposed development would culminate in a very poor standard of accommodation for any occupants of this apartment block if it is permitted. This is a poor quality development for any future residents. The attempt to maximise the number of residential units on this site in the manner proposed clearly constitutes overdevelopment of this site. Seeking to discuss internal floor areas associated with various habitable rooms, provision or non-provision of internal storage, etc. to determine compliance with apartment standards and guidelines is a futile exercise when such a poor standard of accommodation for occupants is clearly proposed.

- 7.3. Regarding the design of the proposed development, I consider that it is reasonable to determine that the proposed apartment scheme is wholly incongruous with residential development in the immediate vicinity in terms of its three-storey height, its disorderly form, its excessive bulk and scale, and its incompatible character. The stunted barrel-vaulted roofs together with part flat roofs / part gable roof, mix of external finishes of brick, plaster, metal cladding, and limestone wall cladding, and disproportionate fenestration lacking order and continuity present an ensemble of mismatched design characteristics. The scale of the development, coupled with its location, would ensure there would be no subtlety in its presentation to the public realm. The site is located at the junction of Kiltegan Park with Rochestown Road. The latter is a busy principal approach to Douglas village. The proposed development would be a prominent structure in this location and, as a result, the scale and design incongruity would be exacerbated. The proposed development is a design composition without any orderly arrangement. The proposed development would be unsightly.
- 7.4. Finally, regarding the issue of precedent raised by the planning authority in its decision, I do not consider that this would be a particular concern for the immediate area as the mix used nature and character of development that exists on the site would not be widespread in this area. It is reasonable to assume that other future developments of this nature would be assessed on their merits.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the excessive scale and footprint of the proposed development and the restricted nature of the site area, the lack of communal amenity and external storage provisions, the single aspect and north facing nature of proposed Apartments 2, 3 and 4, the constrained nature of kerbside surface parking, and the limited form and location of private patio spaces, it is considered that the proposed development would constitute overdevelopment of a restricted site, would provide substandard accommodation for the occupants of the proposed residential units and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the excessive height, bulk and scale of the proposed development, to the incongruity of the roof design, fenestration and finishes, and to the siting of the proposed development at the junction of Kiltegan Park and Rochestown Road, it is considered that the proposed development would constitute a prominent, intrusive structure that would be out of character with the pattern of development in the area, would be seriously injurious to the visual amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

27th May 2020