



An
Bord
Pleanála

Inspector's Report ABP-306914-20

Development

Retention of the partial demolition of boundary wall and entrance gates fronting onto Castle Road and the demolition of a shed to the rear of the dwelling house.

Proposed re-instatement of the boundary wall and entrance gates with revised design to allow for vehicular access along Castle Road.

Location

Glanmire View, Castle Road,
Blackrock, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

19/38975

Applicant(s)

Vincent & Claire O'Donoghue

Type of Application

Retention Permission & Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Vincent & Claire O'Donoghue

Observer(s)

None

Date of Site Inspection

25th June 2020

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on Castle Road, which is raised above the southern shoreline to the River Lee to the north. This site and the surrounding sites that make up its context are in residential use. It lies on the stretch of this Road between Blackrock Castle and Blackrock Harbour. The Lough Mahon Public Walk runs from the Castle eastwards and then southwards, where it connects with The Mahon Line Greenway, which in turn runs through to Passage West. Given the visitor attractions of the Castle and Harbour at either end of the relevant stretch of Road and given, too, the said walking route, Castle Road is the subject of considerable pedestrian traffic.
- 1.2. The main body of the site is of elongated form and rectangular shape and its small appendage to the SW is likewise of rectangular shape. This site extends over an area of 0.0935 hectares. It accommodates a mid-row two storey dwelling house, which dates from the early 19th Century and which has recently been renovated and expanded to the rear by means of a part single storey/part two storey contemporary extension. The total area of this dwelling house is 248.7 sqm.
- 1.3. The dwelling house is served by front and rear gardens. The aforementioned appendage to the main body of the site is presently a cleared space with a gravel surface. The rear wall to this space has recently been built on an alignment that has allowed the space to be "squared-off".

2.0 Proposed Development

- 2.1. The proposal seeks retention permission for the demolition that has occurred on the site and permission for a new front boundary treatment to this site.
- 2.2. The said demolition entails the following elements:
 - The partial demolition of the front wall, railings, gatepost, and gates over the RHS of the northern boundary to the site.
 - The demolition of a lean-to shed (28.5 sqm) in the appendage to the main body of the site.
- 2.3. The said new front boundary treatment would entail the formation of a splayed vehicular entrance. The mouth of this entrance would be 7154mm wide with existing

piers at either end. A pair of gates would be installed between new piers. These gates would have a combined width of 3500mm, and they would be set back 3257mm from the kerb line. This kerb line is composed of limestones and it would be dropped to facilitate vehicular access and egress. The replacement wall, railings, gateposts, and gates would be designed to resemble that which was formerly on the site.

- 2.4. At the appeal stage, the applicants have offered to amend their proposals for the front boundary. They thus propose to omit the splayed entrance in favour of reinstating the front boundary as it was formerly, except that the pair of gates would be 3000mm wide rather than 2000mm, thereby facilitating vehicular access and egress.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Having regard to the location of the subject property within the Blackrock Road Architectural Conservation Area (Sub-Area D – Castle Road), it is considered that the removal of the original front boundary wall with its railing and double-pedestrian gates and its replacement with a splayed vehicular entrance results in an unacceptable negative impact on the architectural character of the Architectural Conservation Area. As such the proposed development is not considered to be in the interests of 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

HSA: Does not advise against the granting of planning permission in the context of major accident hazards.

Cork City Council

- Conservation: Objects (see reason for refusal).
- Roads Design: Further information requested with respect to sightlines. The view is expressed that the achievement of 2.4m x 45m sightlines may entail the setting back of the front boundary wall.
- Drainage: No objection, subject to a condition.
- Environmental Waste Management: No objection, subject to conditions.

4.0 Planning History

Site

- 18/37763: Refurbishment and extension of dwelling house: Permitted.
- E8017: Enforcement enquiry.

Elsewhere at Lysanne, Castle Road

- 99/23822: Proposal included the retention of the removal of front boundary wall and front garden and proposed construction of new driveway incorporating new front boundary wall, railings, and gates: Permitted at appeal PL28.119100.

5.0 Policy and Context

5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying in an area that is zoned for residential uses, local services and institutional uses. It is also shown as being in a central position within the Blackrock Road Architectural Conservation Area (Sub-Area D – Castle Road). On Page 47 of Volume 3 of this Plan, the character of the ACA is described¹ as follows:

A strong feature of this sub-area is the cut-stone boundary wall with rounded capping running along the roadway from the east of Blackrock Village along Castle Road to

¹ A photograph showing the unaltered front boundary treatment to the subject property is also shown.

Blackrock Castle. It also retains the limestone kerbing of the footpath which adds to the character of the streetscape. The roadway is lined with largely detached river-facing Georgian housing, although many were altered during the Victorian period. Many retain their original architectural detailing and have boundaries featuring smooth render walls with limestone coping, often surmounted by wrought-iron railings and some with original pedestrian cast-iron gates. The area also has a high landscape value due to its tree canopy in larger gardens and the very attractive natural treed landscape along the riverside framing views of Blackrock Castle.

Objective 9.29 of the CDP seeks to preserve and enhance ACAs and Objectives 9.30 and 9.32 relate, variously, to demolition and development within ACAs. The former states the following:

Demolition of structures and parts of structures will in principle only be permitted in an ACA where the structure, or parts of a structure are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

The latter states that “Works that impact negatively upon the features within the public realm such as paving, railings, street furniture, kerbing, etc. shall not be generally permitted.”

Additionally, Paragraph 16.38 of the CDP addresses new residential entrances as follows:

The cumulative effect of the removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes (e.g. ACAs...) or on the building itself... Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation. Where permitted “drive-ins” should:

- *Not have outward opening gates;*
- *Have a vehicular entrance not wider than 3m;*
- *In general, have a vehicle entrance not wider than 50% of the width of the front boundary;*
- *Have an area of hard-standing (parking space of 2.5m x 5m);*

- *In ward-opening gates should be provided. Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath/roadway;*
- *Suitably landscape the balance of the space;*
- *Other walls, gates, railing to be made good.*

Under Reference SE7 of Table 10.2 of the CDP, Castle Road Bank/Escarpment is the subject of a site-specific objective “To introduce walkway/cycleway above waterline whilst protecting trees along escarpment.”

5.2. Natural Heritage Designations

- Douglas River Estuary pNHA (001046)
- Great Island Channel SAC (001058)
- Cork Harbour SPA (004030)

5.3. EIA Screening

The proposal is for a type of development that is not, under Parts 1 & 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, identified as a project for the purposes of EIA. Accordingly, the question of sub-threshold development does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants begin by summarising relevant planning policies and objectives and examples of similar proposals from the locality’s planning history. They also summarise the application stage of their proposal to date.

The applicants proceed to respond to the reason for the PA’s reason for refusal. They make the following points in this respect:

- Attention is drawn to the eastern wall, railings and gatepost, which remain in-situ and which would be retained.

- Attention is also drawn to the former gateway, which resembles that at “The Cottage”, two doors down from the subject property to the west.
- Under the proposal, the former wall, railings, gatepost, including name plaque, and gate would be reproduced, i.e. the only significant departure would be the splayed entrance.
- Likewise, the limestone kerbing would be lowered, as has been done elsewhere in the locality.
- Nevertheless, at the appeal stage, the Board is requested to consider a revision to the proposal, wherein the splayed entrance would be omitted, and the former gateway would be simply widened by 1m to 3m.
- An example of the approach now advocated is evident at “Rannoch” to the west of the subject property and at “Lysanne”, which was the subject of PL28.119100.
- Under 19/38891² an entirely new vehicular access off Castle Road is being proposed and yet the PA has not taken exception to it in principle but has requested further information.
- The advice of Roads Design is referred to. It should be viewed in the light of the fact that the sought-after sightlines are not available at any of the entrances/exits along Castle Road at present. Nor would they be available under 19/38891.
 - Castle Road is narrow, and it is the subject of traffic calming measures.
 - Under PL28.244073, the Board has previously acceded to a new vehicular access off it. In this respect, the CDP’s objective to provide a shoreline pedestrian and cyclist route to the north of Castle Road was noted as it would relieve pressure on this Road from amenity users.
 - Traffic volumes on Castle Road are low, e.g. 200 two-way vehicle movements during peak hours.

In the light of these considerations, the said advice should be set aside.

² Draft permission was issued on 1st April 2020.

- The demolition of the coach house is not in contention between the parties and so it can be supported.

6.2. **Planning Authority Response**

No further comments to make.

6.3. **Observations**

None

6.4. **Further Responses**

None

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) Conservation,
- (ii) Access and parking, and
- (iii) Screening for AA.

(i) Conservation

7.2. Under the CDP, the site lies within the Blackrock Road Architectural Conservation Area (ACA) (Sub-Area D – Castle Road). The description of this ACA draws attention to the front boundaries to houses that feature “smooth render walls with limestone coping, often surmounted by wrought-iron railings and some with original pedestrian cast-iron gates.” This description also draws attention to the limestone kerbing of the footpath which is said to add to the character of the streetscape.

7.3. The dwelling house on the site is identified as being of regional importance in the NIAH. Under ref. no. 20868099, the description of this dwelling house includes the following reference to its front boundary treatment: “Smooth render boundary wall

with stone coping surmounted by spear-headed cast-iron railings with square-profile piers and narrow vehicular gate” and the accompanying appraisal states “The...fine railings and gates are among the noteworthy traditional features.”

- 7.4. In the light of the above commentaries, the front boundary treatment was, prior to its partial demolition, considered to be of conservation interest. During my site visit, I observed that the two residential properties to the W of the applicants’ residential property have retained their original boundary treatments and so they provide a guide as to how the front boundary treatment to the site would formerly have appeared. In this respect, the residential property “two doors” down is of particular interest, as it is served by a gateway with a pair of gates within it, which resembles the pair of gates that were formerly at the site.³ Clearly, the consistency of front boundary treatments to the three residential properties provided an attractive historic rhythm to the streetscape. By contrast, the splayed entrances and the side entrance to the remaining three residential properties further to the west, illustrate what happens when departures from this pattern occurs, i.e. the erosion of coherent front boundary treatments and their attendant conservation interest. In this respect, I note that the PA’s case planner advises that many of these entrances were formed prior to the designation of the ACA.
- 7.5. Objective 9.30 of the CDP is opposed to the partial demolition of structures that contribute to the special and distinctive character of ACAs. It also establishes a test for replacement structures, i.e. that they would significantly enhance the special character more than the retention of the original structure.
- 7.6. I consider that the unaltered front boundary treatment to the site did contribute to the special and distinctive character of the Blackrock ACA and that its proposed replacement, i.e. a splayed entrance, would fail to satisfy the aforementioned test.
- 7.7. At the appeal stage, the applicants have offered to omit the splayed entrance in favour of reinstating the former front boundary treatment, albeit with a wider pair of gates than pertained previously. The extra width would facilitate vehicular access/ egress, as would the lowering of the limestone kerb.
- 7.8. I note that, while in paragraph 7.2 above I cite the CDP as referring to the former pair of gates as being “pedestrian cast-iron gates”, in paragraph 7.3 above I cite the

³ Refer to Plate 3 in the Appendix to the applicants’ Built Heritage Assessment.

NIAH as referring to them as a “narrow vehicular gate”. In this respect, the applicant advises that they had a combined width of 2000mm. Plate 3, referred to in footnote 3, shows that they served a footpath through the front garden and they were not accompanied by dropped kerbs. I, therefore, take the view that they did not function as a vehicular entrance and indeed their ability to have done so must be in doubt.

- 7.9. Under the applicants revised proposal, the former gateway would be widened by 1000mm from 2000mm to 3000mm to facilitate vehicular access/egress. The additional width would mark a departure from the historic pattern, and it would be accompanied by the sinking of the corresponding limestone kerbs. Thus, the former pedestrian entrance would be replaced by a vehicular one and the prominence of the limestone kerbs would be reduced. Clearly, in its revised form, the proposal would be a much-reduced departure from the historic front boundary than that which was refused by the PA. That said, I am not persuaded that it would meet the above cited test for replacement structures set out in Objective 9.30 of the CDP.
- 7.10. The applicants’ Built Heritage Assessment comments on the demolition of the lean-to shed from the appendage to the main body of the site. This shed is referred to as a coach house and its conservation interest is not considered to have been significant. Attention is drawn to its discrete position both to the rear of the applicants’ dwelling house and off the back lane, which serves this and other dwelling houses in the vicinity of the site.
- 7.11. I note that neither the Conservation Officer nor the PA objected to the demolition of the said coach house. I note, too, from the submitted plans and from my observation of other structures along the back lane in question that it would have been of limited conservation interest within the context of these structures.
- 7.12. I conclude that the partial demolition of the front boundary to the site entails the loss of part of a structure that contributed to the special character of the Blackrock Road ACA. I conclude, too, that neither the original nor the revised proposed replacements of this structure would significantly enhance the special character of this ACA more than the retention of the original structure would have done.

(ii) Access and parking

- 7.13. As discussed under the first heading of my assessment, there is no evidence before me that would indicate that vehicular access has hitherto been available to the front of the applicants' dwelling house. The submitted plans of the former lean-to shed to the rear of this dwelling house indicate that it would have been capable of functioning as a garage. Indeed, its depth of 9706mm would appear to have facilitated the garaging of possibly two cars. During my site visit, I observed that the site of this lean-to shed has been cleared and surfaced with gravel. At the time of my visit, one car was parked in this space and there appeared to be scope for a second one, i.e. the submitted plans show that the minimum depth of the space is 11,500mm.
- 7.14. Under the proposal, a vehicular access would be provided from Castle Road to the front of the applicants' dwelling house. As originally submitted, this access would have been by means of a gated (3500mm wide) splayed entrance set back from the rear of the public footpath. As revised, it would be by means of a gated entrance (3000mm) at the back of the footpath.
- 7.15. The Roads Design Engineer advised the PA that the originally proposed vehicular access would be served by sub-standard sightlines. The applicants have responded to his concern by stating that other accesses from Castle Road are not served by the requisite sightlines and that the Road is narrow, relatively lightly trafficked, and the subject of traffic calming measures.
- 7.16. During my site visit, I observed that the stretch of Castle Road that passes the site is effectively single lane (e.g. 3875mm wide adjacent to the NE corner) and it is accompanied by a narrow public footpath (1000mm at the same point). Consequently, the opportunity for on-street parking does not arise and the high number of recreational users of the Road, which runs between Blackrock Castle and Blackrock Harbour, tend to spill over onto the carriageway. Immediately to the E of the site, Castle Road passes through a change in its horizontal alignment, i.e. it bends back on itself. Consequently, approaching pedestrian and vehicular traffic from the E has limited forward visibility. Likewise, the visibility available to vehicles accessing or egressing the site would be limited, notwithstanding the siting of the proposed access on the RHS of the front boundary to the site.

- 7.17. The aforementioned road configuration means that vehicular movements to and from the site would be inherently hazardous in a manner that would not be replicated consistently across other existing accesses from Castle Road.
- 7.18. As indicated above, the opportunity exists for vehicular access to be obtained from the rear of the site to a space that would be capable of accommodating two cars end-to-end. The accompanying back lane has a width of 4035mm. The neighbouring gate to the W is recessed and so the clearance available to drivers accessing and egressing the said space is 5250mm.
- 7.19. I conclude that, due to the width and alignment of Castle Road, use of the proposed access/egress to the site would be inherently hazardous and so it would jeopardise road safety. I conclude, too, that the availability of vehicular access to the rear of the site and two off-street parking spaces afford an alternative set of arrangements for the applicants' residential property.

(iii) Screening for AA

- 7.20. The site does not lie within a Natura 2000 site. The nearest such site is the Cork Harbour SPA (004030), which lies to the E of Blackrock Castle. The proposal itself is for the retention/undertaking of minor works to a residential property.
- 7.21. Having regard to the nature and scale of the proposal, 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 refused.

9.0 Reasons and Considerations

1. Having regard to the location of the site in the Blackrock Road Architectural Conservation Area (ACA) (Sub-Area D – Castle Road), the identification of the residential property on this site in the National Inventory of Architectural Heritage (ref. no. 20868099), and Objective 9.30 of the Cork City Development Plan 2015 – 2021 pertaining to structures in ACAs, the Board considers that the

historic front boundary treatment to the site contributed to the special character of the said ACA and that neither the original nor the revised proposals for the replacement of this partially demolished boundary treatment would significantly enhance this special character by comparison with the contribution made by the historic one. Accordingly, to accede to the retention of the partially demolished front boundary treatment and either of the proposed replacement treatments would contravene Objective 9.30 of the Development Plan and so be contrary to the proper planning and sustainable development of the area.

2. Having regard to the carriageway and footpath widths and the horizontal alignment of Castle Road in the immediate vicinity of the site, the Board considers that the use of the proposed vehicular access would be inherently hazardous, due to the limited visibility that would be available to drivers accessing or egressing this access/egress. Accordingly, to accede to this access would jeopardise road safety and so be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

29th June 2020