



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307735-20

---

<b>Development</b>	Permission for the demolition of part of front boundary wall to create site parking facilities.
<b>Location</b>	Roslea, Bishopstown Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	20/39199
<b>Applicant(s)</b>	Michael Joyce
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party V Decision
<b>Appellant(s)</b>	Michael Joyce
<b>Observer(s)</b>	None received
<b>Date of Site Inspection</b>	16th September, 2020
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The appeal site comprises a two-storey end of terrace dwelling, part of a block of three terraced dwellings which face onto the Bishopstown Road, approximately one hundred metres east of the junction of the Bishopstown Road with the Curraheen Road, and approximately 1.8 kilometres south-west of Cork city centre. At present there is a pedestrian access to the site from the Bishopstown Road. There are other two storey residential properties to the east, west and north of the site with the public Road (Bishopstown Road) to the south. The Cork University Hospital is located approximately five hundred metres east of the site.
- 1.2. There is a long narrow front garden to the front (south) of the dwelling, outside of which is a two and a half metre public footpath. There is an Electricity Supply Board (ESB) utility pole located outside of the front boundary wall on the public footpath. There is also a bus lane to the city centre outside of the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the demolition of part of the existing front boundary wall to create parking space to the front of the dwelling to replace the existing front garden space.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 9th day of July 2020, Cork City Council refused planning permission for the development for one reason as follows:

Reason No 1: Having regard to the layout of the local road network, it is considered that the proposed developments direct access, by reason of location and scale, would result in unacceptable traffic manoeuvres and consequent traffic hazard on Bishopstown Road and would set an undesirable precedent for similar future development in the area. The proposed development would, therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

In the planning report, the key planning issues were considered to be the impact upon traffic free flow, pedestrian and cyclist safety and traffic manoeuvres in and out of the site.

Following consideration of the issues and consultation with the Road Design Section of the Local Authority, the Planning Officer recommended that planning permission be refused for the reason set out within section 3.1 above.

### **3.2.2. Other Technical Reports**

Road Design (Planning): Recommended refusal of planning permission.

## **3.3 Prescribed Bodies**

3.3.1 Irish Water: No objections, subject to conditions

## **3.4 Third Party Observations**

3.4.1 None received.

## **4.0 Planning History**

I am not aware of any relevant planning history pertaining to this site.

## **5.0 Policy and Context**

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

#### *5.1.1. Zoning*

The site is zoned 'Z0 4-Residential, local services and institutional uses where the objective is: To protect and provide and /or residential uses, local services and institutional uses, having regard to employment policies outlined in Chapter 3.

Residential uses are acceptable within this zone.

5.1.2. Section 16.73 of the Plan sets out the requirements in relation to residential entrances. 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 vehicular entrance not wider than 50 per cent of the width of the front boundary.
- Have an area of hard standing (parking space of 2.5m x 5m).
- Inward-opening gates should be provided. Where a 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:

## **5.2. Natural Heritage Designations**

Not relevant.

## **6.0 The Appeals**

### **6.1. Grounds of Appeal**

6.1.1 The grounds of the first party appeal may be summarised as follows:

- The proposed driveway will be used to park cars and to turn within the property, accordingly there will be no unacceptable traffic movements.
- There are precedents on front of the neighbouring residential properties for the provision of car parking spaces, all with accesses from the main road.
- Houses on the opposite side of the road have no front gardens, so the granting of planning permission in this instance, would not be creating a precedent for others.
- The only parking available to residents of the appeal site is in front of other people's residences on adjacent side roads, most of these spaces are utilised during the day, and there is also disc parking in operation.

- The appeal site is in proximity to Cork University Hospital and Wilton Shopping Centre and is on a bus route to the city centre.
- When exiting the site, there would be gaps in traffic due to the proximity of traffic lights and, therefore, the granting of planning permission would not endanger public safety.
- By permitting the development, this would reduce the demand for the on-street parking by the residents of the appeal site, which would accord with the provisions of the City Development Plan, Chapter 5, Transportation, where the following is set out pertaining to parking :On-street parking constitutes a significant public asset.

## 6.2. **Planning Authority Response**

The Planning Authority made no comments in relation to the appeal.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1 I consider the principal planning issues relating to the proposed development are those of impact upon the free-flow and safety of traffic on the adjoining Bishopstown Road as well as potential impact upon pedestrian and cyclist safety. Appropriate Assessment will also be considered as part of the assessment.

### 7.2 **Traffic impacts**

7.2.1 I note the provisions of Section 16.73 of The Plan. The development of the parking area would comply with many of the policy considerations set out within this section of the Plan. These include that the entrance width would be less than three metres, that the vehicle entrance width would not be greater than 50% of the width of the front boundary, that the whole of the front boundary wall would not be removed to provide for the parking area and that the balance of the space be suitably landscaped. Although, the proposals would comply with these policy criteria, the development also needs to be considered from a technical perspective, in terms of the effect of parking on traffic flows, pedestrian and cyclist safety and traffic generation.

- 7.2.2 I note the comments of the Acting Senior Executive Engineer, Road Design (Planning) Section, who has raised policy concerns in terms of compliance with the Cork Metropolitan Area Transport Strategy (CMATS) and concerns regarding the technical suitability of the proposed access/parking directly onto the Bishopstown Road. She sets out the following: The CMATS aim is to deliver an integrated transport network that addresses the needs of all modes of transport, offering better transport choices, resulting in better overall network performance and providing capacity to meet travel demand and support economic growth. In relation to cycling provisions, a primary cycling route is designated for the Bishopstown Road. CMAT's notes that road space is limited (on the Bishopstown Road) where a mixed street environment is encouraged. Furthermore, the 208 high frequency bus service is routed on the Bishopstown Road, this service is proposed to be enhanced as part of the CMATs objectives.
- 7.2.3 This application proposes the introduction of a vehicular entrance directly onto the Bishopstown Road. The Road Design Engineer sets out the following: The Bishopstown road experiences high volumes of traffic, the proposed direct access is located approximately 65 metres from a signalised junction and between staggered junctions, Given the objectives of encouraging a mixed environment suitable for cycling and improving bus services, the proposed introduction of a direct access results in an intensification of vehicular movements, particularly reverse manoeuvres, could lead to an increase in conflict between cyclists/buses/pedestrians and vehicles accessing/egressing the site. This proposal is in contradiction with the objective of improving sustainable mode infrastructure.
- 7.2.4 I note the existence of a bus lane along the site frontage, on the Bishopstown Road. This is a bus lane that serves the 208 route, a high frequency service from Curraheen to the city centre. I consider that manoeuvres in and out of the site would conflict with the progress of this public transport mode. I also note the location of the ESB pole outside of the front boundary wall of the property. The appellant has not submitted any correspondence to indicate the agreement of the ESB to the relocation of this utility pole, which would be required in order to provide for a vehicular access to the site.
- 7.2.5 In conclusion, having regard to the provisions of the Development Plan re; residential entrances, the provisions of the Cork Metropolitan Area Transport

Strategy, specifically with regard to proposals for improving provisions for sustainable transport modes .and having regard to the technical recommendation of the Road Design Engineer, it is considered that the proposals would result in the creation of a potential conflict of traffic/pedestrians/cyclists along the Bishopstown Road and with traffic both accessing/egressing the Bishopstown Road, which is a heavily trafficked regional route (the R849). I am also concerned that the proposals would conflict with the sustainable transport mode objectives, in terms of the provision of the cycle lane and the enhanced bus service route along the Bishopstown Road and therefore, the proposals would be considered to endanger public safety by reason of a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **7.3 Appropriate Assessment**

7.3.1 Having regard to the nature and 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**

8.1. I recommend that planning permission be refused for the following reason:

### **9.0 Reasons**

Having regard to the layout of the local road network, it is considered that the proposed developments direct access onto a heavily trafficked regional route, by reason of location and scale, would result in unacceptable traffic manoeuvres and consequent traffic hazard on Bishopstown Road and would establish an undesirable precedent for similar future development in the area. The proposed development would, therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

---

Fergal O'Bric  
Planning Inspectorate

20th October 2020