



An
Bord
Pleanála

Inspector's Report

ABP-308444-20

Development	Permission for the extension and change of use of former Public House to residential use comprising of 10 units.
Location	21/22 Dominick Street , Shandon , Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2039260
Applicant(s)	Mauro Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	William Armitage & Shandon Area Renewal Association
Observer(s)	Diarmuid & June Mulcahy, Joya Kuin & Forrest Moore.
Date of Site Inspection	5 th January 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.03 hectares is located at No 21 and 22 Dominick¹ Street in Shandon to the north of Cork City Centre. The appeal site is located to the south west of the Firkin Crane Theatre and south of Cork Butter Museum which marks the general location of the site of Shandon Castle (CO074-032). St Anne's Church and the iconic Shandon Bell tower is located to the northeast. The appeal site fronts onto Dominick Street to the north and backs onto Hill Lane leading to Old Friary Place to the south.
- 1.2. Shandon comprises the historic core of Cork City to the north of the River Lee and is characterised by a dense pattern of narrow streets with the topography rising steeply northwards from the Lee river valley and the tumbling roofscape forms a distinctive feature in views from the south. Several significant landmarks of Cork's northside are located in the area including the bell tower of the Church of St Anne, The Cathedral of St Mary and St Anne and Firkin Crane Arts Theatre. Dominick Street runs to the south east of Shandon Street which is the main artery in the area and the core commercial area. Dominic Street and Old Friary Place provide predominantly for residential uses. The immediate area comprises predominantly two and three storey houses on narrow plots while a number of single storey dwellings front onto Hill Lane.
- 1.3. Hill Lane is a pedestrian laneway leading from Dominick Street to Old Friary Place. Given the variation in street level which is circa 5-6m from Dominick Street to Hill Lane, the rear of the appeal site properties have a high and towering massing when viewed from the south. The retaining boundary wall along Hill Lane is randomly coursed sandstone rubble. To the rear of no 21 a single storey extension is visible with two modern uPVC windows with concrete lintels and the extension has a modern pitched roof.
- 1.4. The existing properties on the appeal site comprise of a derelict two storey and three storey pub (Kay O Mahony's). Internally the properties dividing wall has been removed at ground floor level to create the bar and lounge area of the former public

¹ Also referred to as Dominic Street.

house and all of the ground floor area appears to have been given over to the public house.

- 1.5. No 21 Dominick Street is listed Reg 20512128 on the NIAH and described as follows. "Terraced four-bay two-storey house, built c. 1840, now also in use as public house. Façade altered in 1876, with moulded render window surrounds, round-headed openings and shopfront inserted to ground floor. Pitched slate roof with rendered chimneystack. Rendered walls with string course between floors and having moulded render surrounds to openings. Timber sash windows with stone sills. Shopfront comprising of original timber fixed window, with replacement timber pilasters, fascia, entablature, door and cast-iron sill guard. Round-headed openings to ground floor, with timber panelled door and limestone threshold. Two-storey detached rubble stone building to the rear. In the NIAH appraisal it is outlined that this house makes a positive addition to the streetscape, due to the scale and form of the building. The façade of the building is enlivened and enhanced by the moulded render detail, which articulates the square-headed and round-headed openings. The building retains many interesting features and materials, such as the timber fixed window to the shopfront, timber sash windows and timber panelled door.
- 1.6. No 22 Dominick Street is listed on NIAH Reg No **20512127**. It is described within the NIAH as a terraced three-bay three-storey house, built c. 1820, now also in use as public house. Pitched slate roof with rendered chimneystack. Rendered walls with timber sash windows to upper floors. Timber shopfront to ground floor, c. 1910, comprising of pilasters supporting fascia and cornice, with timber fixed windows and pair of timber panelled doors. In the NIAH appraisal it is asserted that this house makes a positive addition to the streetscape, due to the scale and form of the building. The building is enhanced by the retention of many interesting features and materials, such as the timber sash windows, timber shopfront and slate roof.

2.0 Proposed Development

- 2.1. The application as set out involves permission for extension and change of use of the former public house to residential use to provide 10 apartment units. The proposal will include:

- Modifications to the North Elevation to Dominick Street
- Demolition of existing extensions and detached rubble stone building to the rear.
- New altered roof to existing buildings to match historic roof profile.
- Modifications to internal floor plans to accommodate 4 apartments within the existing structures.
- A new extension to the south to provide an additional 6 apartments over four floors.
- Modification to existing southern boundary rubble stone wall to Hill Lane.

2.2 The proposal is outlined in the application drawings and accompanying documentation which includes:

- Architectural Design Statement by JCA architects.
- Archaeological Assessment Daniel Noonan, Archaeological Consultancy.
- Photomontages by Pederson Focus.

I note that following submission of additional information to the local authority, the proposal for the south facing extension was modified with the third floor reduced in scale and the second floor set back. Revised photomontage view demonstrate the alternative proposals.

The breakdown of proposed development is outlined as follows:

Apt 1 2 bed	81sq.m
Apt 2 1 bed	55sq.m
Apt 3 1 bed	54sq.m
Apt 4 1 bed	52sq.m
Apt 5 1 bed	53sq.m
Apt 6 1 bed	53sq.m
Apt 7 1 bed	47sq.m
Apt 8 1 bed	52sq.m
Apt 9 1 bed	60sq.m
Apt 10 2 bed	90sq.m

3.0 Planning Authority Decision

3.1. Decision

By order dated 24th September 2020 Cork City Council issued notification of the decision to grant permission and 24 conditions were attached which included the following of particular note.

Condition 2 “The top floor of the proposed development shall be omitted (i.e., the living area to apartment no 10)

Apartment no 9 (1 bed unit) shall also be omitted and the resultant area reconfigured to provide the living space for apartment no 10 (that which is being omitted on the 3rd floor) and an additional third bedroom shall be provided for. A revised layout shall be submitted and can be agreed before development commences.

Condition 3. Method statements and schedule of work to be agreed. Certification of works in accordance with good conservation practice.

Condition 18 Archaeological Monitoring.

Condition 24 Development Contribution €21,956.56 in accordance with the development contribution scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Senior Executive Planner’s report welcomes the proposed renovation however expresses concerns regarding the massing and height and impacts on views towards St Anne’s Shandon. Objectors concerns regarding daylight are noted. Concerns also regarding proposed level of residential amenity in terms of the north facing units and the shortfall of private open space. Further information to be sought to address these issues.

A request for additional information issued noted concern over overbearing impact of new structure and impact on views towards St Anne’s Shandon and sought a revised design to reduce the impacts setting the block back from the retained stone wall and changing massing to soften the forms when seen from the south, in particular from the south side of the North Channel of the Lee. Top two floors may have to be

omitted. Clarification was also sought in terms of the structural specifications for proposed retention of wall. The request also sought proposals for improvement in quality of private open space and additional measures to address the impact on established residential amenity in terms of loss of light.

The Planner's report following submission of additional information maintained concerns regarding the height of the proposal and its intrusion on view of Shandon face / clock. On this basis it was recommended that this top level should be removed. The omission of apartment 9 (1 bed unit) reconfiguration of the resultant area to provide for living space for apartment no 10 that is being omitted on the 3rd floor and an additional 3rd bedroom. Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

- Environment Section Report – No objection subject to conditions.
- Housing report. Notes claim of exemption from Part V on basis of site size. No objection.
- Urban Road and Street Design (Planning) Report – Applicant to ensure that the vehicle crossovers at the development clearly indicate that pedestrians have priority over vehicles. No change to level of pedestrian footway and no use of asphalt.
- Traffic regulation and safety. No objection subject to conditions.
- Archaeology Report. Site is within the zone of archaeological potential for the City (C0074-122) and in close proximity to the site of a tower house 'Shandon Castle' (C0074-32). Shandon Castle is mentioned in Barry's 1531 grant and is named ' *Ye L Barris Castlell' on Pacata Hibernica* map (c 1585-1600). It was in ruins by 1581 and was shortly afterwards refurbished / rebuilt. Concur with the conclusions of the Archaeological Assessment and recommendation for archaeological monitoring of all ground works associated with the proposed development is required.
- Drainage report. No objection subject to conditions.
- Contributions Report. Contribution of €21,956.56 in accordance with the development contribution scheme.

- Conservation Officer’s initial report was not provided on the Board’s file however it is reported on / (quoted) within the planner’s report where it outlined - No objection to the proposal for retention of frontage and reconstruction to rear. Welcome the retention of the stone facing wall to Hill Lane, however concern that the new building will sit on the wall and may be structurally simpler for it to be set behind the line of the wall. No detail provided on how it is proposed to ensure the retention of the wall. While the architectural design of proposed new building is simple and contemporary concern arises regarding how the simple block form will read strongly against the drum of the Firkin Crane or even the tower of Shandon Church. The three floors of new apartments set on top of the retained high stone wall along Hill Lane will greatly change the character of the lane and the effect to the new building rising sheerly above the lane will be overbearing when experienced by users of the lane or residents of the low terraced cottages. Recommend revised design of the block setting it back from the retained stone wall and changing the massing to soften the forms when seen from the south, in particular from the south side of the North Channel of the Lee.
- Conservation Officer’s second report following additional information submission considers that the changes proposed will reduce the visual impact of the block when seen from the city quays and the break in form will allow it to integrate into these views. Set back behind wall while essentially only the thickness of the existing stone wall will have a positive effect on how the block is perceived from the lane. The block is to the north side of the lane and will not reduce light to the buildings on the other side of the lane. No objection subject to condition requiring method statement and schedule of works by registered architect and certification of all works in accordance with good construction practice.

3.3. **Prescribed Bodies**

Irish Water – No objection subject to connection agreement and standard conditions.

3.4. **Third Party Observations**

3.4.1 Submissions were received by Cork City Council from the following third parties

- Forrest Moore & Joya Kuin, 2 Hill Lane, Dominick Street.
- Diarmuid and June Mulcahy, 1 Soho Terrace, Strawberry Hill.
- William Armitage, 20 Dominick Street, Shandon,
- Peter Foynes and Tadhg McCarthy on behalf of Shandon Area Renewal Association, Planning Committee.

3.4.2 The submissions raise common concerns which I have summarised as follows:

- All favour of the renovations of the derelict buildings however object to the new building to the rear.
- High density development is out of character and represents gross overdevelopment of the site.
- Negative impact on historic character.
- Daylight impact on properties on Hill lane and Dominick Street. Including apartments at 20 Dominick Street.
- Impact on privacy.
- Noise pollution antisocial behaviour.
- Exacerbate parking congestion.
- Cumulative construction impacts.
- Impact on water and wastewater infrastructure. Capacity concerns.
- Single aspect apartments with no private open space. Units facing Dominick Street northerly aspect on narrow street. Balconies on southern side are inadequate. Inadequate internal storage.
- Negative impact on the amenities of the area. Proposal will tower over cottages on Hill lane and give rise to an overbearing impact.
- Noise nuisance and disturbance.
- Extension is out of character in the context of the historic and architectural conservation area. Removal of stubble stone building / walls will diminish the area. Aluminium window frames and zinc cladding are misfits.
- Open space to the rear of the site should be retained as such.

- Future pandemics to be taken into account in terms of higher density.

3.4.2 Following submission of additional information the submissions maintain concerns regarding the scale and height of the structure. In views from north channel of the river Lee, the upward projection of the reduced third floor distorts the existing level skyline and distracts from the symmetry of the tower view. The overbearing bulk and scale and intrusive impact on laneway of cottages is out of character. Setting back 40cms from the existing wall is irrelevant and the removal of part of the third floor and stepping back element at second floor level of 1.2m will have little significance on the laneway below. Location of the extension will deny the four units proposed for Dominic Street of dual aspect, cross ventilation and open space contrary to guidelines. Only one of the five 1 bed units conforms to the minimum standard area of 5sq.m and none conform to minimum width of 1.5m.

4.0 Planning History

I note a previous decision of the Board in relation to a proposal on a larger site including the appeal site and also No 23 Dominick Street and area adjacent vacant property to the west. 07/32159 ABPPL28.225483. The Board overturned a decision by Cork City Council to grant permission for Demolition of two number existing two and three storey buildings containing former public house and apartments and of three-storey dwelling (number 23) and construction of new two-storey over ground floor level building containing new commercial accommodation of 217 square metres, 10 number one, two and three-bedroom apartments and lower ground floor level ancillary accommodation of 139 square metres, all at 21-24 Dominick Street, Cork. Reasons for refusal were as follows:

“ Having regard to the zoning objectives for the site and the provisions of the current development plan for the area, it is considered that, by reason of its scale, design, form and appearance and the removal of structures, whose facades contribute to the visual character of the historical streetscape, the proposed development would have an adverse and detrimental impact upon the character and appearance of the locality and would unacceptably intrude upon a notable city view of Shandon Steeple. The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed development incorporates substandard apartment sizes which would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in September, 2007 and would be detrimental to the residential amenity of future occupants. Furthermore, it is considered that the relationship of the apartments to the adjoining dwellings on Hill Lane would give rise to unacceptable levels of loss of privacy and noise and disturbance to occupiers of these existing dwellings and would represent overdevelopment of this restricted site. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1.1 Project Ireland 2040 – National Planning Framework

5.1.1.1 The National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2 S28 Ministerial Guidelines.

- Architectural Heritage Protection, Guidelines for Planning Authorities, Department of Environment Heritage and Local Government 2004
- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') Dept. Environment Heritage and Local Government November 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government , December 2020.
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018

5.2 Development Plan

5.2.1 The Cork City Development Plan 2015-2021 refers. The site is zoned ZO - Inner City Residential Neighbourhood. The 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.”*

- Chapter 16 Development Management Standards includes Objective 16.4 Skyline and roofscapes.

“The city Council will seek new buildings to be designed to:

Enhance the roofscape in terms of their bulk, massing, materials and aesthetics.

Where appropriate divide buildings mass into smaller elements which respect the existing cityscape and the setting and views and prospects of landmark buildings and the other special amenity views.

Where appropriate locate plant housing for buildings in basements to avoid impact on view s of cityscape.”

- *At 16.26 - Building height should be in proportion to the space between buildings and, where appropriate be set back from the road edge or the existing building line to allow wider footpaths and space for landscaping to reduce overlooking or overshadowing of adjoining buildings and to avoid creating a canyon effect between buildings.”*

“Building Height in the City Centre and Inner Urban Areas

16.29 Within the City Centre and Inner Urban Areas (developed until 1920) the general building heights are varied due to their naturally evolving character and varied building types and styles. The City Centre typically has a general building height of 3- 5 storeys. Due to the importance of the City Centre as an area of historic and architectural character, the building height of any new development within the City Centre should generally respect the area's existing character and context and should be in accordance with the prevailing hierarchy / character of buildings, save in exceptional circumstances where an increase in building height can be justified on sound urban design or architectural grounds.”

- *At 16-51 Dual Aspect. “Target for 90% apartments to be dual aspect. No single aspect apartments should be north facing. Applications will need to demonstrate daylight / sunlight quality. Atrium developments with a second apartment aspect onto a winter garden will be considered as an alternative to true dual aspect apartments only on constrained sites within the historic city and only where developments are to the same building height as their context.”*
- *At 16-52 Apartment Size and Key Floor Dimensions. Table 16.5 sets out the requirement in relation to minimum overall apartment gross floor areas as follows:*

<i>Dwelling type</i>	<i>Size</i>
<i>One bedroom</i>	<i>55 sq. m.</i>
<i>Two bedroom 3 persons</i>	<i>80 sq. m.</i>
<i>Two bedroom 4 persons</i>	<i>90 sq. m.</i>
<i>Three-bedroom</i>	<i>100 sq. m.</i>
<i>Four-bedroom</i>	<i>115 sq. m.</i>

The minimum internal room dimensions outlined in Quality Housing for Sustainable Communities (DoEHLG, 2007) will be applied to new dwellings.

- Para 16.59 deals with Infill Housing – “ To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case-by-case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:
 - Not detract from the built character of the area.
 - Not adversely affect the neighbouring residential amenities.
 - Respect the existing building line, heights, materials and roof profile of surrounding buildings.
 - Has an appropriate plot ratio and density for the site.
 - Adequate amenity is proposed for the development.

- Protected Views and Prospects are addressed Chapter 10. “Cork City benefits from the prominent ridges which provide a series of striking viewing points of the city. This important resource helps to define the character and identity of the city. Given the development pressures associated with the planned growth of the City, the Cork City Council is faced with the challenge of managing development and protecting the city’s valued landscape and views of same. In general, the city is appreciated by most people along viewpoints such as the River Lee and panoramic views from elevated sites. Amenity views and prospects are defined as those views which significantly contribute to the character and amenity of the city, namely,
 - the visual envelope of the city defined by the ridges to the north and south.
 - the city skyline;
 - the built and natural heritage of the city.

- There will be a presumption against any development that threatens to obstruct strategic views or compromise the quality or setting of these views. In addition to the strategic views and prospects of special amenity value, local views of significance are also very important to the character and legibility of neighbourhoods. Local views will be identified and assessed on a case-by-case basis through the planning process. There will be a presumption against any proposal that would cause unacceptable harm to local views of significance and their settings.

- Linear Views of Landmark Buildings 10.27 These occur where a particular landmark/ building is the main point of focus. Views tend to be framed within relatively narrow viewing corridors such as laneways and streets. The views of landmark buildings are considered to be of particular importance and special amenity value. The majority of these views are from City Centre or inner city viewing locations.

- Objective 10.6 Views and Prospects “*To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City’s landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.*”

- The site is within the Shandon Architectural Conservation Area ACA. Objective 9.29 “To seek to preserve and enhance the designated Architectural Conservation Areas in the City.”

5.3 Natural Heritage Designations

The site is not within a designated area. The nearest such sites include:

Cork Harbour SPA (Site Code 004030)

Great Island Channel SAC (Site Code 001058)

5.4 EIA Screening

- 5.4.1 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

6 The Appeal

6.1 Grounds of Appeal

- 6.1.1 The appeal is submitted by William Armitage, 20 Dominick Street and The Shandon Area Renewal Association. Grounds of appeal are summarised as follows:

- Site is narrow and restricted. It is reasonable to envisage a development consisting of conversion of the existing buildings and retention of garden as open space.
- Negative impact on the amenities of the proposed units on Dominick Street. and on the existing cottages on Hill lane.
- Adverse impact on apartment to the rear of 20 Dominick Street through blocking of daylight to a number of windows.
- Response to the request for additional information was minimal and cosmetic. Extension setback 40cm from the stone wall. Four units to the north are still without open space. Terraces resized at the expense of room space.

- Proposal is detrimental to the amenities of units on Dominick Street. Proposal is obtrusive and will tower over Hill Lane to a height of circa 13-14m with intrusive and overlooking terraces all but at the walls edge.
- Quality of apartments is driven down without any compensatory features in mitigation.
- Planning Authority's initial reservations unresolved. Permission as granted is no more than the loss of one apartment but the gain of a bedroom and reduction in height of 3m.
- Proposal is substandard overdevelopment in an already high density inner city location.

6.2 Applicant Response

6.2.1 The response by Harry Walsh Planning on behalf of the first party is summarised as follows:

- Grounds of appeal are unwarranted, unreasonable and without merit.
- Appellants have sought to misrepresent the Planning Authority's view on the proposal. Council's decision provided a compromise to address third party concerns.
- Condition 2 requiring the omission of the top floor was not necessary or appropriate given that concerns regarding visual impact were addressed comprehensively at further information stage and is contrary to policy seeking to maximise use of appropriate brownfield sites within towns and vicinity.
- Proposal is in a sustainable location with a strong connection to the city centre, public transport and local services.
- Proposal is of high architectural quality having been design by JCA Architects and will deliver quality accommodation to this area.
- Refurbishment works are in accordance with best practice conservation standards.
- Reduced scale and provision for top floor setbacks submitted in response for additional information to address concerns.

- Photomontages submitted at further information stage with viewpoints from north gate bridge and Cornmarket street indicate that the clock face would remain fully visible at key vantage points and any potential for intrusion would be limited to a very narrow stretch of Kyril's Quay.
- Omission of top floor is not fully justified by the Planner and was not deemed necessary by the Conservation Officer.
- Proposal is appropriate in the context of the Urban Development and Building Heights Guidelines.
- As demonstrated on the drawings as submitted at FI stage the massing of the revised 3rd floor was significantly reduced and the resultant parapet height would be largely in line with the ridge height of the existing building on the opposite side of Dominick Street. The adjustments resulted in an elegant modest and appropriate contemporary proposal within the urban context.
- Proposal is of high architectural quality and there is no reason to suggest undue impact on surrounding properties. Site is constrained however design well considered to ensure no undue overlooking.
- Regarding impact on cottages on Hill Lane, these are to the south and are therefore unlikely to be impacted by any significant overshadowing. Amendments at FI stage reduced potential for overbearing impact. Legal differences between Dominic Street and Hill lane are a product of the steep topography of this historic part of the city, should not prevent potential for development at an appropriate scale in accordance with national guidance.
- Regarding impact on 20 Dominic street. - Insufficient evidence is provided to support the claims. The perimeter of the site at 20 Dominic Street steps substantially (roughly 6500mm) beyond the proposed development's southern boundary thus negating an impact on the vast majority of windows of the neighbouring property, as demonstrated on proposed south Elevation PL300 and PL200.
- The contention that the proposal will block light to the existing 2 south facing windows located at the upper floor of the original south facing building line of No 20 Dominick Street also unsubstantiated. These 2 south facing windows

will continue to benefit from generous daylight throughout the day. In addition, the north east elevation of the proposal does not include any proposed fenestration that would result in an overlooking concern.

- Proposal will offer a high standard of amenity. The 8 no proposed 1 bed apartments exceed the minimum requirements by an average of 8 square metres while the proposed 2 bed apartments exceed the minimum requirements by an average of 22.4sqm. 40% of units achieve dual aspect in line with Section 3.9 of design standards for new apartments guidelines which state that in infill /refurbishment schemes 33% should be dual aspect in central and accessible locations.

6.3 Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4 Observations

6.4.1 Observations are submitted by Diarmuid and June Mulcahy, Joya Kuin and Forest Moore, neighbouring residents. The observers support the grounds of the third-party appeal and the joint submission is summarised as follows:

- Reiterate previous submissions to the Planning Authority regarding excessive sale and height and negative impact on cottages on Hill Lane.
- Overlooking and loss of privacy
- Acknowledge the changes made to the original proposal however minimal efforts to address concerns.
- Setting back by 40cm does not have any material impact on the overwhelming overbearing impact.
- Proposal is too close to Hill Lane and should be stepped back significantly and south facing communal shared open space provided.
- Severe negative impact on this historic laneway and existing residential amenity.

7 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site I consider that the main issues can be assessed under the following broad headings:

- Principle of Development
- Design and visual impact including impact on the Architectural Conservation Area
- Residential amenity of the proposed units and impact on established residential and other amenities.
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The proposed development provides for the repair, refurbishment and extension of two derelict properties located within this historic setting to provide for 10 apartments. The existing buildings are not protected structures but are listed on the NIAH (Regional rating of Architectural Interest) and form part of the Shandon Architectural Conservation Area. The renovation of the existing buildings, which have been derelict for some time is acknowledged by all parties to the appeal to be a welcome and positive proposal and I consider therefore that the principle of the proposed development is welcome. Having visited the site and reviewed photographic evidence and submitted surveys of the existing buildings it is evident that extensive internal alterations have been carried out and certain structural difficulties arise with regard to the existing building fabric. It is proposed to rebuild the existing rear wall and roofs of the existing properties in line with the historic profile. Internal partitions are largely removed to facilitate the proposed new layout. The facade to Dominick Street is largely retained and in this regard the proposal seeks to maintain a positive addition to the streetscape on Dominick Street.

7.2.2 As regards zoning the site is within an area subject to the zoning objective ZO -Inner City Residential Neighbourhood where the relevant 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". Clearly the provision of modern standard of residential accommodation on the site is in accordance with the general policy desirability to increase densities within serviced urban areas in the interest of efficient land use resources and economies of scale.

7.2.3 I am of the opinion that given its zoning, and on the basis of the derelict and deteriorating nature of the existing structures on the site the delivery of a modern residential development on this central and accessible site is generally consistent with the policies of the Cork City Development Plan the National Planning Framework NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness in this regard. On this basis I consider that the principle of development as proposed is therefore acceptable subject to detailed considerations of its design, servicing, and amenity. The impact of the proposal in terms of its design and impact on established residential amenity and other detailed considerations are explored further below.

7.3 Design and visual impact including impact on the architectural conservation area.

7.3.1 The proposal provides for alterations and renovations to provide for the retention of the existing façade to Dominick Street whilst providing a modern standard of residential accommodation thereby securing and sustaining the use of the site into the future. Minor amendments are proposed to the façade as necessary to facilitate the new use. I consider that the works to the existing buildings have been justified and the regeneration of the site will have a positive impact on the character of the streetscape and on the architectural conservation area. I consider that subject to a conservation method statement in respect of the retention of the facades, the overall historic character and contribution of the existing buildings to the streetscape will not be diminished by the proposed works. I am satisfied that the proposal has the potential to facilitate an appropriate sustainable use of this site and in my view the interventions as outlined have been justified in terms of impact on architectural heritage.

7.3.2 In terms of visual impact assessment of the proposed extension the proposal is for a contemporary structure with finishes to include lime render, double glazed units in

aluminium frames and zinc cladding. Whilst a contemporary design approach is welcome and appropriate, I am not satisfied that the proposed extension is justified in terms of its scale and design. I note that the City Council's conservation officer and planning officer both expressed concerns with regard to the visual impact in views towards landmark building St Anne's Shandon and also with regard to potential for overbearing impact from Hill Lane. The City Council's request for additional information sought mitigation in this regard.

7.3.3 Within the response to the request for additional information the scale of the top floor of the building was reduced and the second floor stepped back. The submissions on behalf of the first party assert that the stepping back from the stone wall reduces the impact from the lane below. I am inclined to concur with the third-party appellants that the scale of the stepback is minimal and I would be concerned regarding overbearing impact on the adjacent dwellings on Hill Lane and intermittent views from the south. I consider that a greater gradation in stepback would be better mitigate the impact arising.

7.3.4 As regards the height of the proposed structure I note that the City Council in the decision removed the top floor of the building on the basis of the potential for negative impact and intrusion on views to St Anne's Shandon. I would concur that the proposed third floor intrudes on views to the clock tower and therefore would concur that the prevailing building height should be respected. I am not satisfied that the removal of this top floor renders the proposal acceptable particularly having regard to the visual impact from the south bank of the North Channel along Kyrils Quay. In my view the proposal would contravene the objectives of the development Plan in relation its appearance on the character of the area and would unacceptably intrude on notable city views of landmark building St Anne's Shandon. On this basis I consider that a revised design is required and thorough justification in the context of the setting and views from the south.

7.4 Residential amenity of the proposed units and impact on established residential and other amenities.

7.4.1 I note a number of key relevant provisions and Specific Planning Policy Requirements of the Sustainable Urban Housing Design Standard for New Apartments, Guidelines for Planning Authorities by the Department of Housing, Planning and Local Government March 2020.

Specific Planning Policy Requirement 1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

Specific Planning Policy Requirement 2

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

Specific Planning Policy Requirement 3

Minimum Apartment Floor Areas:

Studio apartment (1 person) 37 sq.m

1-bedroom apartment (2 persons) 45 sq.m

2-bedroom apartment (4 persons) 73 sq.m

3-bedroom apartment (5 persons) 90 sq.m

Specific Planning Policy Requirement 4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in.
- (ii) In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.
- (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined

above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

I note that the guidelines provide that all standards set out shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

7.4.2 In considering the issue of the residential amenity of the proposed residential units, I note that the floor areas of the proposed units are as follows:

Description	Size	Recommended Minimum Standard (National Guidelines)	Private open space balcony	Recommended Minimum standard	Aspect
Apt 1 2 bed	81sq.m	73sqm	-	6sq.m	Single aspect north facing
Apt 2 1 bed	55sq.m	45sqm	4.2sq.m	5sq/m	Single aspect south facing
Apt 3 1 bed	54sq.m	45sq.m	3.5sq.m	5 sq.m	Single aspect South facing
Apt 4 1 bed	52sq.m	45sq.m	-	5 sq.m	No Single aspect north facing
Apt 5 1 bed	53sq.m	45sq.m	-	5 sq.m	No Single aspect north facing
Apt 6 1 bed	53sq.m	45sq.m	3sq.m	5 sq.m	Single aspect south facing
Apt 7 1 bed	47sq.m	45sq.m	4sq.m	5 sq.m	Single aspect south
Apt 8 1 bed	52sq.m	45sq.m	-	5sq.m	Single aspect north facing
Apt 9 1 bed	60sq.m	45sq.m	3.8sq.m	5sq.m	Single aspect south facing
Apt 10 2 bed	90sq.m	73sq.m	7sq.m	6sq.m	Dual aspect

7.4.3 I note that while the size of the units generally meet and exceed the minimum overall floor area requirement. As regards internal floorspace standards the room sizes generally exceed the minimum floor areas. I note that proposed one bed roomed apartment no 7 at first floor level with an aggregate kitchen living area of 19sq.m is short of the minimum standard of 23sq.m., however the floor areas generally comply with quantitative standards. I am concerned however that there are a number of other notable flags of substandard development in terms of the four north facing single aspect dwellings which have no private open space. I consider that whilst a degree of flexibility and a relaxation of standards would be reasonable in the context of the infill nature of the site, the desire to encourage restoration of the existing buildings and the goal to provide residential uses in vacant city buildings, however the level of deficiency to a number of units is significant and in my view the proposal would give rise to a poor standard of residential amenity for future occupants. Based on the foregoing I consider that the proposal would give rise to substandard level of residential amenity.

7.4.4 On this basis I consider that a revised approach to design and layout is required. In this regard I consider that a more innovative architectural approach to the extension and conversion of the existing building having regard to the unique character and circumstances of the site is warranted. A high level of residential amenity could and should be achieved in my view.

7.4.5 As regards impact on established residential amenity, I note the relationship of the proposal to dwellings at Hill Lane. The southern side of Hill Lane is occupied by four single storey and one two storey cottage directly fronting onto the lane. At present these dwellings face the site bounded by the tall granite wall. In the light of the built-up character of the area and the topography of the site and its setting there will be a degree of overlooking of and a significant change in the outlook from the dwellings on Hill Lane arising from any development on the site however I am of the view that the degree of impact can be appropriately mitigated by design. As outlined above I consider that the scale and design of the structure as proposed does not adequately address this issue. I consider that the overbearing impact of the current proposal will give rise to a significant negative impact on established residential amenity and I am not satisfied that due consideration has been given in the design to such impacts. I note that the submitted plans are poorly detailed with regard to the context including

proximate fenestration of adjacent structures. I note the zoning objective pertaining to the site – Inner City Residential Neighbourhood which seeks “*To reinforce the residential character of inner city residential neighbourhoods while supporting the provision and retention of local services and civic and institutional function*”. I consider that the proposal as set out fails to comply with this zoning objective and would seriously compromise the residential amenity of adjoining residents and set an undesirable precedent for similar such development.

7.4.6 As regards traffic and parking issues I note that the site is located within zone 1 as per Figure 16.1 Car Parking Zones of the City Development Plan. The City Development plan states: ‘Parking Zone 1 is generally inner Cork City, which includes the City Centre. Zone 1 is currently accessible by public transport and is a walkable environment. It is policy to constrain parking within the City Centre below the maximum level of provision in order to reinforce the pedestrian priority area and to cause a material shift to non-car transportation. Having regard to the nature and location of this site in the city centre and its restricted size and having regard to the advice set out in the City Development Plan it is appropriate that no on-site car parking be provided however alternative modes should be facilitated. I note that the proposal does not set out any communal cycle parking provision for the proposed dwelling units and this should be clearly be provided for.

7.5 Appropriate Assessment

7.5.1 On the issue of Appropriate assessment having regard to the nature of the proposed development and fully serviced location within the built-up area and separation distance from Natura 2000 sites, significant effects are not likely to arise alone or in

combination with other plans or projects that would result in significant effects to the integrity of the Natura 2000 network.

8.0 Recommendation

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

Reasons and Considerations

It is considered that the proposed development by reason of scale, height, form, and excessive bulk, would be out of character with its setting and the pattern of development in the area in particular the character of established roof profiles in views from the south and in views to St Anne's Shandon. The proposed development would be reason of scale and design dominate and detract from adjacent established dwellings on Hill Lane by reason of overbearing impact. The proposed development would contravene the policy of the planning authority set out in the City Development Plan in relation its appearance on the character of the area and would unacceptably intrude on a notable city view of landmark building St Anne's Shandon. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, as published in 2018 by the Department of Housing Planning and Local Government, it is considered that the provision of four single aspect north facing units would be contrary to the advice set out in these Guidelines which together with the lack of private or communal amenity space would fail to provide a satisfactory standard of amenity for future residents. The proposed development would set an undesirable precedent for similar such development and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
25 January 2021