



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308492-20

#### Development

Permission for vehicular entrance and driveway to dwelling house.

#### Location

20 Haig Gardens , Boreenmanna Road , Cork

#### Planning Authority

Cork City Council

#### Planning Authority Reg. Ref.

2039456

#### Applicant(s)

John & Rosaleen Keohane.

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

John & Rosaleen Keohane

#### Observer(s)

None

#### Date of Site Inspection

5<sup>th</sup> January 2021.

#### Inspector

Bríd Maxwell

## **1.0 Site Location and Description**

- 1.1. This appeal relates to an end of terrace two storey dwelling No 20 Haig Gardens which fronts onto Boreenamanna Road approximately 1.4km south east of Cork City centre. The area is suburban and predominantly residential in character with a variety of house types. The appeal site is occupied by a semi-detached two storey dwelling. Adjoining to the west of the site is a single storey property owned by Cork Simon Community. The appeal site includes a portion of this adjoining property and an agreement to a future purchase of this area subject to planning permission is demonstrated.

## **2.0 Proposed Development**

- 2.1. The proposal as set out involves permission for the construction of a vehicular entrance and driveway to the dwellinghouse.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 29<sup>th</sup> September 2020 Cork City Council issued notification of its decision to refuse permission for the following reason:

Having regard to the layout of the local road network, and the designation of Boreenamanna Road within the Cork Metropolitan Area Transport Strategy (CMATS) as a key part of the proposed Core Bus Network which will deliver measures to maximise utilisation of the bus service and also as a primary cycle link with bi directional mandatory cycle lanes proposed. 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 Boreenamanna 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 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**

Refusal recommended consistent with urban roads and street design report.

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

Urban Roads and Street Design (Planning) report refers to the Cork Metropolitan Area Transport Strategy which identifies the Boreenamanna Road is a key part of the new Core Bus Network and as a primary cycle link with bi directional mandatory cycle lanes. Given the objective of encouraging an environment suitable for cycling and improving bus services, the proposed introduction of a direct access results in an intensification of vehicular movements. Direct access should be consolidated to minimis turning movements and reduce conflict opportunities between road users. The proposal is contrary to the objective of improving sustainable modes of infrastructure. Refusal recommended.

Contributions report – no contributions apply.

### **3.3. Prescribed Bodies**

Health and Safety Authority – No objection

Irish Water – No objection.

### **3.4. Third Party Observations**

None

## **4.0 Planning History**

No recent planning history on the site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Cork City Development Plan 2015-2021 refers.

5.1.2 The site is zoned residential, Local Services and Institutional

5.1.3 Paragraph 16.73 deals with residential entrances / Parking in Front Gardens.

The cumulative effect of 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. in Architectural Conservation Areas, Street Improvement Areas and other areas of architectural and historic character) or on the building itself e.g. a protected structure etc. Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation. Where permitted, “driveins” should:

- Not have outward opening gates;
- Have a vehicular entrance not wider than 3m;
- In general, have a vehicle 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 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.

### **The Cork Metropolitan Area Transport Strategy 2040**

The Cork Metropolitan Area Transport Strategy (CMATS) 2040 developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council. CMATS seeks 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. The Strategy provides a framework for the planning and delivery of transport infrastructure and services in the Cork Metropolitan Area over the next two decades. The Boreenamanna Road is identified as part of core bus network and cycle primary cycle link.

## 5.2. **Natural Heritage Designations**

Cork Harbour SPA (Site Code 004030)

Great Island Channel cSAC (Site Code 001058)

## 5.3. **EIA Screening**

5.3.1 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development and 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.

## 6.0 **The Appeal**

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

6.1.1 The appeal is submitted by Conan Lynch and Co Ltd Consulting Engineers on behalf of the first party and is summarised as follows:

- Applicants intend to place an electric vehicle charge point within the driveway.
- No third party objections
- No firm date or commitment to carry out works to provide bus lanes/ cycle lanes which are aspirational.
- Argument that the provision of an opening onto Boreenamanna road would result in potential conflict between emerging vehicle and both buses and

cyclists is tenuous. The majority of bus and cycle lanes already pass hundreds of open driveways.

- No extra traffic would be generated. Elimination of parking on the road would assist in the freeflow of traffic.
- The first party has lived here for 40 years. It would be unjust and unreasonable to remove parking outside their door while also denying the right to provide an alternative within their site.
- Proposal complies with policy in relation to drive ins. Vehicular entrance can be reduced to 3m. Site can accommodate a large hardstanding area without having a detrimental visual effect. Landscaping can be easily done.
- Issue of precedent does not arise as the adjacent dwellings do not have the available site width.

## 6.2. **Planning Authority Response**

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

## 6.3. **Observations**

None

## 7.0 **Assessment**

- 7.1. The site is within an established residential area where residents currently rely on on-street car parking. The Boreenamanna Road experiences high traffic volumes and as set out in the decision of Cork City Council has been identified as part of the core bus network and primary cycle link within the Cork Metropolitan Area Transport Strategy. The decision to refuse is based on potential conflict between road users and the creation of traffic hazard.
- 7.2. The first party has outlined the proposal to provide on-site parking which will remove the current reliance on on-street parking and enable the applicant to provide an electrical charging point. The first party has in my view presented a strong case. As regards the potential creation of traffic hazard I would concur with the first party that this is tenuous given that cycle lanes and bus lanes will pass many residential entrances. The level of

traffic arising from a single dwelling is not significant. On the issue of the setting of a precedent for similar such development I note that given the unique circumstances of the site which is to be enlarged to accommodate the proposed driveway the issue of precedent for adjacent dwellings does not arise. Having considered the issue I conclude that the first party has made a reasonable case and subject to the reduction in the proposed width of the entrance to 3m, in accordance with the standards of the development plan, I consider that the proposal is acceptable from a traffic safety perspective. As regards visual and amenity impacts I note no concerns were raised by the Planning Authority. I consider that on the basis of the mixed character of the area no loss of amenity arises and the proposal is acceptable in terms of its visual impact.

- 7.3. As regards the issue of Appropriate Assessment, having regard to the nature of the proposed development and proposal to connect to existing public services together with separation distance from any designated European Site and having regard to the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site.

## **8.0 Recommendation**

- 8.1. Grant Permission subject to the following conditions.

### **Reasons and Considerations**

Having regard to the Cork City Development Plan 2015-2021 it is considered that the proposal would be compatible with the visual and residential amenities of the area, and would be acceptable from a traffic safety perspective. No appropriate assessment issues arise. The proposal would thus accord with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans submitted to the Board on 22<sup>nd</sup> day of October 2020 and except as may otherwise be required in order to comply with the following conditions. Where such conditions require details

to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The vehicular entrance shall be reduced to 3m in width.

Reason: In the interest of traffic safety.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

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Bríd Maxwell  
Planning Inspector

14<sup>th</sup> January 2021