



An  
Bord  
Pleanála

## Inspector's Report ABP-308817-20

### Development

Retention permission for the partial demolition of existing derelict shed.

Permission for (a) Demolition of the remains of an existing derelict shed, and (b) Construction of a two-storey building comprising 1 one-bed apartment at ground floor and 1 one-bed apartment at first floor, each with own private open area terrace/ balcony and associated screening, 2 rooflights to rear, rear boundary wall and all associated site works.

### Location

Shoulders Lane (to rear of 6 Fair Street East), Mallow, Co. Cork.

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

20/05994

### Applicant(s)

DNCF Ltd

### Type of Application

Retention permission and permission

### Planning Authority Decision

Refusal

<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	DNCF Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> February 2021
<b>Inspector</b>	Hugh D. Morrison

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## 2.0 Site Location and Description

- 2.1. The site is located in Mallow town centre on the western side of Shoulders Lane, which runs between William O'Brien Street, to the north-east, and Thomas Davis Street, to the south. To the south of the site, this Lane narrows to single lane width, while, to the north, it is of two-lane width with footpaths on either side. The buildings along the lane are street-fronted and they are predominantly two-storey terraced dwelling houses. Some buildings are in commercial use, including a modern one on the opposite side of the Lane from the site.
- 2.2. The site itself is of regular shape and it extends over an area of 0.0086 hectares. The main eastern portion of the site has been cleared of its former shed. The minor western portion retains a partially demolished shed. The site is vacant. It is bound to the north by a cleared and vacant site, to the east by Shoulders Lane, from which it is accessed via a gate, to the south by the gabled side elevation of an end-of-terrace two-storey dwelling house, and to the west by the rear yards to the two-storey buildings at Nos. 5 & 6 Fair Street. The majority of these boundaries are denoted by the external stone walls of the aforementioned sheds.

## 3.0 Proposed Development

- 3.1. The proposal comprises the following two elements:
- Retention permission is sought for the partial demolition of a derelict shed.
  - Permission is sought for the following:
    - The demolition of the remains of an existing derelict shed (21.2 sqm), and
    - The construction of a two-storey building comprising 1 one-bed apartment at ground floor (46 sqm) and 1 one-bed apartment at first floor (55 sqm).
- 3.2. The ground floor apartment would be served by a terrace to the rear and the first-floor apartment would be served by a balcony to the rear. The terrace would be enclosed to the rear (the west) by a 1.5m high plastered blockwork wall (existing walls would be retained to the north and south) and the balcony would be enclosed by means of galvanized louvred screens, which would be 1.5m high to the north and west and 1.8m high to the south.

## 4.0 Planning Authority Decision

### 4.1. Decision

Permission was refused for the following reason:

*The proposed development would be located in Mallow Town Centre. Having regard to the restricted nature of the site and the scale and nature of the proposal, it is considered that the proposed development would constitute overdevelopment and a substandard form of residential development and would injure the residential amenities of neighbouring property. The proposed development would set an undesirable precedent for similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.*

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

See decision.

#### 4.2.2. Other Technical Reports

- N/M20 Project Office: No observations.
- Cork County Council:
  - Cork National Roads Office: No comments/recommendations.
  - Conservation Officer: No objection, subject to conditions, which would include one requiring that double windows and doors in the front elevation be of the same design and size and the front downpipe be omitted.
  - Area Engineer: Further information requested with respect to parking, drainage arrangements, and structural assessment of stone walls that may be affected by the proposal.
  - Liaison Officer: No comment.

## 5.0 Planning History

EF 20/025: Alleged unauthorised demolition of a shed.

## 6.0 Policy and Context

### 6.1. Development Plan

Under the Mallow Town Development Plan 2010 (TDP), the site is shown as lying within the town centre and within the Main Street ACA and the Zone of Archaeological Potential. Residential use is “open for consideration” within the town centre.

### 6.2. Natural Heritage Designations

Blackwater River SAC (001720)

## 7.0 The Appeal

### 7.1. Grounds of Appeal

With respect to the critiques of over development and a sub-standard form of residential development, the applicant disagrees with these critiques on the following grounds:

- The proposal would substantially meet the design requirements of the TDP, the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, and the Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines (2018).
- Specifically, Paragraph 1.10 of the SUH: DSNA Guidelines is cited. Items (i) – (iv) relate to housing mix, infill sites, build-to-rent, and omission of parking, all of which would be met by the proposal. The remaining items are summarised below:
  - (v) Location: The site is 40m from the Main Street.
  - (vi) Housing mix on the site: Impractical due to the size of the site.
  - (vii) The minimum of 45 sqm would be exceeded, i.e. 46 sqm on the ground floor and 55 sqm on the first floor.
  - (viii) Dual aspect would be provided.

(ix) Floor-to-ceiling heights would be 2.7m and 2.5m on the ground and first floors, respectively.

(x) The first floor would be served by means of a dedicated staircase from an “own” front door onto the street.

(xi) Patio and balcony areas would at 5 sqm each exceed the minimum.

(xi) Parking is waved in the light of (v) above.

With respect to the critique of injury to the residential amenities of neighbouring properties, the following points are made:

- The proposal would represent good urban design.
- The proposal would entail the retention and reinforcement of existing natural stone walls.
- The proposal would overcome the existing derelict nature of the site and contribute to the rejuvenation of Shoulders Lane.
- The design and finishes of the proposal would exhibit a simplicity and quality that would be sympathetic to the compact streetscape of Shoulders Lane.
- The apartments would comply with TGD-M of the Building Regulations, i.e. disability provisions.
- The proximity of the site to the Main Street would ensure walkability and obviate the need for car use.
- The proposal would comply with criteria for infill development and it would be in keeping with an adjoining row of dwelling houses to the south.
- Overlooking would be addressed by means of the retention of the existing 4m high boundary wall between Nos. 6 and 5 Fair Street, the specification of a 1.8m high louvred vertical screen to the south side of the proposed balcony, and the presence of only a limited number of first floor windows in the rear elevation of No. 6.

With respect to the critique of undesirable precedent, the following points are made:

- The proposal would enjoy good connectivity.
- The proposal would improve the streetscape.

- The proposal would entail the reuse of a derelict site for apartments, a form of housing that is needed.
- The only remaining site on Shoulders Lane for development adjoins the application site to the north. The row of two-storey dwelling houses to the south has already established the precedent for new residential development on this street.

## 7.2. **Planning Authority Response**

None

## 7.3. **Observations**

None

## 7.4. **Further Responses**

None

## 8.0 **Assessment**

8.1. I have reviewed the proposal in the light of the Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, Mallow Town Development Plan 2010 (TDP), 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) Land use, dereliction, and conservation,
- (ii) Amenity,
- (iii) Access and parking,
- (iv) Water, and
- (v) Appropriate Assessment.



### **(i) Land use, dereliction, and conservation**

- 8.2. Under the TDP, the site is located in Mallow town centre, where residential use is “open for consideration”. This site lies on Shoulders Lane, where there has been considerable redevelopment of plots for residential use. Its redevelopment for residential use would, therefore, be appropriate, in principle.
- 8.3. The site comprises a major eastern portion and a minor western portion. The former portion is a vacant yard, which is accessed directly off Shoulders Lane by means of a gate clad in galvanised sheets. The latter portion is composed of a partially demolished shed. Both portions are enclosed by stone walls of varying heights and conditions. The site is presently in a derelict state.
- 8.4. Under the TDP, the site is, also, located in the Main Street ACA and the Zone of Archaeological Potential. The Conservation Officer has not advised of any particular conservation interest upon the partially demolished shed on the site and so she raises no objection to the completion of its demolition.
- 8.5. I note from the submitted plans that, where there are freestanding boundary walls to the sides and rear of the site, they would be reinforced and retained. I note, too, that both the Conservation Officer and the Area Engineer advise on the need to ensure the structural stability of these walls, if indeed they are to be successfully retained.
- 8.6. The Conservation Officer welcomes, in principle, the proposed redevelopment of the site. At the level of detail, she has requested a series of prescriptive conditions relating to the design and finishes of the proposed building in a bid to enhance its contribution to the streetscape of the ACA.
- 8.7. The design of the front elevation of the proposed building would comprise openings, the size and spacing of which are dictated by the internal space requirements of the proposed ground and first floor apartments. The pattern of these openings would be ungainly and so the Conservation Officer has recommended that they display a greater consistency. However, I am not persuaded that, given the dictates of the internal space requirements, such consistency in itself would lead to a convincing design, i.e. the fixed off centre position of the front door to the ground floor apartment introduces asymmetry.
- 8.8. I conclude that, while the principle of redevelopment of a derelict site for a residential after use is welcome, the design implications of proposing two apartments are such

that the proposal would fall short of making a sufficiently positive addition to the streetscape of the ACA.

**(ii) Amenity**

- 8.9. The proposal would entail the provision of 2 one bed/two person apartments: The ground floor one has a stated floorspace of 46 sqm and the first floor one has a stated floorspace of 55 sqm. I have checked the submitted plans: The former floorspace figure appears accurate and the latter appears to include the area of the balcony: If this item is excluded the floorspace contracts to 50 sqm. A comparison of the two apartments shows that the ground floor one would have more useable floorspace than the first floor one. The explanation for the latter's great floorspace lies in the fact that the floorspace of the hall, staircases, and landings have been included within it: If these are excluded, then the useable floorspace is 41 sqm.
- 8.10. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the minimum overall floorspace for one bedroom apartments is 45 sqm. Likewise, the minimums for kitchen/livingroom and bedroom floorspaces are 23 sqm and 11.4 sqm. Both apartments would achieve these minimums, although the width of the kitchen/livingroom would vary between 3.1m and 3.23m and so it would fall below the minimum of 3.3m.
- 8.11. The proposed building would be orientated front-to-rear on an east south-east/west north-west axis. Habitable room openings would be inserted in front and rear elevations and so the proposed apartments would be dual aspect.
- 8.12. The minor western portion of the site would be apportioned between the rear garden to No. 6 Fair Street and the proposed apartments. A 9.5 sqm patio (2m x 4.75m) would be laid out to serve the ground floor apartment and a 5.5 sqm balcony (1.5m x 3.66m) would project above this patio to serve the first floor apartment. Under the aforementioned Guidelines, 5 sqm is the minimum for private amenity space, although ordinarily this would be accompanied by 5 sqm of communal space, too.
- 8.13. Drawing no. DNCF-2262-P-300 shows the elevations of the proposed building and, under cross section A-A, the relationship between the proposed patio and balcony. The former would be enclosed by means of retained boundary walls, a new wall with the rear garden to No. 6 Fair Street, and an adjoining building. The latter would be enclosed by galvanised louvred screens to a height of 1.5m on its western and

northern sides and to a height of 1.8m on its southern side. Given these factors, the lighting of particularly the patio and, by extension the rear portion of the ground floor apartment would be heavily constrained. Likewise, any meaningful outlook from either the patio or the balcony would be heavily constrained. Their amenity value would thus be decidedly limited.

- 8.14. The Planning Authority's reason for refusal critiques the proposal on the basis that it would represent over development of the site, which would be sub-standard and unneighbourly. The applicant has responded by seeking to show how its proposal would comply with the advice set out in the aforementioned Guidelines.
- 8.15. While I acknowledge that the proposal would achieve considerable compliance with the Guidelines, I am concerned that the useable floorspace of the first floor apartment would be unduly limited and that, qualitatively, the value of the private amenity space for both apartments would be lacking. Additionally, the ground floor apartment would be effectively single aspect, as lighting to and outlooks from habitable room openings in the rear elevation would be slight. I, therefore, share the Planning Authority's concerns with respect to an insufficient standard of amenity for future residents, which indicates over development or at least an over intensification of use stemming from the specification of apartments rather than a single dwelling house.
- 8.16. With respect to the residential amenities of neighbouring properties, I note that the site abuts two such properties to the west, i.e. Nos. 5 & 6 Fair Street. At the application stage, the residents of the former property raised objection, on the grounds that the proposal would lead to overlooking and overshadowing and it would itself be overbearing. The residents of the latter property would gain from the proposal insofar as their rear garden would be extended by c. 3m.
- 8.17. I note that the proposal would wrap around the north-eastern corner of the rear garden to No. 5. Consequently, the rear elevation of the proposed building would be 11m away from the rear elevation of the dwelling house and the balcony would be 9.5m away. I note, too, that the screen to the existing balcony to the dwelling house at No. 3 Shoulders Lane presently faces this rear elevation at a distance of c. 8.5m. Accordingly, under the proposal, while overlooking would not arise to any significant extent, the outlook from No. 5 would become more enclosed and there would be

some increase in early morning overshadowing. However, the properties concerned are in the town centre and so urban rather than suburban standards of residential amenity apply. In these circumstances, I consider that any loss of amenity would not be excessive under the proposal.

8.18. I conclude that the proposal would fail to establish a satisfactory standard of amenity for future residents.

### **(iii) Access and parking**

8.19. The proposal would be accessed directly off Shoulders Lane: Each apartment would have its own front door. No off-street parking is proposed.

8.20. The Area Engineer draws attention to the need for each apartment to be accompanied by an off-street car parking space. The case planner responded to this advice by stating that, due to the restricted nature of the site, the provision of such parking would not be feasible and so, instead, reliance upon on-street parking would ensue.

8.21. During my site visit, I observed that further to the north of the site, on the eastern side of Shoulders Lane, on-street parking is available, although at the time of my visit (mid-day on a Friday) vacant spaces were not in evidence.

8.22. I note that the historic use of the site presumably generated traffic with a parking requirement. I note, too, the precedence on Shoulders Lane for permitting new dwelling houses with only on-street parking. In these circumstances, I am concerned that the proposal would result in two new dwelling units rather than one and so, potentially, greater pressure would be placed on finite on-street parking.

8.23. I conclude that, while reliance upon on-street parking is the norm on Shoulders Lane, the proposal for two apartments would be likely to add unduly to the pressure for such parking.

### **(iv) Water**

8.24. The proposal would be the subject of a new connection to the public water mains and public foul and surface water sewerage system. Irish Water has raised no objection to these proposed connections.

8.25. Drawing no. DNCF-2262-P-300 shows, under proposed section A-A, the installation of an attenuation tank under the proposed patio.

8.26. The OPW's flood maps show the site as not being in a part of Mallow that is subject to any identified flood risk.

8.27. I conclude that no water issues would arise under the proposal.

#### **(v) Appropriate Assessment**

8.28. The site is not located in nor beside a European site. The nearest such site is the Blackwater River (Cork/Waterford) SAC (002170), which runs to the south of Mallow town centre. I am not aware of any source/pathway/receptor route between the application site and this European site.

8.29. Under the proposal, the site would be redeveloped to provide 2 apartments, which would be serviced by the existing public infrastructure in the area. No Appropriate Assessment issues would arise.

8.30. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **9.0 Recommendation**

That permission be refused.

### **10.0 Reasons and Considerations**

Having regard to the nature and scale of the site in Mallow town centre and its location within the Main Street Architectural Conservation Area, the Board considers that its proposed redevelopment to provide two apartments would lead to an over intensification in the use of this site which would fail to establish a satisfactory standard of amenity for future residents, which would militate against an appropriate standard of design for the Architectural Conservation Area, and which would lead to the likelihood of excessive pressure upon on-street parking. The proposal would thus be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

1<sup>st</sup> April 2021