



An
Bord
Pleanála

Inspector's Report

ABP-309472-21

Development	Construction of House
Location	Knockbrack, Blackrock Road, Blackrock, Co. Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2039365
Applicant(s)	Maureen and Roddy Galvin
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kieran Coughlan
Observer(s)	None
Date of Site Inspection	8 th May 2021
Inspector	Sarah Moran

1.0 Site Location and Description

- 1.1. The development site is located on the northern side of Blackrock Road in an established residential area in Cork City. The site comprises one of a pair of semi-detached very early 20th century houses, 'Knockbrack' and 'Toorak', which are recorded in the NIAH (ref. no. 20867018), where they are rated as being of Regional architectural and artistic significance. Knockbrack has a large side and rear garden with several mature trees. The site is bound to the south and west by an access road which serves several infill dwellings that were constructed in the grounds of the 18th century Chiplee House (a protected structure RPS PS513). The junction of Crab Lane and the Blackrock Road is almost immediately opposite the development site. This junction serves a primary school on Crab Lane.

2.0 Proposed Development

- 2.1. The development as originally proposed comprises a two storey detached house (186 sq.m.) in the side garden of Knockbrack, with a separate access from the Blackrock Road. The house is contemporary in style and has a lower ridge height than the existing house at the site. The overall lands are to be subdivided with a new boundary wall to form two separate residential properties. The development is to connect to existing site services.
- 2.2. The applicant's response to the RFI, submitted on 16th December 2021, comprised a revised proposal with a reconfigured entrance layout for the access to the Blackrock Road, also revised external finishes comprising brick, render and slate materials. A landscaping plan was also submitted.

3.0 Planning Authority Decision

3.1. Request for Further Information

- 3.1.1. Cork City Council issued a RFI on 24th August 2020 in relation to the following matters:
- Applicant advised to submit proposals for a revised entrance design to provide a shared entrance.

- Applicant requested to revise external finishes to ensure a more satisfactory visual outcome over the long term.
- Applicant requested to submit a detailed landscaping plan.

3.2. Decision to Grant Permission

- 3.2.1. Cork City Council issued a notification of a Decision to Grant Permission on 19th January 2021. Permission was granted subject to 14 no. conditions, none of which involved any significant amendments to the development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- Planning Report 23rd August 2020. Recommends RFI for the matters set out in section 3.1.1 above.
- Second Planning Report 15th January 2021. States satisfaction with the applicant's RFI response and recommends permission subject to conditions.

3.3.2. Other Technical Reports

- CCC Waste Management & Control Environment Directorate, 30th July 2020. No objection subject to conditions.
- CCC Drainage Division, Environment Directorate, 6th August 2020. No objection subject to conditions.
- CCC Development Management Community, Culture & Placemaking, 19th August 2020. Notes that the proposed vehicular entrance is c. 38m from the junction of Blackrock Road and Crab Lane, which is used as a pedestrian route to Ballintemple National School. Recommends RFI for details of a shared vehicular access to serve both the existing and proposed houses. Second report, 6th January 2021, states satisfaction with the applicant's RFI response, subject to conditions.
- CCC Development Management Community, Culture & Placemaking, 17th July 2020. Recommends development contributions in accordance with the

Development Contribution Scheme and Supplementary Development Contribution Scheme.

- CCC Conservation Officer, 18th August 2020. Considers that the creation of a new vehicular entrance is undesirable in an ACA. It would be preferable to extend and redesign the existing entrance, along the lines of early 20th century entrances at Ardnagrena and Burnley on the southern side of Blackrock Road, a little further to the east. Also recommends revised external finishes. Second report dated 15th January 2021, no objection to proposals submitted in response to RFI subject to one condition.

3.4. Prescribed Bodies

- 3.4.1. Health and Safety Authority, 7th July 2020. No objection.
- 3.4.2. Irish Water, 9th August 2020. No objection.

3.5. Third Party Observations

- 3.5.1. Two no. third party observations were received by the planning authority, one from the above named appellant and another from the residents of Coosheen, Chiplee, a residential property to the north east of the development site. These objected to the development on grounds relating to the following matters:
 - Traffic hazard associated with the proximity of the new vehicular access to the Crab Lane /Blackrock Road junction.
 - Proposed design is out of keeping with the character of surrounding residential properties including protected structures due to the proportions, roof pitch and cladding.
 - Potential for adverse impacts on residential amenities by way of overlooking.
 - Lack of landscaping plan.

4.0 Planning History

- 4.1. None on file.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities

- 5.1.1. Chapter 3 of the Guidelines deals with ACAs. Section 3.7, in relation to development control in ACAs, section 3.1 in relation to criteria for assessing proposals within an ACA and section 6 in relation to development control are noted in particular. Section 13.4.3, which relates to alterations to boundary features, is also considered relevant.

5.2. Cork City Development Plan 2015-2021

- 5.2.1. The site is located on lands zoned ZO 4 Residential, Local Services and Institutional, where it is an objective of the Council:

To protect and provide for residential uses, local services, institutional use, and civic uses, having regard to employment policies outlined in Chapter 3.

- 5.2.2. The site is located within the Blackrock Village Architectural Conservation Area (ACA). The following relevant development plan policies and objectives are noted:

- Objective 9.28 Protection of NIAH and other structures of built heritage interest.
- Objective 9.29 Architectural Conservation Areas
- Objective 9.32 Development in Architectural Conservation Areas

- 5.2.3. Development plan chapter 16 sets out development management standards. The following are noted in particular:

- Objective 16.9 Sustainable Residential Development
- Section 16.59 in relation to infill housing
- Section 16.132 in relation to ACAs

Section 16.73 states the following in relation to 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, “drive-ins” should:

- *Not have outward opening gates;*
- *Have a vehicular entrance not wider than 3m;*
- *In general, have a vehicle entrance not wider than 50 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.*

5.2.4. Development plan Appendix 3 sets out specific built heritage objectives for ACAs, including the Blackrock ACA. The site is located within Sub Area A of the Blackrock ACA, Ballintemple Village and Surrounding Suburbs. The following is noted from the ACA Statement of Character:

In contrast to the large river-facing houses, the roadway is lined with terraced and semi-detached dwellings, sharing a direct relationship with the road with front gardens featuring ashlar, cut-stone or roughcast rendered walls with wrought-iron railings, demonstrating an evolving urban character. Despite their differing scales varying from 1 and 2 storey early 19th century small scale Georgian style buildings to larger three storey Georgian dwellings, their front elevations maintain much of their original character with unusually fine joinery,

5.3. Natural Heritage Designations

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

Cork Harbour SPA (Site Code 004030)

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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal is submitted by the resident of 4 Chiplee Avenue. The following points are noted from the written appeal:
- The appellant has no objection in principle to an infill dwelling at the development site.
 - The appellant's concerns relate to the proposed new vehicular access to the Blackrock Road and to a potential traffic hazard associated with proximity to the nearby school crossing at the junction with Crab Lane.
 - The revised entrance design submitted in response to the RFI is misleading as it provides two separate entrances rather than a shared access to both properties.
 - The sightlines at the proposed entrance are misleading and inaccurate as the indicative visibility splay has been taken from the midpoint between the two proposed entrances and no vehicles will enter or exit either of the properties at this point. It is questionable if the indicative sightlines would be achieved at either of the proposed separate accesses.
 - The development will restrict the access and turning area in front of Knockbrack, resulting in traffic hazard.
 - The introduction of a new vehicular entrance at this location is inconsistent with development plan policies on Architectural Conservation Areas, as per development plan objective 9.32 and development plan section 16.73. It is

submitted that the applicant has not fully assessed the impact of the development on the character of the Blackrock Road ACA.

- It is submitted that the widening of the existing entrance serving Knockbrack House could easily be achieved and would be preferable in terms of road safety and impacts on the character of the ACA.
- The appellant requests that the Board amend the conditions of permission to require that the applicant provide a single shared access to serve both Knockbrack House and the proposed dwelling, which indicates that sightlines of 45m can be achieved in both directions.
- The appellant requests that the Board impose a condition such that there are no additional soakaways in the northern section of the site, also a condition that all surface water shall discharge onto the applicant's own lands rather than adjoining properties.

6.2. Applicant Response

6.2.1. The following points are noted from the applicant's response to the third party appeal:

- The applicant's redesign of the entrance was intended to replicate the shared entrance design at Ardnagrena and Burnley nearby on the southern side of the Blackrock Road, as recommended by CCC Conservation Officer. Photographs of the entrances referred to are submitted. It is submitted that the appellant is misinterpreting the planning authority's meaning of a shared entrance as set out in the RFI and that the applicant's response to the RFI was not misleading.
- The revised proposal was satisfactory to CCC Urban Roads & Street Design, ref. report on file dated 6th January 2021.
- The applicant has given due consideration to the impact of the proposed access to the character of the Blackrock Road ACA. The revised proposal was fully considered by CCC Conservation Officer and was deemed satisfactory by same in a report dated 15th January 2021, also in the second planning report dated 25th January 2021.

6.3. **Planning Authority Response**

6.3.1. The planning authority submits no further comments in relation to the appeal.

6.4. **Observations**

6.4.1. None on file.

6.5. **Further Responses**

6.5.1. None on file.

7.0 **Assessment**

7.1. Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal relate to the following matters:

- Impacts on the Blackrock Road ACA
- Traffic Hazard
- Drainage Issues
- Appropriate Assessment

I note that the development was considered to be acceptable in principle and that, with regard to the planning reports on file and the reports of CCC Conservation Officer (as submitted by the planning authority on foot of correspondence from ABP), there were no significant concerns in relation to potential adverse impacts on residential amenities or general impacts on the Blackrock Road ACA (other than the vehicular access). The appellant has not raised these matters and I see no reason to revisit them here. The above matters may be considered separately as follows:

7.2. **Impacts of Vehicular Access on the Blackrock Road ACA**

7.2.1. The development (as amended) involves the removal of c. 21 m of the existing front wall of Knockbrack, including the existing vehicular entrance, and the insertion of a new wall, set back c. 2.5m from the footpath edge, with two new vehicular entrances, with timber gates and railings to match existing. While this amends the existing

historic frontage of Knockbrack, I do not consider that it is out of keeping with the ACA. The immediate vicinity of the development site is mixed in character and there is a variety of boundary treatments and vehicular entrances, including 20th century housing across the road and the modern entrance to Chiplee to the immediate west of the development site. In addition, as noted by CCC Conservation Officer, a treatment similar to that currently proposed already exists along this stretch of the Blackrock Road.

- 7.2.2. I note that the appeal was referred to The Heritage Council, An Taisce and the Dept. of Culture, Arts, Heritage and the Gaeltacht, none of which stated any objection to the development.
- 7.2.3. With regard to the relevant national and local planning policies on ACAs, as set out above, I am satisfied that the proposed boundary treatment and vehicular accesses will not detract from the character of Blackrock Road ACA such as would warrant a refusal of permission or a condition requiring the retention of the existing entrance.

7.3. Traffic Hazard

- 7.3.1. The development site is within the 50 kph zone. There is a yellow box and school signage at the junction of Blackrock Road and Crab Lane but no formal pedestrian crossing. The proposed entrance layout indicates sight distances of 45m from an X distance of 2m, as per DMURS section 4.4.5, which is acceptable. The development involves a single dwelling and will not generate a significant amount of additional vehicular movements. I note that CCC acting SEE states no objection to the revised layout, subject to conditions. The proposed layout is considered acceptable on this basis, notwithstanding its location adjacent to the primary school access.

7.4. Drainage

- 7.4.1. The appellant's concerns regarding surface water drainage are noted. This is a serviced urban area and the development is to connect to existing public drainage. I recommend a standard condition requiring surface water drainage details to be to the satisfaction of the planning authority.

7.5. Appropriate Assessment

- 7.5.1. On the matter of Appropriate Assessment, having regard to nature and scale of the proposed development, the fully serviced nature of the site and proximity to the

nearest European site, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Permission is recommended subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the area, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development would be generally in accordance with the Cork City Development Plan 2015-2021, would not seriously injure the amenities of adjacent residential neighbourhoods or of the property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 16 th day of December 2020 except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.

	<p>Reason: In the interest of orderly development and in the interest of visual amenity.</p>
3.	<p>Specification and details for the construction of the new gate piers and new sections of wall shall be prepared by a registered conservation architect and submitted to the planning authority for agreement in writing prior to the commencement of development. The registered conservation architect shall certify upon completion that the works have been carried out in accordance with good conservation practice.</p> <p>Reason: In the interests of the protection of the architectural heritage of the area.</p>
4.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>

7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the scheme at the time of payment. Details of the application of the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 of the Act be applied to the permission.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project specified in the Supplementary Development Contribution Scheme made by Cork City Council on the 14th</p>

	<p>September 2020 under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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Sarah Moran

Senior Planning Inspector

22nd November 2021