



An  
Bord  
Pleanála

## Inspector's Report ABP.312911-22

---

<b>Development</b>	(a) Demolish existing building containing apartments (b) Construct a new dwelling including an internal garage (c) Associated works
<b>Location</b>	14 Cork Street, Town Plots, Kinsale
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21/6640
<b>Applicant(s)</b>	Keith Gilchrist
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First party
<b>Appellant(s)</b>	Keith Gilchrist
<b>Observer(s)</b>	Deirdre Fitzsimons
<b>Date of Site Inspection</b>	4 <sup>th</sup> April 2022
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on Cork Street in the central part of Kinsale Town to the north of the town core. Cork Street is a narrow medieval street which leads north-eastwards from Market Lane towards Barrack Street. The area comprises a densely developed townscape with a series of narrow lanes on elevated ground to the north and west of the town centre. The topography is quite steep in the vicinity of the site. There is a Carmelite Friary to the west of the site, which is accessed by means of Carmel Avenue and Friary Lane. These two streets rise steeply to the west from Cork Street and the site is located between the two junctions on the western side of the street. There is a Desmond Castle located on Cork Street to the south of the junction with Carmel Ave, which is a tourist attraction under the control of the OPW.
- 1.2.** The appeal site comprises a terraced three-storey house which fronts directly onto Cork Street. The site is in a derelict condition and is currently vacant, but has previously been occupied as three apartments. The buildings immediately to the south and north are also terraced dwellings which are 2-storeys (south) and 3-storeys (north) and appear to be occupied as single houses. The properties front directly onto the street with stepped entrances and generally no off-street parking. There are further terraced 2-storey and 3-storey houses immediately opposite and there are several guesthouses and B & Bs in the vicinity. The architectural character of the street gives way to later 2-storey development further to the north of the site.
- 1.3.** The site area is given as 0.0207ha. The existing house is three storeys in height with direct access from Cork Street by means of steps leading up to the front door. There is an arched architrave surrounding the front door, which is recessed behind the front façade, which is rendered and painted. There are 11 Georgian style windows, which do not appear to be original, with 3 on the ground floor, and 4 on each of the first and second floors at the front. The properties to the immediate south have ramped or stepped accesses which are parallel to the front facades, whereas the appeal site has steps which are at right angles to the front door. The property to the immediate north (in the ownership of the applicant) is stone fronted and has been renovated with new windows and a new/renovated stepped access with railings.

## **2.0 Proposed Development**

- 2.1. Permission is sought to demolish the existing building and to construct a new building which would be occupied as a new house over three levels with additional storage accommodation in the attic space. The proposed development also includes the provision of an internal parking space in the ground floor which would be integral to the house and accessed directly from Cork Street by means of garage doors.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for one reason as follows:

Based on the information submitted and having regard to the poorly aligned vehicular access, at a point where the sightlines are severely restricted and the traffic likely to be generated by the proposed development it is considered that the current proposal would endanger public safety by reason of traffic hazard.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

It was noted that this is the third application for a similar development on the site, wherein the principle of demolition and rebuilding had already been accepted. There was no objection to the proposed development in principle and to the overall design and scale of the building. There were two third party observations, one of which objected to the inclusion of the proposed parking space and had expressed concern regarding the turning and parking arrangements. The other observation was in support of the redevelopment. The concerns of both the Council Engineer and the Conservation Architect regarding the proposed internal parking space were also noted.

Further information was requested in respect of the matters highlighted above on the 19<sup>th</sup> of November 2021. It was requested that either the parking space be omitted or the applicant should show how it can be safely accessed. It was also requested that the height of the garage door be increased so that it would align with the top of the

windows and that it would open inwards. Revised drawings were submitted on 7<sup>th</sup> January 2022 which introduced a turning plate (turntable) within the garage to enable the vehicle to enter and leave in forward gear. A swept vehicle path was also submitted and the amendments to the garage door were provided.

The Area Planner was generally satisfied with the revisions and additional information. However, the Area Engineer remained opposed to the development on traffic safety grounds.

**Refusal was recommended subject to conditions.**

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

**Area Engineer Report (17/11/21)** – it was noted that the new carparking space under the house would be dangerous/unsafe, would have an impact on existing on-street parking which is already very restricted and would adversely affect the neighbour's opposite. It was recommended that the application be deferred.

**Conservation Officer (29/11/21)** – Referred to telecon with Area Planner, which noted concerns regarding design and height of garage door.

**Second Area Engineer Report (28/01/22)** – Concerns expressed in initial report have been ignored. Remains strongly opposed to any vehicular entrance at this location on the grounds of traffic and pedestrian safety. Recommends refusal unless the proposed integral garage accessed from street is omitted by condition.

**Second Conservation Officer Report (27/01/22)** – no objection subject to conditions which related to matters such as rainwater goods, materials, joinery etc.

**Archaeologist Report (01/02/22)** – the site is located within the Zone of Archaeological Potential for the historic town of Kinsale CO112-3401. Reference was made to the Archaeological Objectives in the Kinsale Development Plan (2009-2015). The Archaeologist recommended that the development should be subject to an Archaeological Impact Assessment, which can be addressed by condition.

### **3.3. Prescribed Bodies**

**Irish Water (15/11/21)** – no objection subject to connection agreement.

### 3.4. Third Party Observations

Observations received from two neighbouring residents, one of which objected and one was in support.

The letter of support (No. 13 Cork St.) welcomed the redevelopment of a property which had become distressed in recent years. The proposed development was welcomed as it would provide a home and would also improve the streetscape.

The objections(33 Cork St) may be summarised as follows:

- **Proposed integral garage** – there is insufficient space for a safe turning circle into the garage given the narrow width of the road at this point, where there is resident parking opposite. It is also a busy road with pedestrian and vehicular traffic.
- **Impact on traffic flow** - The proposed development will disrupt traffic flow on the street as a car tries to manoeuvre into the entrance. The narrow width of the road at this point facilitates only one car to pass at a time, and it will result in delay when there is congestion from both sides.
- **Traffic Safety** – it is stated that there is frequently a car parking in front of the adjacent house which would obstruct the view of traffic coming from the left if a car was exiting the garage, which would be dangerous for both pedestrians and vehicles.

### 4.0 Planning History

**Ref. 11/53017** – planning permission granted for demolition of existing building containing 3 apartments and for the construction of dwelling house.

**Ref. 18/5767** – permission granted for demolition of structure and construction of new building containing 2 no. apartments. This permission had include relocation of the front door to the southern side.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Kinsale Town Development Plan 2009-2015**

The site is located in an area zoned as **Established Residential**. The principle of a replacement dwelling in this zone is supported by Objective B which seeks to enable infill residential provided that careful consideration is given to details, such as heritage impacts and its location within the ACA.'

### 5.2. Natural Heritage Designations

There are no European Sites in close proximity to the development site. The closest European sites are:

- Sovereign Islands SPA (004124) which is approx. 6km to the southeast
- Old Head of Kinsale SPA (004021) which is approx. 9km to the southwest

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first-party appeal may be summarised as follows:

- **Congested parking on street** – the applicant wishes to reside in the property once built and due to the congested parking on the street would like to park his car within the building. This will reduce the demand on the street.
- **Turntable to reduce delay** – The proposed automatic inward opening folding garage doors together with the proposed turntable will reduce any potential delays.
- **Swept path analysis** – it is submitted that the swept path analysis will ensure that a car can enter and leave the proposed garage safely. It is contended that it is safer to exit the garage at right angles to the street rather than looking over one's shoulder pulling out from a parallel parking space on the

street. The autotrack analysis shows that even with a car parked opposite the garage, a car can enter and leave safely.

- **Compliance with DMURS** – the proposal would also be in accordance with the guidance in DMURS regarding self-regulating streets. The speed at which cars drive is mainly influenced by the characteristics of the street environment, thereby influencing driver behaviour.

## 6.2. Planning Authority Response to grounds of appeal

The P.A. has responded to the grounds of appeal on the 25<sup>th</sup> of March 2022. It has confirmed its decision and has made no new comments.

## 6.3. Observations on grounds of appeal

An observation was submitted by Deirdre Fitzsimons of 33 Cork Street which is directly opposite the site (22/03/22). The main points may be summarised as follows:

- **Poor sightlines at entrance** - The existing access arrangements at the front comprise a set of steps leading directly onto Cork Street. In the proposed development however, the staircase to the front door will be rotated 90 degrees. This staircase could potentially obstruct sightlines to the south. Similarly, sightlines to the north could be obstructed by a car parked outside No. 15 (as in photo submitted). This represents a significant danger to vehicles and pedestrians, particularly as there are no footpaths on Cork Street
- **Swept path analysis** – the submitted Swept Path Analysis does not take into account the fact that there are cars parked within the swept path for 99% of the time, (see photo 2 of submission). It is considered that the Swept Path Analysis only takes account of cars being parked outside No. 33 and 32 Cork Street, but not outside No. 34 Cork Street, which is opposite and slightly to the south of the proposed entrance. It is also claimed that it is not a truly representative representation of the space available, as it is stated that the observer's car sits at least another 0.5m into the road. It is further claimed that the analysis uses 'small car parameters' with a width of 1.68m instead of a normal car width of 1.86m (such as her Mazda), which distorts the results.

- **Likely impact of recent planning permission in area** – the P.A. recently granted permission for an 18-unit residential development at Barrack Street/Barrack Green (Ref. No. 19/05167), which once implemented will significantly increase the volume/flow of traffic on Cork Street.
- **Road safety** – it is submitted that the road is too narrow to safely facilitate a car turning into or out of a garage. There are no speed limit signs to indicate that the road narrows at this point. The proposal would give rise to a traffic hazard for both vehicles and pedestrians and risks potential damage to surrounding properties and cars.
- **Discrepancies in application** – The applicant stated in the planning application form (4.1) that it was intended to use it as a long term rental property. However, in the grounds of appeal it is stated that he intends to reside permanently in the property.

## 7.0 Assessment

7.1. It is considered that the main issue arising from the appeal is whether the creation of a vehicular entrance to a proposed integral garage within the new dwelling house, which would be accessed directly from Cork Street would be acceptable. The issues raised by the planning authority and third party observations relate to the creation of a traffic hazard for vehicle users and pedestrians, as well as homeowners in the vicinity of the site, associated with the proposed introduction of a vehicular entrance at this location.

- Principle of new vehicular entrance at this location
- Impact on road safety

## 7.2. Principle of Development

7.2.1. The site is located in an established mature residential area which has a historic and architecturally pleasing character, which forms part of an Architectural Conservation Area. Cork Street is a narrow winding medieval street in the heart of Kinsale town which is characterised by densely developed terraced townhouses in close proximity to each other and with little defensible space between opposing dwellings. The houses, which vary in age and architectural style, are generally 2-storey or 3-storey



Georgian or Victorian (or similar) houses which open directly onto the street. Some have little more than a threshold and other have stone steps leading to the front door. Some other frontages have plinth walls with railings providing a small degree of defensible space at the frontage. This height-to-width ratio combined with the architecture of the houses creates an interesting and attractive streetscape. It is considered that the architectural style, together with the narrow road width and the absence of footpaths and formal parking bays, provides the ambience of a shared street with a strong pedestrian presence.

**7.2.2.** I did not notice any existing vehicular entrances that have been integrated into the dwelling house structure, such as that proposed. It is considered that the architectural style of the town houses which contribute to the character of the street would not normally have incorporated an integral garage within the main facade of the dwelling house. It is considered that the creation of a vehicular entrance providing access to an integral or undercroft garage would introduce a new and alien feature into the intimate streetscape which would detract from this ambience. It is further considered that the proposed vehicular entrance would create a precedent that could encourage further such development, which would erode the character of the street and detract from the character of the Architectural Conservation Area.

**7.2.3.** It is considered, therefore, that the proposed development is not acceptable in principle. It is acknowledged that the planning authority did not raise any issues regarding the principle of the development from a visual or architectural point of view. As such, the Board may consider this to be a new issue, which would require further consultation with the parties.

### **7.3. Impact on Road Safety**

**7.3.1.** The reason for refusal is based on traffic hazard and the planning authority's engineer was strongly opposed to this element of the proposed development. The observer states that the road is simply too narrow to accommodate a vehicular entrance as vehicles could not safely enter and exit the parking space without causing danger to pedestrians and vehicle users alike. The applicant's response to these concerns has been to provide a proposed turntable to enable the car to enter and exit in forward gear and to provide an autotrack analysis to show that the swept path can be achieved satisfactorily. The observer, however, has criticised the swept

path analysis by stating that it is based on a small car with a width of only 1.68m and also believes that the sightlines will be obstructed by the presence of the proposed steps to the house to the south and by the car which is habitually parked to the immediate north.

- 7.3.2.** The swept path analysis does appear to be based on a small car entering and exiting the parking space with an overall length of 3.6m and an overall width of 1.68m. Although the applicant may have some control of the size of the car entering and exiting the site, the dimensions of the cars parked opposite the entrance are outside of his control. The submitted drawings for the swept path analysis shows these cars to be small cars also, whereas in reality, they could be large cars or even vans or small trucks. It is further noted that the position of the car shown parked in front of the observer's house (No. 33) has not included the plinth wall and railings outside that house and no cars are shown parked outside the red-bricked house (No. 34) which also has a plinth and railings outside it. Thus the analysis is based on small cars, which is unrealistic, and on a wider available space outside the entrance which is unrepresentative of the reality on the street.
- 7.3.3.** The proposed development includes the provision of a new stepped entrance to the front door with a masonry wall enclosure. This feature is located approx. 1 metre from the proposed garage entrance and projects approx. 1 metre from the façade of the building. There are similar features to the front of Nos. 12 and 13 Cork Street. I would agree that the sightlines to the south would be restricted by the presence of these external stairs. I would also agree with the observer that the sightlines to the north would be obstructed by the presence of a car (which is regularly parked in front of No. 15) and by the steps leading to that house. I would therefore agree with the planning authority engineer that the sightlines are restricted at the entrance which would give rise to a traffic hazard.
- 7.3.4.** Cork Street is a narrow street with multiple pedestrian entrances to houses which are accessed directly from the carriageway with little if any defensible space. The lack of any footpaths combined with the parking of cars along this two-way narrow residential street makes it a dangerous environment for pedestrians. The fact that the street operates as a shared pedestrian/vehicular space does not, in my view, justify the introduction of a vehicular entrance to the proposed development at this location. I would agree with the planning authority and the observer that an entrance

at this location is likely to give rise to a traffic hazard by reason of the turning movements that would be generated by the proposed development.

- 7.3.5.** In conclusion, it is considered that the proposed development would endanger public safety by reason of a traffic hazard due to the vehicular turning movements that would be generated at this location and it should therefore be refused.

#### **7.4. Environmental Impact Assessment**

- 7.4.1.** Having regard to the nature and scale of the development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.5. Appropriate Assessment**

- 7.5.1.** The site is located within 10km of two Natura 2000 sites. The Sovereign Islands SPA (Site code 004124) and the Old Head of Kinsale SPA (Site code 004021) are located c.6km to the south-east and 9km to the south-west, respectively. Given the distances involved, that the residential use of the site is an established one and as the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

### **8.0 Recommendation**

- 8.1.** It is recommended that planning permission be refused for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

1. The site is located in a narrow residential street within an Architectural Conservation Area which is characterised by terraced townhouses which front directly onto the street with pedestrian entrances and where the introduction of a vehicular entrance into the front façade of the proposed house would result in an alien feature which would detract significantly from the historic character of the street. The proposed development would, therefore, be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic

character of the Architectural Conservation Area, which it is appropriate to preserve. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development which introduces a new vehicular entrance with direct access from Cork Street would endanger public safety by reason of traffic hazard because of the additional turning movements the development would generate on a narrow substandard road at a point where sightlines are restricted in a northerly and a southerly direction.

---

Mary Kennelly  
Senior Planning Inspector

16<sup>th</sup> April 2022