



An
Bord
Pleanála

Inspector's Report

ABP-314393-22

Development

Permission to create a new vehicular entrance and parking spaces to front of existing dwelling and all ancillary site works.

Location

6 Grandview Terrace , Victoria Road ,
Cork City

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2241179

Applicant(s)

Hillary O'Sullivan.

Type of Application

Permission.

Planning Authority Decision

Refuse

Type of Appeal

First / Third Party

Appellant(s)

Hillary O'Sullivan.

Observer(s)

None.

Date of Site Inspection

24.05.2023.

Inspector

Fiona Fair

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1.0 Site Location and Description

The proposed site is a two - storey mid terrace dwelling (forming part of Grand View Terrace) which is located to the south of Cork City Centre.

The subject site is located within a designated Architectural Conservation Area and is also NIAH listed.

The front of the property has a long garden (19.2 m x 6.2m) facing onto Victoria road, a low wall with high hedges, cast iron railing, pillars and pedestrian entrance.

2.0 Proposed Development

Permission to create a new vehicular entrance and parking spaces to front of existing dwelling and all ancillary site works.

3.0 Planning Authority Decision

Decision

Refuse Permission for 1 no. reason;

“Having regard to the historic setting of the building which is NIAH listed and the designation of the area as part of the Victoria Road ACA, it is considered that the proposed works to remove part of the existing boundary wall and railings for vehicle widening and to replace part existing landscaping with hardscaping would negatively impact the special character of the ACA and would be contrary to the proper planning and sustainable development of the area and would impact negatively on the setting of this NIAH listed building and the character of the ACA. The development would also give rise to an undesirable precedent to remove existing front boundaries which are clearly identified as part of the special architectural character of Victoria Road.”

Planning Authority Reports

3.1.1. Planning Reports

- The proposed development would require the part demolition of the existing entrance wall, the widening of the entrance from 884 < 2900m, new entrance pier, proposed gravel driveway and proposed wrought iron gate, the trimming

back of the hedge to expose existing railing; the proposed parking area is 8000mm in length to accommodate 1 car.

- The entrance at either side of the subject site have been widened and gravelled and the cumulative effect of this is evident regarding the character of the street. Any additional removing of front boundary walls would further impact the character of the street. To grant this application would represent the continuation of an unwelcomed precedent, would negatively impact on the visual amenity of the area, and would detract from the character of the building.
- PA in agreement with the Conservation Report regarding the principle of the proposal not being supported and the impact the proposal would have on the character of the ACA.

Other Technical Reports

Irish Water: No objection

Contributions: No objection.

Conservation: Report Recommends Refusal of Permission.

Urban Roads and Streets: Requests F.I. – The applicant is requested to liaise with Cork City Council infrastructure Directorate teams to ensure proposal does not impact on any committed projects.

Prescribed Bodies

None on File

Third Party Observations

None on File

4.0 Planning History

Reg Ref. 22/40785 - Refused permission to create a new vehicular entrance and parking spaces to front of existing dwelling and all ancillary site works.

Neighbouring Sites

Reg. Ref. 19/38322 – Grant of permission for the demolition of single storey extensions to side and rear of existing two storey dwelling and the construction of a two storey extension to side and single storey extension to rear of existing two storey dwelling together with alterations to existing dwelling at 1 Woolacombe Place, Victoria Road, Cork.

TP 00/25522 – Grant of permission to widen existing entrance gate for vehicular access and form new driveway.

TP 06/30732 – Grant of permission for the demolition of an existing kitchen and permission to construct a two storey extension to rear, attic conversion and alterations to existing ground and first floor and changes to front boundary wall and driveway.

TP 16/36883 – Grant of permission for alterations to include repairs to pillars and widening of existing vehicular gateway and associated site works.

5.0 Policy Context

Development Plan

The subject site is in an area zoned “ZO 6” - Sustainable Residential Neighbourhoods.

Zoning Objective ZO6: “To consolidate and facilitate the development of the central area and to promote its role as dynamic mixed used centre for community, economic, civic, cultural and residential growth”.

Architectural Conservation Areas

Section 8.22 - Cork City Council will seek to preserve and enhance the special character of areas by the designation of Architectural Conservation Areas under Section 81 of the Planning and Development Act. Historic urban areas and landscapes can be also designated for protection as Architectural Conservation Areas. The special character of such areas is described in the relevant ‘Statement of

character' in Volume 3 of this Plan. Changes that materially affect the character of an Architectural Conservation Area will require planning permission.

Objective 8.23 - Development in Architectural Conservation Areas Development in Architectural Conservation Areas should have regard to the following:

Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted.

Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area.

Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc.

Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

Objective 8.24 - Demolition in Architectural Conservation Areas

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

11.12 All new development should enrich the urban qualities of the City and its towns, villages and suburbs. A high standard of design is essential to this process, as well as the fostering socially and economically viable communities. Creating a distinctive sense of place taking into account context, character and setting is essential. Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the

balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used. Details of walls, gates, street furniture, paving and planting will also be noted. Roof forms should harmonise with and not clash with the city's traditional pitched roof forms. Layouts of buildings and spaces must be designed to ensure that areas are permeable, pleasant, legible and safe.

Architectural Heritage

The building is listed on the National Inventory of Architectural Heritage, Ref 20508114, with a regional rating of architectural significance. The building and front boundary are detailed in the description as follows: Terraced two - bay two - storey house, built 1894, with single - storey flat - roofed bay, having replacement uPVC casement windows and glazed uPVC entrance door, garden area with cast - iron railings to front and enclosed area to rear. Slate pitched roof with overs ailing courses and bracketed eaves course. Brick chimney stack.

Objective 9.29 of volume 1 states that it is an objective of the City Council 'to seek to preserve and enhance the designated Architectural Conservation Areas in the city'.

The proposed development site is not located within flood zones A or B as specified in the Flood Risk Management Guidelines for Planning Authorities 2009

Natural Heritage Designations

The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)

EIA Screening

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment, and it is consequently concluded that EIA is not required.

6.0 The Appeal

Grounds of Appeal

A First Party appeal has been submitted by Hillary O'Sullivan, it is summarised as follows:

- Precedent set in the surrounding terrace for provision of onsite car parking. Numerous planning consents.
- Photos included of Grans View Terrace's present-day street – front.
- The proposed design is based upon / influenced by No. 3 Grand View Terrace approved under Reg. Ref. 00/24422 in 2000.
- Proposal seeks to remove 2 m of the wrought iron fence and restore the remainder. Provision of a car parking space for 1 no. car.
- Entrance to be 2900mm
- Provision of a pathway laid in Victorian tiles framed by terracotta brick borders which link the loose gravelled parking area to the dwelling's front door.
- Necessary in response to Cork City Councils announcement of road improvement works to Victoria Road
- If a contra flow bus lane is introduced, then on street car parking becomes unavailable.
- Widening vehicular entrances is in line with the zoning objective.
- Applicant wishes to accommodate an electric car in the future.
- The design proposal is acceptable to the streets original character and aesthetic despite the present day's disjointed appearance.
- The decision to refuse lacks due consideration for the current conditions of Grand View Terrace's street front.
- Appeal accompanied with a letter of support from Cllr Des Cahill and the applicant Hillary O'Sullivan.

- No on street car parking should be in place on Victoria Road if at all possible.
- The application will support the delivery of a Bus Corridor or Cycle Corridor
- A suitable design finish can deliver an appropriate visual finish.
- There are 11 houses on the Terrace 8 of which have widened vehicular access.
- Have a genuine need as a health care worker for obtaining off street car parking. Often work late into the night and need to carry medical supplies.
- The current gated pedestrian entrance is not wheelchair accessible and does not comply with Part M of the Building Regulations.
- Removing part of the front boundary would improve access whilst carrying out building works, thus removing risk to public health.
- The plan is to restore the original character of the building and future proof its existence in line with modern building standards.
- Implore the Board to observe the clear precedent set in the area.

6.1.Applicant Response

- Not Relevant

6.2.Planning Authority Response

- None on File

6.3.Observations

- None on File

6.4.Further Responses

- None on File

7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- **Negative Impact Upon the Historical Setting of the Building which is NIAH listed and Negative Impact Upon the Victoria Road ACA.**
- **Undesirable Precedent**
- **Appropriate Assessment**

Negative Impact Upon the historical setting of the building which is NIAH listed and negative Impact Upon the Victoria Road ACA.

7.2. The one reason for refusal, stated in full in Section 3.0 of this report, considers that the proposed works to remove part of the existing boundary wall and railings for vehicle widening and to replace part existing landscaping with hardscaping would negatively impact the special character of the ACA and would impact negatively on the setting of this NIAH listed building.

7.3. The planners report supports the view of the conservation officer which is of the opinion that 'This application seeks to create a new vehicular entrance and parking space at the front of the house. Proposals were previously submitted to create off - street parking as part of a planning application TP 22/40785, which was refused permission. As outlined in the Conservation Report (02.03.22) connected with the refused application, the principle of altering the original boundary wall to create vehicular access is not supported. The proposals would result in the loss of historic fabric and alteration of an important historic feature, which would have a negative impact on the character of the historic building and ACA'.

7.4. The proposed development would require the part demolition of the existing entrance wall, the widening of the entrance from 884 < 2900mm, new entrance pier, proposed gravel driveway and proposed wrought iron gate, the trimming back of the hedge to expose existing railing; the proposed parking area is 8000mm in length to accommodate 1 car.

- 7.5. I note that the entrance at either side of the subject site have been widened and gravelled. The PA consider that the cumulative effect of this is evident and unacceptable regarding the character of the street.
- 7.6. The first party make a strong argument with respect to precedent set in the surrounding terrace for provision of on site car parking. They cite numerous planning consents and I note the planning history, for the site and the surrounding area set out in section 4.0 of this report above. Photos included of Grans View Terrace's present day street – front support the submission that 8 of the 11 houses on Grand View Terrace have widened vehicular accesses.
- 7.7. Having carried out a site visit and having cognisance to the policy set out in the Cork City Development Plan with respect to ACA's, see section 5.0 of this report above, I have sympathy for the first party's case in this matter.
- 7.8. The subject site is in an area zoned "ZO 6" - Sustainable Residential Neighbourhoods. With the zoning objective "To consolidate and facilitate the development of the central area and to promote its role as dynamic mixed used centre for community, economic, civic, cultural and residential growth".
- 7.9. Having considered the arguments put forward by the first party with respect to precedent set, possibility of future provision of a bus lane or cycle lane along Victoria road, current conditions of Grand View Terrace, design and layout of the proposed car parking space and minimal intervention, as is possible to the front boundary. Overall, I consider that it is acceptable on merit. I do not consider that the intervention as proposed and create a new vehicular entrance and parking space at the front of the house would have such a negative detrimental impact to the architectural heritage of the building itself or to the Victoria ACA. Cognisance is had to proposals to restore the remaining cast – iron railing to the front boundary with Victoria Road. At present it is completely obscured by a wide high hedge.
- 7.10. It is my opinion the design proposed would not be detrimental to or have a material visual impact upon the setting of the building (No. 6 Grand View Terrace) such that it should be refused planning permission.
- 7.11. Cognisance is had to the loss of an on street car parking space at this location. This is considered undesirable. However, having cognisance to the

arguments put forward by the first party, the heavily trafficked nature of Victoria Road and the lack of car parking currently associated with No. 6 I consider that in this instance it is acceptable. The current gated pedestrian entrance is not wheelchair accessible and does not comply with Part M of the Building Regulations.

- 7.12. The Urban Roads and Street Design (Planning) Report on file does not recommend refusal of the application. It recommends that the applicant is requested to liaise with Cork City Council Infrastructure Directorate teams to ensure the proposal does not impact on any committed projects. This I consider can be satisfactorily dealt with by way of condition and compliance.

Undesirable Precedent

- 7.13. The reason for refusal considered that the development would also give rise to an undesirable precedent to remove existing front boundaries which are clearly identified as part of the special architectural character of Victoria Road.
- 7.14. It is the opinion of the conservation officer and the PA that any additional removing of front boundary walls, at this location. would further impact the character of the street. They consider to grant this application would represent the continuation of an unwelcomed precedent, would negatively impact on the visual amenity of the area, and would detract from the character of the building. I am not in agreement. I consider that the works proposed are minor in nature, the proposal to cut back the hedge and to expose and to restore the wrought – iron fence would be an improvement visually.
- 7.15. Each application is made on a case by case basis and I consider the circumstances of this case unique. Given the precedent set and the minor intervention to the listed structure curtilage proposed, the non-material impact upon the ACA and the arguments made by the first party I consider to refuse permission would be unreasonable.

Appropriate Assessment

7.16. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the ZO6 zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the historic setting of the building, residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective within the designated ACA and would generally be acceptable in terms of traffic safety and convenience. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, 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
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of any development, the applicant shall liaise with and obtain approval in writing from the Cork City Council Infrastructure Directorate teams that the proposal does not impact on any committed projects.</p> <p>Reason: In the interests of traffic safety.</p>
4.	<p>The development shall comply with the requirements of Roads and Traffic Planning Division of Cork City Council.</p> <p>(i) The splayed entrance in front of the new vehicular entrance shall be dished and strengthened at the applicant's own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and the planning authority. With regards to the dishing and strengthening of the footpath the applicant shall contact Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.</p> <p>(ii) The developer shall prevent mud dirt debris or building materials being carry onto the public road or adjoining property(s) as a result of site construction works and repair any damage to the public road arising from carrying out the works all necessary measures shall be taken by the developer to avoid conflict between construction activities and pedestrian / regular movements during construction works.</p>

	Reason: In the interests of traffic safety.
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>In advance of works commencing on site, the applicant shall submit the following information to the Planning Authority.</p> <ol style="list-style-type: none"> 1. A full drawing survey including photographic record of existing low boundary wall and wrought iron fence boundary shall be provided. Detailed schedules of any removal, repair and reinstatement works, to best conservation practice, that are required to the historic wall and railing should be provided. A method statement for the removal of a portion of the wall and railing and associated repair details are to be provided. Full details of all proposed new elements and repair work that shall be required. All new elements will match the historic railing. 2. All existing original features, in the vicinity of the works shall be

	<p>protected while the refurbishment works is being carried out.</p> <p>3. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the NIAH listed building and the Victoria Road ACA historic area.</p> <p>Reason: To protect the character and integrity of the historic area and designated ACA.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair

Planning Inspector

30.05. 2023