



An  
Bord  
Pleanála

## Inspector's Report 314402-22

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<b>Development</b>	Construction of detached, 1.5 storey, 4-bedroom dwelling, new entrance and all ancillary works.
<b>Location</b>	Church Road, Ravensdale, Douglas, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	21/40400
<b>Applicant(s)</b>	Valerie Foley & Leonard O'Farrell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party v. Condition
<b>Appellant(s)</b>	Valerie Foley & Leonard O'Farrell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> January 2023
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.0992 ha and is located at Church Road, Ravensdale, Douglas, Cork. The site is located on the southern side of Church Road, opposite St. Luke's National School and currently forms part of the garden associated with the detached, 2-storey residential dwelling which adjoins the southern site boundary. A pedestrian entrance into the site is available from Church Road within the northern site boundary. The site is bounded by single-storey residential dwellings to the east and west, both of which have vehicular entrances onto Church Road.
- 1.2. The site slopes from south to north, with the northern boundary comprising a rendered, concrete block wall adjoining the public footpath. On-street parking for approx. 4-5 cars is in place to the front of the site. A bus stop bay and on-street parking for approx. 3 cars is located on the opposite side of Church Road to the front of St. Luke's National School.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of detached, 1.5 storey, 4-bedroom dwelling house, a new entrance along the roadside boundary and all ancillary works necessary to facilitate the development, including connections to mains water and drainage.
- 2.2. The footprint of the proposed dwelling generally reflects that of the neighbouring dwellings to the east and west of the site. The proposed vehicular entrance is located in the north-west corner of the site, adjacent to the vehicular entrance serving the adjoining dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Planning Permission for the proposed development subject to 13 no. conditions issued on 25<sup>th</sup> July 2022.

- 3.1.2. Condition no. 2 requires the developer to submit revised plans to the Planning Authority prior to the commencement of development showing the omission of the vehicular entrance into the site and the associated driveway.
- 3.1.3. Condition no. 3 states that no permanent vehicular / driveway entrance from Church Road is permitted to serve the dwelling.
- 3.1.4. Condition no. 4 states that no permanent vehicular access onto the site shall be created, unless authorised by a further grant of planning permission.
- 3.1.5. Condition no. 5 states that any temporary construction entrance required shall be approved by the Planning Authority prior to construction commencing on site.
- 3.1.6. Condition no. 6 states that any temporary construction entrance approved / constructed under condition no. 5 shall be fully reinstated / closed up before the occupation of the dwelling.
- 3.1.7. All other conditions are generally standard in nature.

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Reports (23<sup>rd</sup> September 2021 and 21<sup>st</sup> July 2022)**

- 3.2.2. Following an initial assessment of the planning application, Cork City Council's Planning Officer considered that the principle of the proposed development was acceptable. It was recommended that **Further Information** was required in relation to the proposed vehicular access as follows:

(1) The applicant is required to submit a layout plan of the proposed entrance that includes details indicating that the driveway entrance width shall be no wider than 3 m in accordance with the City Development Plan.

(2) The applicant is required to ensure that the design of the vehicle crossover clearly indicates that pedestrians have priority over vehicles. There should be no change in level to the pedestrian footway and no use of asphalt.

(3) The layout of the proposed entrance shall include adequate sightlines, clear of obstruction from a setback of 2 m from the edge of the carriageway from the proposed development access onto the local road. The applicant is required to liaise with Cork City Traffic Operations Section in order to achieve adequate sightlines

which will require consent for the removal of on-street, car parking bays, which also facilitate school drop-off /pick-up zones.

- 3.2.3. The applicant submitted a **Response to the Request for Further Information** on 28<sup>th</sup> June 2022 which can be summarised as follows:
- 3.2.4. **Item No. 1:** Drawing No. 6671-01 has been provided showing the driveway width at 3 m.
- 3.2.5. **Item No. 2:** The applicant intends to change the level of the pedestrian footway to accommodate vehicular crossover. The edge of the footpath will be reduced by 75 mm.
- 3.2.6. **Item No. 3:** The requested sightlines are indicated on Drawing No. 6671-01. The parking bays in question are not used for school drop off/pick-up as there is ample parking in the car park at the school entrance and on-street. There is no pedestrian crossing from the spaces in question to the entrance to St. Luke's Primary School.
- 3.2.7. The applicant has illustrated 3 additional options to achieve vehicular access to the site (Drawing Nos. 6671-02, 03 and 04 refer) including through the adjoining property to the south (option A), through the neighbouring property to the west (option B) and at the eastern end of the site (option C). It is noted that the owners of the adjoining lands to the south and west are not willing to permit access through their lands. The applicant submits that the original option is the best and safest location for direct access onto Church Road.
- 3.2.8. In assessing the submitted information, the Planning Officer considered that the concerns raised in the Request for Further Information had not been addressed. It was further considered that on-site parking is not required to serve the development given its location and the availability of public transport and local services. It was recommended that planning permission be granted for the proposed development, including the omission of the proposed vehicular access, on this basis.
- 3.2.9. **Other Technical Reports**
- 3.2.10. **Environment (18<sup>th</sup> August 2021):** No objection to the proposed development subject to conditions.
- 3.2.11. **Urban Roads & Street Design (23<sup>rd</sup> August 2021 and 20<sup>th</sup> July 2022):** Initial recommendation that **Further Information** be requested in relation to: (1) details

indicating that the driveway entrance width shall be no wider than 3 m, (2) that the design of the vehicle crossover clearly indicates that pedestrians have priority over vehicles - there should be no change in level to the pedestrian footway and no use of asphalt, (3) details of adequate sightlines, clear of obstruction, from a setback of 2 m from the edge of the carriageway from the proposed development access onto the local road.

3.2.12. Following the applicant's Further Information submission, no objections arose to the proposed development subject to the omission of the driveway/vehicular entrance onto Church Road.

3.2.13. **Drainage (6<sup>th</sup> September 2021):** No objection to the proposed development subject to condition.

3.2.14. **Area Engineer (22<sup>nd</sup> September 2021 and 20<sup>th</sup> July 2022):** Initial recommendation that **Further Information** be requested in relation to the submission of a layout plan of the proposed entrance and the sightlines available at the proposed entrance location.

3.2.15. Following the applicants' Further Information submission, the Area Engineer noted that the proposed vehicular access to the site would involve the removal of all the existing public parking spaces to the front of the site, which was not supported. Given the proximity of the site to Douglas village centre and the availability of public parking, it was considered that planning permission could be permitted for the development without the benefit of on-site parking.

### 3.3. **Prescribed Bodies**

3.3.1. None.

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

3.4.1. None.

## 4.0 **Planning History**

4.1. None.

## **5.0 Policy and Context**

### **5.1. Cork City Development Plan 2022-2028**

- 5.1.1. While the Cork County Development Plan 2014-2020 was in place when this planning application was lodged, the site is now located within the administrative area of the Cork City Development Plan 2022-2028, which is the relevant local planning policy document for the purposes of adjudicating this appeal case.

### **5.2. Land Use Zoning**

- 5.2.1. The site is subject to land use zoning "ZO 01" (Sustainable Residential Neighbourhoods) which has the objective "to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses". The provision and protection of residential uses and residential amenity is a central objective of this zoning. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

### **5.3. Development Management**

- 5.3.1. Cork City Council will ensure that all new houses are designed to excellent design standards. Regard will be had to the guidance contained in "Quality Housing for Sustainable Communities" (2007). New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or contemporary architectural language and adopting typical features. Private amenity space for houses should aim to be at least 48 m<sup>2</sup> (objective 11.5 refers).
- 5.3.2. In general, vehicular entrances should not be wider than 3 m and have inward opening gates (standards set out in Section 11.145 of the development plan refer). The maximum car parking provision in Zone 2 of the city, which includes the city suburbs, is 2 no. spaces for 3 - 3+ bedroom dwellings.

### **5.4. Natural Heritage Designations**

- 5.4.1. None.

## 5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, comprising 1 no. infill dwelling in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The applicants have submitted an appeal against condition nos. 4 and 6 of the Planning Authority's Notification of the Decision to Grant Permission for the proposed development, which omit the proposed vehicular access onto Church Road and require any temporary construction access to be reinstated prior to the occupation of the dwelling. The grounds of appeal can be summarised as follows:

- The planning application and further information submission demonstrated safe access / exit from the site without compromising road and traffic safety on Church Road.
- The submitted site layout plan confirms a vehicular entrance width of 3 m in compliance with the City Development Plan.
- The design of the vehicle crossover clearly indicates that pedestrians have priority over vehicles. There is no change in the level to the pedestrian footway and no use of asphalt.
- It is proposed to reduce the height of the pedestrian footway so that vehicles can crossover safely. Cobble-type paving will be fitted to the entrance to distinguish it, with a concrete footway.
- The applicants are the registered owners of the land on which the public car parking spaces are located. This land was provided free to the council in the interests of traffic and road safety and the applicants are now being penalised as a result.

- The addition of a 1.8 m wide footpath and the car parking spaces in 2018 has seriously affected visibility for vehicles exiting the house to the west of the subject site.
- A vehicular entrance is required to comply with Part M of the Building Regulations.
- It is important to have vehicular access to enable emergency services access the proposed house.
- The proposed extension of the footpath will make the area safer by increasing sight-lines from the existing vehicular entrances.
- The layout plan of the proposed entrance includes adequate sightlines, clear of obstruction, from a setback of 2 m from the edge of the carriageway from the proposed access onto the local road.
- The area is characterised by vehicular access openings and the two properties on either side have a vehicular entrance from Church Road.
- Recent traffic calming measures have reduced traffic speeds on Church Road, which is due to become a 30-mph zone.
- It will not be possible to charge an electric vehicle at the house without a vehicular entrance.

## **6.2. Planning Authority Response**

6.2.1. None received.

## **6.3. Observations**

6.3.1. None.



## 7.0 Assessment

- 7.1. This is a first party appeal against condition nos. 4 and 6 of the Planning Authority's Notification of the Decision to Grant Permission for the proposed development. Condition no. 4 states, inter alia, that no permanent vehicular access onto the site shall be created unless authorised by a further grant of planning permission. Condition no. 6 requires that any temporary construction entrance onto Church Road shall be fully reinstated / closed up before the occupation of the dwelling.
- 7.2. Following my examination of the planning file, I consider that the grounds of appeal also relate to condition nos. 2 and 3 of the Planning Authority's decision, which require the submission of plans demonstrating the omission of the vehicular entrance and which state that no permanent vehicular entrance is permitted from Church Road respectively.
- 7.3. Subject to the foregoing, I consider it appropriate that the appeal should be confined to Condition Nos. 2, 3, 4 and 6 of the Planning Authority's Notification of the Decision to Grant Permission only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.4. Following the applicant's Further Information response, the Planning Authority's Area Engineer noted that the provision of a vehicular entrance into the site would require the removal of the 4/5 no. existing on-street, car parking spaces to the front of the site, which was not supported. It was also noted that the site is proximate to Douglas village centre and could be served by public parking in the area. The removal of the on-street parking was also considered unacceptable to the Urban Roads & Street Design Department (report of 20<sup>th</sup> July 2022 refers) and the Planning Officer, with planning permission granted for the proposed development subject to the omission of the vehicular access.
- 7.5. The appellants submit that they are the registered owners of the land on which the public car parking spaces are located. It is submitted that the provision of these spaces has seriously affected visibility for vehicles exiting the house to the west of the appeal site. The appellants contend that the omission of the car parking spaces

and the extension of the public footpath to the front of the site will make the area safer, by increasing sight-lines from the existing vehicular entrances. The appellants consider that a vehicular entrance is required to comply with Part M of the Building Regulations, to facilitate emergency vehicle access to the dwelling and to facilitate the charging of electric vehicles.

- 7.6. In reaching a conclusion on this matter I note the extent of the applicants' landownership, which includes the area of the on-street, car parking spaces to the front of the site. I also note that the neighbouring dwelling immediately to the east of the appeal site has a vehicular entrance, although it is restricted in width and likely requires reverse manoeuvres into/out of the site. Both neighbouring dwellings to the west also have vehicular entrances. As identified by the appellants, the easterly sightline from the adjoining vehicular entrance to the west is restricted by the on-street parking to the front of the appeal site. The appellants state that this parking was introduced by the Local Authority in 2018.
- 7.7. While I acknowledge that the site is centrally located and benefits from public transport services and proximity to local services, in my opinion, it would be unreasonable to omit the proposed vehicular entrance having regard to the established pattern of vehicular entrances serving the adjoining dwellings and having regard to the extent of the applicants' landownership at this location. In considering the loss of on-street parking to the front of the site, I note the presence of 3 no. on-street, car parking spaces and a bus loading bay on the northern side of Church Road adjacent to St. Luke's National School and the presence of a public car park approx. 150 m to the west adjacent to the Lion House Community Housing Scheme. As such, I consider that a reasonable level of public parking remains to meet demand at this location.
- 7.8. Having regard to the foregoing, I recommend that the Planning Authority be directed to omit condition nos. 2, 3, 4 and 6 of the Notification of the Decision to Grant Permission for the proposed development.

## 8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed to omit Condition Nos. 2, 3, 4 and 6 of the Notification of the Decision to Grant Permission for the reasons and considerations set out hereunder.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the established pattern of vehicular entrances at this location, the extent of the applicants' landownership and the remaining public car parking spaces within the vicinity of the appeal site, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition Nos. 2,3, 4 and 6 are unreasonable, and that the proposed development, with the omission of these conditions, would reflect the established pattern of development at this location. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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.

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Louise Treacy  
Senior Planning Inspector

5<sup>th</sup> April 2023