



An  
Bord  
Pleanála

## Inspector's Report 314656-22

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<b>Development</b>	Construct a two-storey side extension to existing dwelling including first floor balconies and decking area
<b>Location</b>	1 Ferryview, World's End, Dromderrig, Kinsale, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	224112
<b>Applicant(s)</b>	John and Siobhan Ward
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission s.t. conditions
<b>Type of Appeal</b>	First Party against condition
<b>Appellant(s)</b>	John and Siobhan Ward
<b>Observer(s)</b>	Dorothy Russell
<b>Date of Site Inspection</b>	24 <sup>th</sup> January 2023
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located in Kinsale Town to the south of the town centre overlooking the harbour and River Bandon estuary. World's End is located to the west of the R600 (Pier Road) which follows the harbour southwards from the town centre towards Dromderrig. Compass Hill occupies the western side of the harbour with the Castlepark peninsula and James Fort on the opposite (eastern) side. 'Ferryview Cottages' comprises a lane with terraced cottages which are set into the hillside, and elevated above Pier Road. It consists of a single terrace of 10 houses, Nos. 1-10 Ferryview Cottages. There is a further small terrace, St. John's Terrace, which directly abuts Pier Road and is located below (or to the south-east of) Nos. 1-5 Ferryview Cottages.
- 1.2.** World's End is a narrow residential road which branches off the R600 (Pier Road) just to the south of the Trident Hotel, travels southwards parallel to Pier Road and rejoins the main road just to the south of St. John's Terrace. The carriageways known respectively as 'World's End' and 'Ferryview Cottages' intersect at a Y junction in front of No. 2 Ferryview Cottages. The slip road between World's End and Pier Road, which adjoins St. John's Terrace is at a very steep gradient.
- 1.3.** The appeal site is No. 1 Ferryview Cottages and is located at the eastern end of the terrace. The site area is given as 0.02ha. The existing dwelling has a stated floor area of 74sq.m. It is a single-storey house with accommodation in the roofspace. There is a small single-storey return (WC) which is centrally located and has a pitched roof. It has a side garden to the north, which is bounded by a stone wall and vehicular gate and is covered in gravel. On either side of the front doorstep, there are low level stone planters alongside the front elevation of the cottage. The site immediately to the north-east is currently vacant but has been the subject of recent planning permissions for the construction of a single dwelling.

## **2.0 Proposed Development**

- 2.1.** It is proposed to construct a two-storey side extension (48sq.m) on the northern side of the dwelling. The plans as originally submitted (January 2022) show the extension with a hobby room at the rear and a carport to the front on the ground floor and at first floor level, a bedroom over the carport and hobby room, with a balcony at the

front. It is proposed to change the roof of the WC return to a flat roof and provide a decking area between the rear return and the proposed extension. This would result in a flat roof balcony at FF level at the rear. The footprint of the proposed accommodation extends to within 3.2m of the rear boundary with the cliff face.

- 2.2.** Subsequent drawings submitted as further information/clarification of FI showed the omission of the car port and the rear flat roof balcony, the reduction in depth of the proposed extension at the rear (setback 5.4m from cliff face), the setting back of the front building line of the extension by 1.5m and the erection of a garden wall along the front boundary. These amendments will be discussed in more detail below.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to two conditions, which read as follows:

1. The proposed development shall be carried out in accordance with the Site Plan lodged with the planning authority on the 16/08/2022 and the 900mm garden wall with pedestrian only access shall be constructed and maintained thereafter in tandem with the permitted extension.

**Reason:** In the interests of clarity and to ensure the free flow of vehicle through World's End.

2. The tie-in to the existing road and/or any modification to public infrastructure shall be to the satisfaction of the Local Authority's Area Engineer.

**Reason:** To preserve integrity of existing roadway.

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

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

- 3.2.1.1 The planning report (14/03/22) noted that permission had previously been granted for a 2-storey dwelling to the north (15/5531, extended under 20/4440) and for a similar development at No. 10 Ferryview Cottages, at the other end of the row of terraced houses. The design was generally considered to be acceptable with a few

minor changes to prevent overlooking, but the most contentious issue was identified as the proposed parking and access arrangements. It was considered that the proposed parking space would eliminate an on-street one and cause problems in terms of manoeuvrability on the street. It was decided to request the FI as recommended (14/03/22). It was requested that the carport be omitted, and a garden wall be constructed in the interests of traffic safety. In addition, it was requested that the ground floor northern window be omitted, and that the first-floor side wall be extended to enclose the first-floor terrace area in the interests of residential amenity.

3.2.1.2 The applicant submitted revised proposals on the 14<sup>th</sup> of July 2022 which partially addressed the FI items. It was noted that the design and footprint of the proposed extension was amended and although the carport was omitted, the applicant did not agree to the construction of the garden wall, which was considered superfluous. However, the Area Engineer was not satisfied as the 1.5m setback, without a wall or equivalent, was considered to result in a traffic hazard with a vehicle parked half-way on the public road. Following the receipt of FI, (14/07/22), clarification was requested on 8<sup>th</sup> August 2022. This sought a resolution to this issue.

3.2.1.3 The Response to the Clarification Request was received on 14<sup>th</sup> August 2022. It was confirmed that the drawings had been modified accordingly.

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

**Area Engineer (7/03/22)** – The Area Engineer expressed concern regarding the lack of sightlines and the need for a car to back onto a public road, which was considered to be hazardous. He recommended refusal on these grounds.

**Area Engineer (05/08/22)** – The Engineer was dissatisfied with the failure to include a front boundary wall as it would lead to vehicles being parked halfway in/out of the site, which would be very dangerous. He sought further information on the proposed replacement of the roadside boundary treatment.

**Area Engineer (29/08/22)** – permission was recommended subject to conditions, including the need to ensure that the tie-in to the public road would be satisfactory in that the integrity of the existing roadway would be preserved.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party submissions**

**3.4.1.** Two observations were received, one from the adjoining owner/occupier to the north and one from the owner/occupier of No. 3 Ferryview Cottages. The main points raised relate to the following -

Ground floor window – the proposed northern window to the hobby room should be omitted as it would result in loss of amenity to permitted development to the north.

First Floor Balcony – design will result in overlooking of property to north.

Parking – the proposal would eliminate an on-street parking space, which are in very short supply. The parking situation will be worsened by the recent additional development on the street.

## **4.0 Planning History**

No planning history on subject site.

Relevant history on neighbouring sites: -

**15/5531** – Property immediately to north – permission granted for a two-storey dwelling with integral car port and second parking space. Permission was extended in June 2020 for 5 years (20/4440).

**18/5934** – No. 10 Ferryview Cottages – permission granted for the demolition of a side/rear extension and for the construction of a new extension to the side.

**06/53018** – No. 3 Ferryview Cottages permission granted for a flat roof dormer window and roof garden.

**21/4735** – No. 7 Ferryview cottages permission granted for a new rear dormer roof extension and 3 no. roof lights.

## **5.0 Policy Context**

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

- 5.1.1. Introduction:** - The application was considered and determined by the planning authority under the previous development plan for the area, namely the Cork County Development Plan 2014. However, a new Development Plan was adopted on the 25th of April 2022 and came into effect on the 6th of June 2022. Since the last Plan period, Kinsale Town Council has been dissolved and the Kinsale Town Development Plan (2009) is no longer operative. The County Development Plan sets out a single planning strategy for the town and its environs.

**Kinsale** is a Main Settlement in the West Cork Volume 5 of the Cork County Development Plan. It is located within the Bandon-Kinsale Municipal District (Chapter 1). One of the main strategic aims for Kinsale is to provide for additional residential and employment development which reinforces the town's compact form.

- 5.1.2.** Another key objective is to protect and enhance the natural and built heritage assets and to facilitate the development of Kinsale as one of the County's principal tourist attractions. The development strategy for Kinsale is to focus new development within the existing built footprint, to maximise walking and cycling opportunities and to reinforce its compact urban form. There is a strong emphasis on improving active travel and easing traffic congestion.

### **5.2. Natural Heritage Designations**

Sovereign Islands SPA (Site code 004124) located approx. 6km to the southeast

Old Head of Kinsale SPA (site code 004021) located approx. 10km to the southwest

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The first-party appeal was submitted by John Barrett Architectural Consultant on behalf of the appellant. The appeal is against Condition No. 1 of the planning authority's decision. The application as originally submitted proposed an integral

carport to allow parking for two cars. Following a request for FI, the applicant agreed to alter the proposed development to omit the car port and move the front façade forward to prevent any car parking in this space. As the applicants no longer have a car, acquiesced to this condition. The main points raised may be summarised as follows:

- **Nature of existing roadway** – the existing roadway approaching Ferryview from World’s End is the main access point. There is also a slip road leading down to St. John’s Terrace. The public roadway narrows in width to 4.6m at the point of the appeal site.
- **Parking problems in vicinity of site** – There is no space for parking at this point, therefore, it is proposed that a no-parking designated zone be established and marked by double yellow lines in order to deter the parking that still abounds. This would act as an alternative to the wall requested by the planning authority. Double yellow lines on both sides of the road at this location would provide a less obstructive and more functional solution to the congested nature of this narrow road. The proposed wall would only add to congestion as an oncoming car will not be able to overtake a parked car.
- **Access needs of applicants** – The front door access to No. 1 Ferryview has a step which is non-accessible for wheelchair and walking aid users. It is proposed to improve access with a ramp in front of the proposed extension leading up to the sliding door ground floor entrance. The construction of a wall within this narrow space restricts the potential space to employ this ramp, as a 90-degree turning space is required.
- **Visual amenity** – the construction of a wall at the front of the proposed extension would detract from the visual amenity of the area. Space is so tight at this location that the wall would feel claustrophobic. It would interfere with the visual integrity of the long-standing row of cottages.
- **Precedent** – at the western end of the terrace, No. 10 has been extended without a wall (Ref. No. 18/5934).

It is requested that the Board delete this condition.

## **6.2. Planning Authority Response**

6.2.1 The P.A. responded to the grounds of appeal on the 17<sup>th</sup> of October 2022. The response reads as follows:

- This is a narrow road with a high boundary wall to the north and the existing dwelling to the south, putting onto the public road, severely restricting sightlines to the north and south.
- Concerns are expressed that if a vehicle were to park where the wall is to be installed (half parking inside/outside – either sideways or nose of car in or out- on a public road) this would restrict traffic flow. It is also likely to potentially block movement of larger vehicles such as an ambulance or fire engine, endangering life.
- In addition, parking at this location could potentially lead to a car entering the public road with no limited viewing sightlines (Blind).
- There are no double lines in the area and this area is not on the traffic warden's rounds. The parking restrictions/lines would be ignored and not policed, furthering concerns of traffic restrictions/ movements in the area.

## **6.3. Observations**

6.3.1. An observation was submitted by Dorothy Russell of No. 3 Ferryview Cottages (27/09/22), the main points of which may be summarised as follows:

- The cottage has existing off-street parking. Removing access to this parking would not help traffic flow on this road. It would exacerbate the parking problems on the road, which are already very difficult.
- The parking situation is likely to worsen once the four houses which have already received planning permission on the road are constructed implemented.
- The applicants are elderly and will need use of a vehicle, which will increase the pressure for limited on-street parking spaces on the street.
- The traffic flow would be best improved by removing part of the flower bed which has been built to the right of the doorway to No. 1.

## 7.0 Assessment

7.1.1. The first party appeal is against **Condition No. 1** only which states that

The proposed development shall be carried out in accordance with the Site Plan lodged with the planning authority on the 16/08/2022 and the 900mm garden wall with pedestrian only access shall be constructed and maintained thereafter in tandem with the permitted extension.

Reason: In the interests of clarity and to ensure the free flow of vehicles through World's End.

7.1.2. I am satisfied that the appeal can be dealt with in accordance with the relevant provisions of S139 of the Planning and Development Act 2000, as amended.

### 7.2. Traffic and parking provision in vicinity of site

7.2.1. The terrace of Ferryview Cottages is served by a narrow cul-de-sac road which directly abuts the front doors of these small fisherman's cottages. At present the only properties with any off-street parking are No. 1 (the appeal site at the eastern end of the terrace) and No. 10 at the western end of the terrace. The appeal site appears to have vehicular access to off-street parking which comprises a gate with a stone wall leading to a gravelled driveway to the side of the house. This is the site of the proposed domestic extension. It is not clear what the planning status is for this off-street parking. However, the sightlines at the exit are extremely limited and it is likely that a vehicle would have to reverse onto the road.

7.2.2. Although vehicular access to the individual cottages at Ferryview is feasible, cars cannot park outside the cottages as it would obstruct the flow of traffic. There is no possibility of off-street parking for the mid-terrace cottages. Thus, at present, cars park on the road to the east of the appeal site or elsewhere in the vicinity. As a result, there is a significant demand for on-street parking which tends to cause congestion as the narrow width of the road, with several pinch points, cannot cope with two-way traffic together with parked cars.

7.2.3. An extension to No. 10 Ferryview has recently been constructed on lands to the side which enabled a setback to provide for one off-street parking space. It is noted that

this site is at the end of the cul-de-sac and there is no road-width restriction which inhibits access at this location. Thus, it is not relevant in terms of precedent.

- 7.2.4.** I note that planning permission has been granted recently on the site to the immediate east which is likely to further exacerbate the parking congestion on the road. This permission was initially granted in 2015 (Ref. 15/5531) and was recently granted an extension of duration under PA Ref. 20/440. Permission was granted for a two-storey dwelling with an integral car port providing parking for two off-street parking spaces, notwithstanding the fact that there are on-street parking spaces directly opposite the proposed car port.
- 7.2.5.** It is clear, therefore, that the existing parking situation at World's End and Ferryview Cottages is particularly difficult. Although, it seems unfortunate in this context to lose the existing off-street parking on the appeal site, this must be balanced against the hazardous nature of manoeuvring into and out of the site. The planning authority had expressed serious concerns regarding the poor visibility on exiting the proposed carport, which would be extremely hazardous, especially for reversing vehicles onto the road with oncoming traffic at a pinch point. The site is also located close to the narrow, steeply inclined slip road to the R600. These concerns resulted in the requirement for an alternative solution, and the revised scheme involved omitting the carport and bringing the front building line forward to within 1.5m of the public road.
- 7.2.6.** The agent for the first party has raised the issue of the access needs of the elderly applicants. It is considered, however, that the provision of a garden wall with pedestrian access should not prevent the provision of level access to the proposed patio door. The third-party observer also raised the issue of the flower beds outside the front door, which it was considered obstructed traffic flow. It is not known whether these flower beds, which appear to be within the public road, have the benefit of any permission. However, it is considered that the removal of these flower beds alone, would not resolve the traffic safety issues associated with the proposed development.
- 7.2.7.** In conclusion, the amendments to the scheme, submitted by the applicant which involved the omission of the car port, are considered to be appropriate in this instance, notwithstanding the inadequacy of parking facilities in the vicinity of the site. The parties are generally in agreement with this amendment to the scheme but

differ on manner in which the boundary at the threshold with the public road should be treated, which is the subject of Condition No. 1.

### **7.3. Necessity for Condition No. 1**

- 7.3.1.** Having regard to considerable difficulties with parking and traffic congestion in the vicinity of the site as described above, it is considered that an unrestricted 1.5m setback from the public road is likely to be used as an ad hoc and informal off-street parking space, whereby there would be insufficient space for the car to be parked clear of the public road. I would agree with the planning authority's view that this would result in a traffic hazard as it would be likely to obstruct traffic at a pinch-point in the local road. The requirement to erect a garden wall of 900mm height, with a pedestrian entrance, would address this issue and ensure that the setback was not used as an informal parking space.
- 7.3.2.** I note that the setback at No. 10 Ferryview Cottages is considerably greater than 1.5m, as a car was parked entirely off the public road at this location. The issues relating to the pinch-point and the proximity to the slip road to the R600 are also not present at that location. Thus, should the Board be minded to determine the appeal under the provisions of Section 139 of the Planning and Development Act 2000 (as amended), it is considered that Condition 1 is necessary in terms of traffic safety.

### **7.4. Visual amenity**

- 7.4.1.** The appellant has submitted that the requirement to erect a garden wall would interfere with the visual integrity of the row of fisherman's cottages and should be omitted. It is considered, however, that the proposed wall of 900mm would not detract from the visual integrity of the cottages or the visual amenities of the area. There are several existing walls along this section of roadway, including the existing stone wall within the appeal site. It is considered, therefore that the requirement to provide a garden wall would not adversely affect the visual amenities of the area.

### **7.5. Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed 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.

## **7.6. Appropriate Assessment**

Sovereign Islands SPA (004124) and Old Head of Kinsale SPA (004021) lie c.6km to the south-east and 10km to the southwest, respectively. Given the scale and nature of the development, the distances involved, that the site is in an established residential area, it is considered that no appropriate assessment issues are likely to arise.

## **8.0 Recommendation**

8.1 Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not have been warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 (as amended), to attach Condition No. 1 and the reason therefor.

## **9.0 Reasons and Considerations**

9.1. Having regard to the policies and objectives as set out in the Cork County Development Plan 2022-2028, to the scale and nature of the proposed development and to the established pattern of development in the vicinity of the site, I am satisfied that Condition No. 1 is warranted. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Decision**

**Attach Condition No. 1 and the reason therefor.**

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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Mary Kennelly  
Senior Planning Inspector

18<sup>th</sup> July 2023