



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316142-23

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<b>Development</b>	Construction of single-storey artists studio/garage
<b>Location</b>	7 Adelaide Terrace, Wellington Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2241689
<b>Applicant(s)</b>	Jools Gilson and Vittorio Bufacchi.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Jools Gilson and Vittorio Bufacchi.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17 <sup>th</sup> August 2023.
<b>Inspector</b>	Terence McLellan

## **1.0 Site Location and Description**

- 1.1. The appeal site refers to the three storey, mid terrace dwelling and associated plot, located at 7 Adelaide Terrace, Wellington Road, Cork. The front of the dwelling faces south onto Summerhill North where there is a gated pedestrian access to the elevated, long, steep front garden that is typical of the surrounding dwellings on this side of the road. The rear of the property faces north onto Wellington Road where pedestrian access is provided to a private rear yard area and vehicular parking is available on street. The site is bounded to the east and west by adjoining dwellings and the surrounding area is residential in nature.
- 1.2. There is a significant change in levels between the front garden and the rear garden with an increase of approximately 8 metres between Summerhill North and Wellington Road. The site is located within the Wellington Road/St Luke's Architectural Conservation Area and the subject dwelling is listed on the National Inventory of Architectural Heritage (NIAH Reg 20506077) where it is noted as having a regional rating and is considered to be of architectural interest.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the provision of a single storey artist studio/family room with rooflights and ancillary works. The studio would be recessed within the steep front garden which would effectively form its roof. A small courtyard would be provided at the front of the studio, adjacent to the front boundary wall and railings. This would form the main access.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Refuse to Grant was issued by Cork City Council (CCC) on 27<sup>th</sup> February 2023 for the following reason:

1. It is considered that the proposed works would result in inappropriate development that would have a negative impact on the character of the Wellington Road and Saint Luke's Architectural Conservation Area and

the setting and character of 7 Adelaide Terrace, which is listed on the National Inventory of Architectural heritage. The works would be contrary to Objectives 8.17, 8.20, 8.22, 8.23, 8.24, and 8.27 of the Cork City Development Plan 2022-2028 and to the Architectural Heritage Protection, Guidelines for Planning Authorities by the Department of Arts, Heritage, and the Gaeltacht, now the DLGH (2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The Planner's Report sets out the assessment and rationale for the Planning Authority's decision to refuse planning permission. The report identifies the key considerations as being the impact of the development on the character and setting of the existing dwelling, the wider terrace of houses and the ACA. Concerns are raised that the provision of a WC and shower within the studio would be contrary to Council policy and the report states that this should be amended by way of further information. The report makes reference to the approved single storey rear extension that has not been built and notes that the proposed structure would be best located to the rear of the property.

#### 3.2.2. Other Technical Reports

3.2.3. **Conservation Report (24.02.2023):** The conservation report notes that a large portion of the front garden would need to be excavated to accommodate the proposed studio and that access to the studio would need to be through a new opening in the historic retaining wall of the original steps. The report states that the steep gardens and retaining boundary walls are typical of this part of the ACA and that it is a defining feature of the streetscape. The proposals would be uncharacteristic of the area and would fail to respond to the historic environment, promoting an inappropriate form of development.

3.2.4. Concerns are also raised that the boundary wall, railings and stairs would need to be dismantled to allow development to take place and that these features form part of the special interest of the historic building and the ACA.

3.2.5. **Drainage Report (17.02.2023):** No objection, subject to conditions.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water (15.02.2023)**: No objection.

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

3.4.1. None.

## 4.0 **Planning History**

4.1.1. **Planning Authority Reg. Ref. 15/36475**: Permission was granted by Cork City Council in October 2015 for the erection of a single storey extension to the rear of the dwelling, including a vehicular access from Wellington Road and a new car parking space on the roof of the extension. This permission has now expired.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **Cork City Development Plan 2022 – 2028**

5.1.1. The appeal site is categorised as Zone ZO 01: Sustainable Residential Neighbourhoods, the primary objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

5.1.2. Strategic Objective 7: Heritage, Arts and Culture applies to the proposed development. This objective seeks to protect and enhance the unique character and built fabric of the city, its neighbourhoods, urban towns and settlements by caring for Protected Structures, archaeological monuments and heritage, Architectural Conservation Areas and intangible heritage.

5.1.3. Chapter 7: Economy and Employment, states that a key objective of the City Development Plan will be to ensure that the city can continue to compete to attract both indigenous and foreign investment while creating a broad range of employment

opportunities that suit the needs of all residents in a socially inclusive manner. The relevant objectives from this chapter are:

- Objective 7.18: Home Based Economic Activity.

5.1.4. Chapter 8: Heritage, Arts and Culture, recognises that Cork's built heritage contributes significantly to the city's identity and the richness and diversity of its urban fabric. The street pattern, local architectural building styles, the form of buildings and spaces, civic buildings, medieval streetscape, the Georgian urban extension, and areas of Victorian architecture along with Cork's industrial heritage and distinctive 20th Century architecture contribute to creating the sense of place. The relevant objectives from this chapter are:

- Objective 8.13 (c): Cork's Cultural Capacity
- Objective 8.17: Conservation of the City's Built Heritage
- Objective 8.22: National Inventory of Architectural Heritage
- Objective 8.23: Development in Architectural Conservation Areas
- Objective 8.24: Demolition in Architectural Conservation Areas
- Objective 8.27: Elements of Built Heritage

5.1.5. Chapter 11: Placemaking and Managing Development, sets out the Council guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. The relevant sections of this chapter are:

- Section 11.140: Adaptation of Existing Homes
- Section 11.148: Detached Habitable Room (Not Residential Accommodation)

## 5.2. Relevant Guidance

### **Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).**

5.2.1. Section 13.8 of the guidelines relates to development affecting the setting of a Protected Structure or an architectural conservation area. The guidance notes that the extent of the potential impact of proposals will depend on the location of the new works, its designed landscape and its setting, and the character and quality of the ACA.

## **National Inventory of Architectural Heritage (NIAH)**

- 5.2.2. The NIAH notes the dwelling as being part of an intact terrace, situated on a prominent and elevated position with front garden and steps up from the street retained.

## **5.3. Natural Heritage Designations**

- 5.3.1. None relevant.

## **6.0 The Appeal**

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

- 6.1.1. An appeal has been lodged by Niamh Marum Architects of 3 St Mary's Villas, Richmond Hill, Cork, for and on behalf of Jools Gilson and Vittorio Bufacchi of 7 Adelaide Terrace, Wellington Road, Cork, against the decision of Cork City Council to refuse planning permission for the proposed development. The grounds of appeal can be summarised as follows:

- The development would not be inappropriate and has been designed in accordance with the Cork City Development Plan.
- The Planning Authority confirmed the use as being appropriate.
- The applicant is an artist, writer and professor and the development is intended as an artist studio, home office and garage room for the family.
- The concern of the Planning Authority regarding the inclusion of a WC is noted. This was included as a convenience for users of the space and there are other example developments where this has been permitted.
- The development would not have a negative impact on the character of the ACA and the character of the dwelling would be unaffected by the proposed design.
- The applicant has carefully and considerably refurbished the existing dwelling and the proposed works would be carried out to the same quality.
- The main feature of the ACA is the boundary walls and pedestrian entrance gates. The boundary wall, pillars, cast iron railings and external steps would be

retained and restored. The development would excavate around these features and install a precast concrete modular unit within the footprint.

- The existing landscaping and planting conceal the railings from view.
- The creation of a small courtyard between the boundary wall and the development would make a feature of the boundary wall and railings, creating a view from within the new courtyard.
- Some dwellings on Summerhill Road differ in layout, having a stairwell between the boundary wall and a secondary retaining wall, setting the garden back from the footpath. Long gardens set back from the boundary wall is therefore also a feature of the ACA.
- In response to concerns regarding visibility and light spill, the courtyard could be planted along the boundary wall to provide additional screening and tinted glass could be used to reduce light emitted from the room. Rooflights could be removed.
- The development would preserve and enhance the special character of the house and ACA.
- The development would not have a negative impact on the character and setting of 7 Adelaide terrace, as listed on the NIAH. The development retains the gate, railings and stepped entrance to the garden to retaining and incorporating the layout of the front garden and path.
- The lime render on the boundary wall is in poor condition and will be removed and replaced, the structural condition of the wall will be assessed and if required the wall will be part dismantled and reconstructed in accordance with an agreed method statement and appropriate guidance.
- The applicants have demonstrated good custodianship and building occupation. They fully intend to contribute to the social and economic life of the city and are heavily involved in the community.
- The development complies with Architectural Heritage Protection, Guidelines for Planning Authorities (2011).

- Whilst a small section of retaining wall would be removed, a larger section of the wall would be retained and made more visible due to the new courtyard.

## 6.2. **Planning Authority Response**

6.2.1. No response.

## 6.3. **Observations**

6.3.1. None.

## 7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Heritage Impacts
- Appropriate Assessment

## 7.2. **Heritage Impacts**

7.2.1. The core issue in the appeal relates to the acceptability of the proposed development and its impact on the ACA and existing dwelling/plot which is listed on the NIAH. In summary, the applicant considers that the development complies with all relevant policy and guidance, would preserve and enhance the ACA, would align with the character of the area and that concerns raised by the Council could be dealt with by minor design amendments and conditions.

7.2.2. The appeal site is located within the Wellington Road and Saint Luke's Architectural Conservation Area (ACA) and holds a prominent and visible location to the north of Cork city centre. The CDP notes the site to be in the middle section of the ACA which is mainly domestic in character. The area is made up principally of Georgian and Victorian houses, most of which are grouped together in formally designed terraces or in pairs. The terraces are designed to face south and many of the buildings are



designed to look out over and be seen from a distance from the city centre and the south side of the River Lee.

- 7.2.3. The short ACA appraisal in the CDP notes that many houses have architecturally composed boundary walls with doorways or gates, cast-iron railings, and external steps with metal handrails. From my site inspection, it is clear that these features are a defining characteristic of this section of the ACA. For the majority of these dwellings, the boundary wall acts as a retaining wall for the long, raised, steep front gardens.
- 7.2.4. The proposal would require the substantial excavation of the front garden in order to create a small courtyard space behind the front boundary wall and install a prefabricated modular studio/room, the roof of which would be planted in order to appear contiguous with the remaining front garden. To enable the development to take place, a substantial amount of planting adjacent to the staircase would need to be removed, in addition to the excavation works. Furthermore, the internal retaining wall that separates the garden from the staircase would also need to be removed in order to create an access to the new studio.
- 7.2.5. The applicant has stated that the front boundary wall and railings would be retained but notes that the structural condition of the wall will be assessed and if required, the wall will be part dismantled and reconstructed in accordance with a Method Statement and appropriate guidance. Given the extent of excavation required, I do not consider it feasible that the development could be undertaken without some dismantling of the wall, however, subject to agreeing a Method Statement with the Planning Authority, in addition to recovery and reuse of the existing materials, I am satisfied that this work could be undertaken without compromising the appearance and integrity of the front boundary wall. The refurbishment and retention of original features such as the gate/railings is positive, and whilst a small section of the wall adjacent to the stairs would need to be removed permanently, the extent of removal is limited and is generally concealed within the site. In summary, I do not consider that the works to the boundary wall would be harmful to the historic architectural setting of the dwelling or the wider area.
- 7.2.6. I note from my site inspection that none of the properties in this immediate section of Summerhill North have undertaken development to the front gardens. It is therefore a largely intact piece of historic urban architecture and form. The proposed development

would separate the front garden from the front boundary wall to accommodate the studio and courtyard space. This would be a prominent change and would alter the character of the front of the plot. Whilst the proposed studio would largely be set into the slope of the front garden, it would nevertheless be visible from the street, both above the boundary wall and in views towards the west. I am of the opinion that this would be harmful on the historic architectural setting of the dwelling and the ACA. I note that the applicant has stated that planting could be provided at the boundary wall to provide additional screening. Due to the courtyard space, this would likely need to be planter based landscaping which would be heavily dependent on ongoing maintenance and, in any event, would lack the necessary depth to overcome the visual harm caused by the development.

- 7.2.7. The applicant has provided examples of dwellings in the ACA where the access stairs run between the boundary wall and a second retaining wall that bounds the garden. From my site inspection these examples clearly read as original layouts and have a very different form to that of the proposed development and I do not consider them to be comparable in terms of character. I note the submission in the grounds of appeal that the applicant has demonstrated good custodianship, that they are an artist, and that Objective 8.13(c) of the CDP supports the development of infrastructure for artists, including spaces for artists to live, work and exhibit. However, in my opinion this would not outweigh the harm that would be caused to the architectural heritage of the dwelling and the wider ACA.
- 7.2.8. Issues raised by the Planning Authority regarding the provision of a WC/shower, railings and light spillage could be addressed by way of conditions, should the Board be minded to grant permission. Overall, I consider the proposed development to be an incongruous and visually obtrusive form of development that would harm the character and setting of the ACA and the host dwelling.

### 7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, I am satisfied that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1.1. I recommend that the Board uphold the decision of Cork City Council and that planning permission be refused for the proposed development for the following reason.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the site location within an Architectural Conservation Area, the listing of the existing property on the National Inventory of Architectural Heritage, and the prevailing character and pattern of development in the area, it is considered that the proposal would represent an inappropriate, incongruous and obtrusive form of development that would detract from the architectural character and setting of the streetscape, the Architectural Conservation Area and the host dwelling. The development would be contrary to objectives 8.17, 8.22, 8.23, 8.24 and 8.27 of the Cork City Development Plan 2022-2028 and Architectural Heritage Protection, Guidelines for Planning Authorities (2011). The proposal would, therefore, be contrary to 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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Terence McLellan  
Senior Planning Inspector

6 September 2023