



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319700-24

<b>Development</b>	Conversion of two-storey dwelling to 2 no. two-storey dwellings including extension, elevation alterations and all associated site works.
<b>Location</b>	8 Chalwood Estate, Blarney, Co. Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2442673
<b>Applicant(s)</b>	Abina Barry.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Abina Barry.
<b>Observer(s)</b>	Michelle McCarthy.
<b>Date of Site Inspection</b>	17 <sup>th</sup> July 2024.
<b>Inspector</b>	Terence McLellan

## **1.0 Site Location and Description**

- 1.1.1. The appeal site relates to the dwelling and plot located at 8 Chalwood, Blarney. The existing two storey end of terrace dwelling has previously been extended with a two storey extension to the side. The dwelling benefits from a large rear garden however this is steeply sloped due to a significant change in levels. A smaller front garden is provided which narrows towards the street and accommodates a long narrow driveway with off-street parking. Chalwood comprises 16 dwellings, all of a similar design and all with off-street car parking on long, narrow driveways. A total of five visitor parking spaces are provided. The estate has no footpaths

## **2.0 Proposed Development**

- 2.1.1. Planning permission is sought for a two storey extension to the side of the existing two storey side addition and the conversion of the property into two dwellings. A three bedroom unit in the original dwellinghouse, and a one bedroom unit in the extended addition.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Cork City Council refused planning permission on 11<sup>th</sup> April 2024 for the following reason:
1. It has not been demonstrated, to the satisfaction of the planning authority, that car parking for both homes can be safely provided on site or that independent access/ egress from the parking spaces is achievable. The layout/ arrangement of the car parking spaces as proposed would lead to conflict between two separate residential dwellings. The parking layout would also obstruct pedestrian access to both homes. The proposed development would therefore endanger public safety by reason of traffic hazard or obstruction of road users, contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. The Planners Report contains the following points of note:

- Pre-application advice following the previous refusal of planning permission requires the applicant to demonstrate that parking for both homes can safely be provided on the site.
- Principle of the development and conversion is acceptable. Design is in keeping with the area, housing standards would be met, and no negative residential amenity impacts are anticipated as a result of the conversion/extension.
- The proposed parking layout is of concern. Independent access and egress would not be possible, and cars would be blocked in. The proposal would be workable in a single dwelling where occupants could manage the parking arrangements, but this is not appropriate for single dwellings.
- It has not been demonstrated that pedestrians could safely gain access to both properties when cars are parked.
- The existing dwelling is five bedrooms. Following conversion, it would lead to two dwellings with a total combined 4 bedrooms. Given the overall reduction in bed spaces and proximity to bus stops and shops/services, a reduction in car parking may be acceptable. There is no objection to the quantum of parking, but the layout/arrangement is not acceptable.

#### 3.2.2. Other Technical Reports

#### 3.2.3. Area Engineer – Recommend approval, subject to standard conditions.

#### 3.2.4. Drainage – No objections, subject to standard conditions.

### 3.3. Prescribed Bodies

#### 3.3.1. Uisce Éireann – No response.

### 3.4. Third Party Observations

#### 3.4.1. One observation was submitted to Cork City Council in response to the planning application raising the following points:

- The new dwelling would generate additional traffic and parking. The area is already strained. Provision of adequate parking has not been addressed.
- The new dwelling would require two dedicated spaces to be provided.
- Elderly residents have accessibility challenges due to excessive parking in the area. An additional dwelling would further strain this.
- The applicant does not live in the house or on the estate and does not experience the concerns raised by residents on both the current and previous applications.

## 4.0 Planning History

4.1.1. Planning Authority Reference 22/40930:

## 5.0 Policy Context

### 5.1. Development Plan

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

5.1.1. The site is zoned objective ZO 01 – Sustainable Residential neighbourhoods, the stated objective of which is ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.’

#### *Adaptation of Existing Homes*

5.1.2. The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

#### *Extensions should:*

- Follow the pattern of the existing building as much as possible.
- Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it.

- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not usually be permitted where visible from a public area.
- Traditional style dormers should provide the design basis for new dormers.
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

#### *Residential Entrances and Front Gardens*

5.1.3. The cumulative effect of the removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off-street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes (e.g. in Architectural Conservation Areas and other areas of architectural and historic character) or on the building itself (e.g. a Protected Structure). Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation. Where permitted, “drive-ins” should:

- Not have outward opening gates.
- In general, have a vehicle entrance not wider than 3 metres, or where context and pattern of development in the area allows not wider than 50 per cent of the width of the front boundary.
- Have an area of hard-standing equivalent parking space of (2.5 m x 5m) with the balance of the space suitably landscaped.

- Hard surfaces must be permeable.
- Inward-opening gates should be provided; Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath or roadway.
- Other walls, gates, railing to be made good.

## **5.2. Natural Heritage Designations**

5.2.1. None of relevance.

## **5.3. EIA Screening**

5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

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

6.1.1. A First Party appeal has been submitted by Albina Barry of Coolicka, Donoughmore, Co. 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:

- There are sixteen houses on the estate. Nos. 1-4 and 16 have one off-street parking space on their driveway. Nos. 5-15 have long driveways that can accommodate two cars. A total of 27 private car parking spaces are provided.
- There are five formal public parking spaces and at least six street parking spaces that could be used without inconveniencing anyone. A total of 11 public parking spaces are therefore provided.
- The appellant has undertaken a parking survey demonstrating between one and three of the five formal public parking spaces being available. This

demonstrates an occupancy of 42% when taking account of all parking (including informal public parking)

- There is a regular bus service nearby and shops, services and schools are also within walking distance. Under new/draft planning guidelines, new housing developments near good public transport, parking should be limited to one space or have no parking where possible.
- Request a planning condition to include a clause restricting car ownership to one per household or that 8A Chalwood be a car free unit.

## **6.2. Planning Authority Response**

6.2.1. No response on file.

## **6.3. Observations**

6.3.1. An observation has been received from Michelle McCarthy of No. 9 Chalwood, raising the following points:

- Parking is already strained from the existing parking demands of residents.
- There are only five visitor spaces, parking outside of these spaces contributes to the disruption and safe access/egress can be challenging due to excessive parked cars.
- Improper parking poses safety issues for all users.

## **6.4. Further Responses**

6.4.1. None.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal relate to:

- Quality of Accommodation (New Issue)
- Parking

## **7.2. Quality of Accommodation (New issue)**

- 7.2.1. The Planning Authority have assessed the proposed housing against the standards for a one bedroom apartment and have confirmed that the floorspace would be acceptable. The Cork City CDP has a policy directly referring to the conversion of dwellings into flats but that would not apply to the proposal as it constitutes conversion of a dwelling into two dwellings. In that respect it is akin to provision of a dwelling within a side garden. In any event, I have significant concerns regarding the quality of accommodation proposed.
- 7.2.2. The location of the side extension that would become an independent dwelling is in the most constrained part of the garden. The outlook from the main living space window at the front would be onto the boundary wall and the bin storage area. The outlook from the kitchen patio doors to the rear would be onto a high retaining wall that is required to address the significant change in levels in the rear garden. The rear garden space that would be given to the unit, whilst extensive, would largely be unusable due to the very steep gradient, with the majority of the usable garden space being retained by the parent dwelling. Garden space to the front would need to be given entirely over to hardstanding to provide parking. Overall I am not satisfied that the proposal would provide a satisfactory level of living accommodation for future occupiers. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## **7.3. Parking**

- 7.3.1. In order to accommodate parking for three vehicles, most of the front garden would be converted to hardstanding. With three vehicles parked on the land only one would be able to manoeuvre independently, the remaining two vehicles would require other vehicles to move in order to exit the site. I would agree with the Planning Authority that the proposed arrangement would be impractical and would result in additional vehicle movements that could compromise safety on an estate where there are no footpaths and pedestrians are required to use the roadway.



- 7.3.2. I note the Applicant's comments regarding parking capacity on the street but I would disagree with the numbers presented. In my opinion, there are only five visitor parking spaces and I consider that parking on street outside of these bays would in itself be a traffic hazard to vehicles access and egressing the private driveways.
- 7.3.3. I acknowledge the Applicant's request that a condition be imposed restricting car ownership but this is not possible give the nature and type of development proposed. I am mindful of the proximity to shops and services in Blarney and the local bus service as well as national policy that seeks to limit car parking. However, in my opinion the principle of car free development cannot reasonably be applied retrospectively to an existing housing estate where all residents have some form of off-street parking.
- 7.3.4. Overall, I am of the view that the proposed parking arrangements would be unacceptable and would obstruct pedestrian access to both homes as well endangering public safety by reason of traffic hazard and obstruction of road users.

## **8.0 AA Screening**

- 8.1. I have considered the proposed residential conversion in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 10.5km from the Cork Harbour SPA which is the nearest European Site.
- 8.2. The proposed development comprises the conversion and extension of an existing dwelling to provide two separate properties, as set out in Section 2.0 of the report. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The small scale domestic nature of the proposed development and the existing wastewater connections.
  - The distance from the nearest European Sites and the lack of any direct hydrological connection.

- The screening determination of the Planning Authority, which concluded that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1.1. I recommend that the Board uphold the decision of Cork City Council and refuse planning permission for the reasons stated below.

## **10.0 Reasons and Considerations**

1. Having regard to the poor outlook and the constrained and unusable nature of the private amenity space, it is considered that the proposed unit would fail to provide a satisfactory standard of accommodation at the expense of the residential amenity of future occupiers. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the constrained nature of the proposed parking arrangements and the inability of vehicles to manoeuvre independent of one another, it is considered that the parking layout would obstruct pedestrian access to both homes and result in additional vehicle movements that would endanger public safety by reason of traffic hazard and obstruction of road users. The development 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

31<sup>st</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319700			
<b>Proposed Development Summary</b>	Conversion of two-storey dwelling to 2 no. two-storey dwellings including extension, elevation alterations and all associated site works.			
<b>Development Address</b>	8 Chalwood Estate, Blarney, Co. Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>			EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10 (b) (i), threshold >500 dwellings.		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	319700									
<b>Proposed Development Summary</b>	Conversion of two-storey dwelling to 2 no. two-storey dwellings including extension, elevation alterations and all associated site works.									
<b>Development Address</b>	8 Chalwood Estate, Blarney, Co. Cork									
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>										
	<table border="1"> <thead> <tr> <th></th><th>Examination</th><th>Yes/No/ Uncertain</th></tr> </thead> <tbody> <tr> <td> <b>Nature of the Development</b>  Is the nature of the proposed development exceptional in the context of the existing environment?   Will the development result in the production of any significant waste, emissions or pollutants? </td><td> <p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p> </td><td>No.</td></tr> <tr> <td> <b>Size of the Development</b>  Is the size of the proposed development exceptional in the </td><td> <p>The size of the development would not be exceptional in the context of the existing environment.</p> </td><td>No.</td></tr> </tbody> </table>		Examination	Yes/No/ Uncertain	<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.	<b>Size of the Development</b> Is the size of the proposed development exceptional in the	<p>The size of the development would not be exceptional in the context of the existing environment.</p>	No.
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<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_