



An
Bord
Pleanála

Inspector's Report

ABP-320270-24

Development	<i>Construction of a new vehicular entrance off the public road to allow for a shared driveway and parking for House No. 21 and 25 Nuns Walk, Pouladuff Road, Cork</i>		
Location	<i>No.'s 21 and 25 Nuns Walk, Pouladuff Road, Cork.</i>		
Planning Authority Ref.	<i>2442677.</i>		
Applicant(s)	<i>Jimmy & Eileen Hill and Grainne Breen</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First Party</i>	Appellant	<i>Jimmy Hill and others.</i>
Observer(s)	<i>Linda O' Sullivan</i> <i>Grace & Noel Buckley</i> <i>Kevin Murray</i> <i>Geraldine Cotter</i> <i>Gavin Wheeler</i> <i>Annette O Keefe</i>		
Date of Site Inspection	<i>19-12-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description

The subject site is located at Nuns Walk off the Pouladuff Rd circa 1.5km south of Cork City Centre. The area is inner suburban and characterised by mid-20th century single storey residential dwellings in detached, semi-detached and terraced configuration. Due to the site layout adopted at the time of construction, No.'s 21, 23 and 25 are built into a corner with pedestrian access arrangements only that precludes the option of off-street parking for these 3 dwellings.

2. Description of development

Construction of a new vehicular entrance off the public road to allow for a shared driveway and parking for House No.'s 21 and 25 Nuns Walk. This is a revised application as the owner of No. 23 Nuns Walk withdrew from the process.

3. Planning History

Planning Reference 23/41989

Permission for the construction of a new vehicular entrance off the public road to allow for a shared driveway and parking for house No's 21, 23 and 25 Nuns Walk, Pouladuff Road, Cork.

Permission Granted subject to 5 conditions

4. National/Regional/Local Planning Policy

Cork City Development Plan 2022 – 2028

The subject site is zoned ZO-1 - Sustainable Residential Neighbourhoods where it is an objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

ZO 1.1 The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where

a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents

Residential Entrances, Parking in Front Gardens

11.145 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:

1. Not have outward opening gates;
2. 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;
3. Have an area of hard-standing equivalent parking space of (2.5 m x 5m) with the balance of the space suitably landscaped;
4. Hard surfaces must be permeable.
5. 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;
6. Other walls, gates, railing to be made good.

5. Natural Heritage Designations

None relevant, the nearest such sites are

Cork Harbour SPA (Site Code 004030)

Great Island Channel cSAC (Site Code 001058)

Development, Decision and Grounds of Appeal

6. PA Decision

Following a request for Further Information and a further request for Clarification of Further information the PA decided to refuse permission in line with an internal report from Urban Roads & Street Design (Planning) Report that recommended a refusal based on the potential for conflict between pedestrian and vehicular movement.

Reason for Refusal

Having regard to the deficient local pedestrian network, it is considered the proposed development would result in unacceptable levels of pedestrian and vehicle conflict. The development proposals would, therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

7. First Party Appeal

- Pedestrian safety cited as a reason for refusal when this was addressed under the previous application (2341989) where the PA were satisfied with the proposal.
- Access to No. 23 remains the same but whereby they have chosen to no longer avail of the option to access their dwelling by vehicle
- The decision contradicts the Cork City Council Traffic report dated 5th of June 2024
- Not contrary to the proper planning and development of the area as houses in the area have off-street parking
- 2024 application refers to the creation of a car park whereas the 2023 makes no mention of same
- Urban Roads and Street Design Report from 2023 application identified no deficiency with the pedestrian network
- Neighbours were relieved to hear of the 2023 application to reduce on street parking and now have expressed their disappointment with the refusal of the current application.

Observations:

Annette O Keeffe: (31 Nuns Walk)

- States that they are a neighbour directly impacted by the current on street parking
- The volume of cars parked directly outside her home is huge
- Numerous instances when they cannot access own driveway
- Saw the off-street application as a solution and very disappointed with refusal

Kevin Murray (27 Nuns Walk)

- Disappointed with PA refusal
- Saw the application as a perfect opportunity to remove cars and congestions from the public roadway
- Sincerely supports the appeal to have the decision overturned

Geraldine Cotter (19 Nuns Walk)

- Application should have been approved
- Is a neighbour directly impacted
- Cars parked outside my home a permanent intrusion
- Restricts deliveries and tradesmen
- Potential to restrict emergency services
- Decision should be overturned and application granted

Linda O' Sullivan (17 Nuns Walk)

- Disappointed to hear of the decision
- Applicants were looking for off street parking same as all the other houses around them
- Sincerely supports the appeal and feel that this is a great chance to remove cars and congestion

Gavin Wheeler (29 Nuns Walk)

- Disappointed with decision
- Would have helped reduce congestion and increase safety for pedestrians and motorists
- Strongly believe decision should be reconsidered on the grounds of safety

Grace and Noel Buckley (23 Nun Walk)

- Outlines the recent Planning History whereby they previously were party to an application for off street parking but reconsidered and wished to withdraw from the previous application but planning timelines did not allow for this
- Points out that the footpath to their home is identified as a road taken in charge but whereby it is only 1.8m wide and cannot be classified as a road
- Maintains that the only access they have to their home is the current arrangement and they have no entitlement to pass over any other lands
- No justification why the title of their home would be compromised
- Part of their property is included within the red line area without their consent
- Fully supportive of the decision to refuse and concurs with the reason for refusal that there will be a conflict between cars and vehicles
- Agree with the description used in the deliberation that the area would be a 'carpark' and not a parking area.
- Questions the description used in the application that does not advertise development by third parties on private lands or lands which might be considered to be taken in charge

8. PA Response

The Planning Authority maintains that with regard to the Planning Application 24/42677, it has carried out its duties in accordance with the provisions of the Planning and Development Act 2000 and that its decision is consistent with the provisions of the Cork City Development Plan 2022 – 2028 and the proper planning and sustainable development of the area. The planning authority has no further comment to make on the application.

Environmental Screening

9. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

10. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded 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.

2.0 Assessment

2.1. I have reviewed the planning application and appeal inclusive of submissions and observations. I have also visited the site and conclude that the salient issues are

- Principle of development
- Procedural issues around consent
- Impact on residential amenity
- Pedestrian and vehicular road safety

2.2. Principle of Development

2.3. At its core the application is seeking the right to park off street for dwellings where pedestrian access is the only option available,

2.4. It is noteworthy that the previous application (Planning Reference 23/41989) which involved 3 parties/dwellings was successful but that one party has since reconsidered their involvement and has withdrawn from the process resulting in this

new application that is similar in many ways, but which now precludes parking from the occupier of 23 Nuns Walk.

2.5. The County Development Plan (Section 11.145) allows for off-street parking but warns against excessive removal of front boundary walls and railings and expresses the view that a balance needs to be struck between off street parking and the protection of amenity and particularly so in ACA areas and involving protected structures.

2.6. The current application is not in a protected area and does not involve excessive removal of front wall or railings. The application as I see it is very much individual and in response to an unusual siting and configuration that would not be deemed appropriate today. I am satisfied therefore that the principle of off-street parking at this location is acceptable,

2.7. **Procedural Issues around Consent**

2.8. The occupants of the (middle) property No. 23 have withdrawn from the process they entered into previously and are now challenging the new application and point to the infringement of their property rights and the absence of consent to include part of their property in the application.

2.9. The access to No. 23 is also the access to 21 and 25 and has been established as an area that is 'taken in charge' by the Local Authority, to this end, the area is unequivocally under the control of the Cork City Council irrespective of the folio.

2.10. I am satisfied that the applicants have the right to make an application on the lands as outlined in red. The PA validated the planning application deeming necessary consents were in place. In retrospect Local Authority consent would have been optimal but the planning process teased through the status of the area 'taken in charge' and the PA have not refused the application on grounds of insufficient legal interest.

2.11. **Impact on Residential Amenity**

2.12. The removal of the current 'dog leg' pathway in favour of off-street parking and a more open and undefined shared access arrangement will provide off street parking for 4 no. vehicles (2 each for 21 and 25 Nuns Walk). The occupants of 21, 23 and 25

will continue to access their properties by foot across this area albeit the defined pathway will no longer exist.

- 2.13. It should also be noted that there is strong support from neighbours for this proposal and the previous application that seeks to reduce the quantum of off-street parking in a constrained corner of the residential area.
- 2.14. All aspects considered I am satisfied that the removal of the defined pathway to be replaced by a shared parking and pedestrian surface will not have a significant impact on the residential amenity of the area of the dwellings directly impacted or the area in general.
- 2.15. **Road Safety (pedestrian and vehicular traffic)**
- 2.16. The sole reason for refusal centres around pedestrian and vehicular conflict. This was not a concern in the previous application that sought parking for 50% more cars than the current application.
- 2.17. I do not agree that pedestrian facilities are deficient and do not envisage a small number of traffic movements per day moving across the existing footpath as hazardous.
- 2.18. The shared area once complete will be more akin to a homezone than a 'car park'. The use of the 'car park' descriptor in the planning report I believe was misguided and may have been used to conjure a sense of commercial scale that is simply not present in the proposal before me. Homezones are low speed areas where pedestrians and vehicles safely interact on a shared surface. There is no reason obvious why this area cannot operate safely or why it cannot be expanded in time to reflect the previous application and serve all three dwellings for the dual purpose of pedestrian and vehicular access.

3.0 **Recommendation**

- 3.1. I recommend that permission for the development be Granted.

4.0 Reasons & Considerations

Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2022-2028 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential or visual amenities, impact the established character or appearance of the area and would not give rise to any undue road and pedestrian safety issues or inconvenience issue for existing road users in its vicinity. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed 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.</p> <p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority 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>Site development works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0900 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>
3.	<p>Details, costs and delivery of a 'Yellow Box' road marking outside the parking area will be agreed in writing with Cork City Council Traffic</p>

	<p>Operations section, unless otherwise agreed. All costs associated to be borne by the applicants.</p> <p>Reason: In the interests of pedestrian and vehicular safety and orderly access and egress</p>
4.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

Advisory Note 1: Section 34(13) of the Planning and Development Act 2000 (as amended) states that ‘a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development’.

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.

Name: Adam Kearney

Planning Inspector

Date: 17-01-2025

Appendix 1 Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320270-24		
Proposed Development Summary	<i>Construction of a new vehicular entrance off the public road to allow for a shared driveway and parking for House Nos 21 and 25 Nuns Walk, Pouladuff Road, Cork</i>		
Development Address	<i>No.'s 21 and 25 Nuns Walk, Pouladuff Road, Cork.</i>		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X	
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			No EIAR or Preliminary

			Examination required
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____