



An
Bord
Pleanála

Inspector's Report ABP 306194 - 19

Development	Vehicular entrance, modifications to front railings and kerb and one-off street parking space.
Location	45 Donore Avenue, Dublin 8.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4098/19
Applicant	Jonathan Groome.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party x Refusal
Appellant	Jonathan Groome.
Date of Site Inspection	13 th February, 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site is that of a two storey, end of terrace brick faced late nineteenth century house with a single storey, flat roofed utility/storage element at the side which has a separate entrance door to the front. It is located on the east side of Donore Avenue and set behind a front garden and cast iron railings on a granite plinth with access via a pedestrian entrance gate. To the front of the terrace of three houses in which the site is located there are three parallel pay and display public parking bays.
- 1.2. School campuses and St Catherine's Church are located opposite the site and terraced houses along several roads are located to the east. Pay and display parking is located along some of the roads whereas free parking is available on Rutledge Street, Hamilton Street and Ebenezer Terrace to the north of the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for modifications to front railings, plinth and kerb to create a 3.56 m wide vehicular entrance, and, installation of outward opening gates to provide for one off street parking space in the front garden of the property.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 19th November, 2019 the planning authority decided to refuse permission based on necessity for of three on street spaces resulting in direct contravention of Policy Objective MT 14 of the CDP (See section 5 below,) and, potential precedent for similar development in the area.

3.2. Planning Authority Reports

- 3.2.1. The **planning officer** in his report recommends refusal of permission based on the reasoning in the report of the Transportation Planning Division. (See below.)
- 3.2.2. The report of the **Transportation Planning Division** indicates recommendations for refusal of permission. Reference is made to limited public on street parking supply,

three frequently used spaces which would need to be removed to facilitate sight lines, lack of residential permit parking, removal of spaces to facilitate the proposed development, potential for endangerment of public safety by reason of traffic hazard due to reversal of vehicles from the entrance onto the street and CDP policy on creation of vehicular entrances for private residential properties.

4.0 Planning History

There is no record of planning history for the site,

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 (CDP) according to which the site is subject to the zoning objective Z2: *“To protect and/or improve the amenities of residential conservation areas.”*

According to Policy Objective MT14 the planning authority seeks to minimise loss of on street car parking supply while recognising that some loss of spaces is required for, or, in relation to sustainable transport provision, access to new development or public realm improvements.

Section 16.38.9 provide for a presumption against removal of on street parking facilities to facilitate vehicular entrance to dwellings in predominantly residential areas in which residents are reliant on, on street parking facilities.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant on his own behalf on 18th December, 2019 according to which the assessment carried out does not reflect the specific circumstances of the site and the location. Annotated photographs and drawings are attached to the submission. According to the appeal:

- No two planning applications are similar, so it is hoped that the appeal will be successful as no two applications are similar, having regard to the reference to prior unsuccessful applications within the planning officer report. Section 16.38.9 of the CDP is not applicable to the location in that the area is not a residential area predominantly reliant on on street parking spaces. There are no residential properties opposite the site and therefore no requirement for residential parking facilities. Instead there is a range of institutional and community facilities, existing and planned. There are no residential properties between Cork Street and terrace of three houses (including the applicant's property along Donore Avenue. There were no objections from residential properties located between the application site and South Circular Road on which, on Sandford Avenue there are further on street parking spaces Sandford Avenue. There are thirty-three free on street parking spaces on Rutledge Terrace between Donore Avenue and Susan Terrace.
- There are one hundred spaces in the vicinity of the applicant's property. The spaces in the vicinity are used by for vehicles of people on trips to the schools and the various other commercial and community facilities in the vicinity as a result the applicant is inconvenienced by having to find space and walk to and from it over a distance of thirty to fifty metres from their property.
- The applicant is willing to modify the width of the proposed entrance to 2.6 metres and it is confirmed that a rolling sliding gate and not outward opening gates is to be installed.
- With regard to concerns as to obstruction caused by exiting the entrance it is submitted that the three spaces at the site frontage are longer than the average length of spaces. It is not accepted that the three spaces would need to be removed to facilitate the proposed development. Removal of one space is necessary to provide ample room for safe access and egress. Dimensions and photographs are attached in the appendices to the appeal. There is also unused space beyond the marked out spaces which are used, especially during church events. Reversal out to the opposite side of the road will not occur. There is a clear line of sight as far as Cork Street from the site entrance being at a bend, there is enough space for manoeuvres in the front curtilage which is fifty square metres in area.

- Precedent would not be set by the proposed development in that there are no properties in the surrounding street network with a front garden large enough for conversion for off street parking, so the proposed development is unique in this regard.

6.1.2. In addition, it is stated that it is intended to purchase an electrical vehicle and install a charging point in the front garden. It is not convenient to be reliant on nearest EV charging point which is in Synge Street. Vehicles parked on the street have been broken into for theft. The applicant wishes to store equipment and supplies used in their coffee shop business in the store at the side of the house.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of a decision can be considered under the following subheadings:

- Justification for the proposed development – Development Plan Policies and objectives.
- Vehicular Safety and Convenience
- Precedent,
- Architectural Heritage – (Residential Conservation Area Zoning Objective.
- Environmental Impact Assessment
- Appropriate Assessment.

7.2. **Justification for the proposed development having regard to Development Plan Policies and objectives.**

7.2.1. The applicant's case that every planning application for a vehicular entrance to a residential property should be considered and assessed on its own merits is

accepted having regard to the Policy objective MT14 and the provisions of section 16.38.9 of the CDP. This policy provides for retention of on street parking supply for use by all road users in so far as is practicable with there being scope for consideration of some loss to facilitate public transportation requirements, public realm improvements and new development. This objective would therefore preclude favourable consideration of loss of on street parking to facilitate the creation of vehicular entrances to facilitate owner/occupiers' requirements for private parking in the front gardens of dwellings.

- 7.2.2. There is no basis on which setting aside the presumption against the removal of on street parking to facilitate vehicular entrances to single dwellings provided for in section 16.38.9 of the CDP could be justified in the case of the proposed development.
- 7.2.3. Based on observations made during the course of the site inspection, it is considered that in the appeal the applicant has provided a comprehensive and reliable description of the supply of public paid and free on street parking supply and of the range of land uses within the area. There is no residents' permit parking in the area and as such there is significant use of the free parking along the residential roads to the north of the appeal site.
- 7.2.4. It would also be reasonable to assume that some of the parking facilities would have dual use: a predominance of residents' and their visitors' vehicles at night-time and some use by commercial and related daytime use traffic during business hours. It is of note that the spaces along the frontage of the terrace which are somewhat remote from surrounding on street parking in which the applicant's property is located is conveniently located for short term daytime parking associated with the commercial, community and institutional facilities in the immediate vicinity. Significant parking demand for these spaces and a relatively high turnover of use was observed during the inspection and this would concur with observations on occupancy and frequency of use in transportation planning division's report.
- 7.2.5. It is concluded that there is no justification for the proposed development, Policy Objective MT14 and section 16.38.9 of the CDP irrespective of the applicant's argument that one rather than the three spaces, as recommended in the

transportation planning division's report would need to be removed to facilitate safe access and egress via the proposed vehicular entrance.

7.3. Vehicular Safety and Convenience

- 7.3.1. The willingness by the applicant to modify the proposed development with a reduction to 2.6 metres width for the proposed entrance and confirmation that a sliding gate is to be installed would not ameliorate the concerns of the transportation department regarding the achievement of adequate sightlines on egress from the entrance. The details in the applicant's submissions made in connection with the application and the appeal do not demonstrate adequacy of sightlines.
- 7.3.2. While it is noted that the applicant seeks to benefit for personal and business purposes from the convenience of an on-site car space available, it cannot be accepted, from the perspective of the interest of proper planning and sustainable development that such reasoning can take priority over the interests and benefits of all road users as provided for under Policy Objective MT14 and section 16.38.9 of the CDP.

7.4. Precedent

- 7.4.1. Although it is agreed that each application should be considered on its own merits, it is considered that potential for precedent cannot be ruled out. A case could be made for potential precedent for similar development at residential properties within the environs though it is agreed that there is little or no scope for front garden curtilage parking within the immediate vicinity of the site.

7.5. Architectural Heritage – (Residential Conservation Area Zoning Objective.

- 7.5.1. Finally, although not taken into consideration in assessment by the planning authority and the reasoning attached to its decision, the terrace of houses which includes the applicant's property, is of architectural heritage interest as a grouping in the streetscape, not least with regard to the front boundary treatment of cast iron railings on granite plinths with access to the front entrance via a straight path through the front gardens from pedestrian gates. The conversion of the front garden for use as a car space and, the interventions to the railings and plinth required to facilitate the creation of the proposed vehicular entrance would not accord with the objectives for lands zoned 'Z2: *To protect and/or improve the amenities of residential conservation areas.*'

7.6. Environmental Impact Assessment Screening

Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6.1. Appropriate Assessment Screening.

Having regard to the small-scale nature of the proposed development and, to the serviced inner suburban location, no Appropriate Assessment issues 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

In view of the foregoing, it recommended that the planning authority decision to refuse permission should be upheld based generally on the reasoning attached to its order. Draft reasons and considerations are set out below.

9.0 Reasons and Considerations

It is the policy of the planning authority to retain on street parking facilities as far as is practicable, with scope for some loss to facilitate public transportation, public realm and new development requirements according to Policy MT 14 of the Dublin City Development Plan, 2016-2022. Removal of on-street parking spaces available for use by all residents and other road users to construct a vehicular entrance for a private dwelling to facilitate an owner/occupiers' requirements for private parking in the front garden would be contrary to this policy objective and would set undesirable precedent for further similar development. The proposed development is contrary to the proper planning and sustainable development of the area.

Jane Dennehy.
Senior Planning Inspector.
24th March, 2020