



An
Bord
Pleanála

Inspector's Report

ABP-306274-19

Development	A proposed vehicular entrance to front of house.
Location	55 Brian Road, Marino, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1612/19
Applicant(s)	Maria Delaney
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party against Condition
Appellant(s)	Maria Delaney
Observer(s)	None
Date of Site Inspection	13 th March 2020
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in a residential area on the northern side of Brian Road, in a well-established residential area, in the Dublin suburb of Marino.
- 1.2. The site comprises a dormer mid-terrace dwelling with mansard roof, set behind a front garden with post and rail metal fencing forming the boundaries between the front gardens of adjoining properties and post and rail metal fencing, over shallow concrete plinth, forming the boundary between the dwelling and the public footpath. The treatment of the boundaries is characteristic of this area of Marino, albeit I note a number of front gardens and boundaries along street and in the wider Marino area have been modified over the years to accommodate space for a car.
- 1.3. The majority of properties along this street have modified their front gardens to accommodate a car. The property to the west of the appeal site has maintained a pedestrian path with gravel either side to the front door and the original grassed area has been paved to accommodate a car. The property to the east has paved the entire front garden area to accommodate a car. The street comprises a mix of design layouts to the front garden areas.

2.0 Proposed Development

- 2.1. The proposed development is for a vehicular entrance to the front of the dwelling. The drawings submitted with the application show a 2.68m vehicular access width, out of a total site width of 6.7m. The pedestrian path and gate from the street to the front entrance of the dwelling is being maintained. The area between the front boundary line and the dwelling, 5.05m in depth, is to be finished with seeded grass to abs reinforcement grid system with 330 x 330mm pavor and 40mm infill depth. The proposed vehicular gates are to match the existing pedestrian gate.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 7 conditions. The following condition is of note:

Condition 3: The development shall adhere to the following:

- a) The proposed vehicle entrance shall be combined with the existing pedestrian entrance to provide one opening in the front garden boundary.
- b) The combined vehicular and pedestrian entrance shall have a maximum opening width of 2.6 metres.
- c) The remaining front garden boundary shall be retained in situ except where the combined vehicular and pedestrian entrance is provided.
- d) Driveway entrance shall not have outward opening gates.
- e) The development hereby approved shall make provision for 1 no. car parking space of 3 x 5 metres only. The hardstanding for the parked car space shall be of permeable materials. The remaining area of the front garden shall be landscaped or remain under grass.
- f) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- g) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of visual and residential amenity, and in the interest of public safety.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Grant subject to 7 conditions.
- The proposed development involves the insertion of a vehicle entrance through the front garden boundary wall railing by 2.68 metres. The width of the property is indicated as 6.7metres. It is noted that there is an existing pedestrian entrance of 900 mm. The proposed development indicates the removal of the boundary railing and the gates to provide an unfixed boundary of 3.58 metres. The removal of the front garden boundary to such an extent is considered excessive as the maximum width of a combined vehicle and pedestrian entrance is 2.6 metres. It is noted that

there are numerous vehicle entrances in the vicinity none of which appear to have the benefit of planning permission.

- The combined width of the existing pedestrian entrance and the proposed vehicular entrance would provide an open boundary of width of 3.58 metres which is contrary to maximum width allowable for combined vehicular / pedestrian entrances of 2.6 metres as set out under Section 16.10.18 'Parking Cars In Front Gardens' policy.
- Permission is recommended subject to conditions.

3.2.2. **Other Technical Reports**

Drainage Division – No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None.

Sites in the Vicinity

249219 – 123 Brian Road - Permission GRANTED for front drive and front vehicular access.

Condition 2: The development hereby approved shall incorporate the following amendments:

(a) The vehicle entrance shall be 3.6 metres in width only. The entrance shall incorporate the existing pedestrian entrance into its width and the remainder of the front railings shall be permanently retained.

(b) An area of hard surfacing for parking shall be provided no wider than 3.6 metres with the remainder of the front garden being permanently retained in

soft landscaping/planting, in particular along the shared boundary with number 121 Brian Road.

(c) The entrance gates shall be designed so as not to open outwards

Reason: To protect the existing amenities of this important residential conservation area and to comply with the requirements of Section 16.10.18 of the current Dublin City Development Plan.

3614/08 - 125 Brian Road – Permission GRANTED for vehicular access driveway and all associated works.

2599/06 - 117 Brian Road - Permission GRANTED for widening the existing off-street car parking entrance to the front of the dwelling, providing a separate pedestrian entrance and widening the existing footpath dish to the driveway to Brian Road.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- **Zoning objective Z2** ‘To protect and/or improve amenities of residential conservation areas’.
- **Section 16.10.18** Parking in the Curtilage of Protected Structures and in Conservation Areas:

‘Poorly designed off-street parking in the front gardens of protected structures and in conservation areas can have an adverse affect on the special interest and character of these sensitive buildings and areas. For this reason, proposals for off street parking in the front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant-and can lead to the erosion of the character and amenity of the area. However, where such site conditions exist which facilitate parking provision without significant loss of visual amenity and historic fabric, proposals for limited off street parking will be considered where the following (relevant) criteria can be met:....

- There is sufficient depth in the garden to accommodate a private parked car
- Access to and egress from the proposed parking space will not give rise to a traffic hazard
- The remaining soft landscaped area to the front of the structures should in general be in excess of half of the total area of the front garden, exclusive of car parking area, footpaths and hard surfacing
- Car parking bays shall be no greater than 5 m x 3 m metres wide
- The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 metres and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates should not swing outwards so as to cause an obstruction on the public footpath
- **Guidance document ‘Parking Cars in Front Gardens’:**

‘The basic dimension to accommodate the footprint of a car within a front garden areas is 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden, and provide safe access and egress from the proposed car parking space, for example near a busy roads or a junction with restricted visibility’.

The leaflet states ‘Narrow widths are generally desirable and maximum widths will generally only be acceptable where exceptional site conditions exist’....and continues,

‘Generally the vehicular opening shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates’.

The Summary Principles of the ‘Parking Cars In Front Gardens’ leaflet states

- a.) The front garden shall still give the impression of being a front garden.
- b.) New work to the front boundary should be sympathetic to that existing and to the street

c.) Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.

5.2. **Natural Heritage Designations**

The site is not located within or adjacent to any designated European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (0040240), approx. 880m to the south east and separated from the subject site.

5.3. **EIA Screening**

The proposed development is not of a class for the purpose of EIA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The first party grounds of appeal relates to condition 3 (a), (b) and (c) of the permission issued by Dublin City Council and is summarised as follows:

- The aim of the garden design was to retain the garden as similar as possible, including the 100 year old wrought iron pedestrian gate and path as well as existing planting, as it is one of the few unchanged front gardens in Marino.
- The applicant passionately wants to maintain the original character of the estate and its history. The change to the front garden is required as the car is being replaced with an electric car and private storage is required.
- The proposed change to the garden is to reinforce the grass so that a car can park on it and remove 2.68m of the front railings, kerb and hedge, to be replaced with a metal gate that matches original pedestrian gate.
- Proposed layout will ensure symmetry with adjoining dwelling, no. 57, which has kept the original cement path and gate. The condition requires a combined entrance which would break the symmetry.

- A combined entrance would detract visually from this area. Other examples near by have combined entrances which do not respect the character of the area.
- Photos are submitted of existing dwellings which have combined entrances and ones which have separate pedestrian/vehicular entrances.
- There are permitted examples in the area that have retained a pedestrian as well as vehicular entrance, eg WEB1317/17 and 3263/07, photos included in submission.
- The proposal is in accordance with the development plan guidelines. The proposed grass driveway will retain a garden look. As narrow a vehicular entrance as possible is proposed to limit removal of railings. The proposed hedgerow along the boundary will be retained.
- A letter is included from Dr. McManus, who is an expert in early twentieth century housing and recently wrote Marino at 100, supporting the entrance. Dr. McManus considers the proposal is sympathetic to the original design, historic fabric, and visual amenity of the area, while the condition imposed would be unsympathetic.
- The proposed vehicular entrance complies with the conditions of the special area of conservation as designed and is important to maintain the heritage and symmetry of the Marino estate.
- Condition 3(a), (b) and (c) would result in the loss of character of the house, ruin the symmetry with 57 Brian Road, which is intrinsic to the design of the estate and the removal of an original feature, ie separate pedestrian gate and path.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. This is a first party appeal against planning condition 3(a), (b) and (c) of the Planning Authority which states:

Condition 3: The development shall adhere to the following:

- a) The proposed vehicle entrance shall be combined with the existing pedestrian entrance to provide one opening in the front garden boundary.
- b) The combined vehicular and pedestrian entrance shall have a maximum opening width of 2.6 metres.
- c) The remaining front garden boundary shall be retained in situ except where the combined vehicular and pedestrian entrance is provided.
- d) Driveway entrance shall not have outward opening gates.
- e) The development hereby approved shall make provision for 1 no. car parking space of 3 x 5 metres only. The hardstanding for the parked car space shall be of permeable materials. The remaining area of the front garden shall be landscaped or remain under grass.
- f) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- g) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of visual and residential amenity, and in the interest of public safety.

7.2. Having regard to the nature of the development proposed and the condition subject of this appeal, I consider a de novo consideration of the proposal is not warranted and I recommend the Board should use its discretionary powers under Section 139

of the Planning and Development Act 2000 (as amended), and restrict its consideration to the terms of condition no. 3.

- 7.3. The main issue of the appeal relates to visual amenity and conservation impact of the proposed parking arrangement.
- 7.4. I note the guidance provided in the development plan in relation to parking in front gardens. The proposed development is for the removal of an existing front boundary railing and replacement with a 2.68m wide vehicular entrance. I note the pedestrian entrance is to be maintained as is, adjoining which is a section of railing, off which the vehicular gate will be supported. The vehicular entrance will be visually separate to the pedestrian gate entrance. I note the pedestrian gate and pathway to the dwelling are original to the dwelling. I consider a combined pedestrian/vehicular entrance, as required by condition 3(a) is unnecessary and it would, as suggested by the applicant, detract from the historic arrangement typical of these dwellings, would detract from the symmetry being achieved with the adjoining dwelling and would detract from the visual amenity of the area.
- 7.5. I consider the layout as proposed by the applicant to be acceptable in the context of the development plan guidance and is in keeping with the visual amenity of the area. The proposed vehicular entrance is further more acceptable in terms of pedestrian safety and traffic. It is my view that Condition 3(a), (b) and (c) of the Planning Authority decision should be omitted and Condition 3 amended accordingly.

Appropriate Assessment

- 7.6. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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. 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 be 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 to **AMEND** condition number 3 so that it shall be as follows for the reason set out.

Condition 3: The development shall adhere to the following:

- (a) The vehicular entrance shall be no greater than 2.6 metres in width.
- (b) The entrance gates shall be designed so as not to open outwards.

Reason: To protect the existing amenities of this important residential conservation area and to comply with the requirements of Section 16.10.18 of the Dublin City Development Plan 2016-2022.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, and to the limited nature of the subject development, it is considered that the amendment to condition number 3 of this planning permission as set out above is reasonable and appropriate. The proposed development would not seriously injure or detract from the amenities of this conservation area or of property in the vicinity.

10.0 Conditions

3: The development shall adhere to the following:

- (a) The vehicular entrance shall be no greater than 2.6 metres in width.
- (b) The entrance gates shall be designed so as not to open outwards.

Reason: To protect the existing amenities of this important residential conservation area and to comply with the requirements of Section 16.10.18 of the Dublin City Development Plan 2016-2022.

Una O'Neill
Senior Planning Inspector

16th March 2020