

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3377/16

An Bord Pleanála Reference Number: PL 29S.247388

APPEAL by Robert Bastow care of B and K Architecture of 92 Coppinger Glade, Blackrock, County Dublin against the decision made on the 13th day of September, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Alterations to front boundary wrought iron railings and new gates to provide vehicular entrance off Lansdowne Road and two off street car parking spaces in front garden together with associated site and landscaping works all at 40 Lansdowne Road, Ballsbridge, Dublin (a Protected Structure).

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The site of the proposed development is listed on the record of protected structures in the Dublin City Development Plan 2016-2022, and is zoned as a Z2 residential conservation area. Section 16.10.18 of the Development Plan sets out the requirements of the planning authority in relation to parking in the curtilage of protected structures and in conservation areas. It is considered that the proposed development would fail to comply with the detailed criteria set out in the Development Plan, would contravene Section 16.10.18 of the Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policy MT14 of the planning authority, as set out in the Dublin City Development Plan 2016-2022, is to minimise loss of on-street car parking. Section 16.38 of the Plan (on-street car parking) provides for the preservation of available on-street parking where appropriate, and states that there will be a presumption against the removal of on-street car parking spaces. On the basis of the documentation on file, the Board is not satisfied that the proposed development would not result in the loss of on-street car parking that is available to the community. The proposed development would, therefore, contravene Policy MT14 of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the other similar development in the area and the planning history in the vicinity, and considered that it was unclear whether this development has all had the benefit of planning permission. It was also noted that circumstances have materially changed since permissions were granted by the planning authority at some locations, including the policies of the Development Plan. The planning history of this site under PL29S.117320 (planning authority register reference number 2990/99) was considered, whereby the Board refused permission for similar development. The Board was satisfied that in the circumstances it would not be appropriate to grant permission that would contravene Development Plan policies. It was considered that the effect of losing a public car park space would be greater in an area subject to high demand for such parking, and concurred with the planning authority that it would set an undesirable precedent. It was also noted that moving the car park space west to set it back from the front steps of the house would be likely to result in the loss of a mature tree that contributes to the streetscape.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.