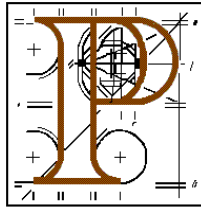


An Bord Pleanála



Inspector's Report

PL 29S 245714

DEVELOPMENT:

A 2.6 m wide vehicular entrance and car turntable with parking for two cars in the front garden. Installation of an electronically operated gate with reuse or replication of the existing railing and retention of the existing pedestrian gate which are to be restored including cleaning and repointing of the plinth and remodelling of the of landscaping in the garden.

LOCATION:

47 Palmerston Road, Rathmines, Dublin 6.
(Protected Structure.)

PLANNING APPLICATION

Planning Authority:

Dublin City Council.

P. A. Reg. Ref:

3469/15.

Applicant:

John Lyons and Gabrielle Bowe.

Decision:

Refuse Permission.

APPEAL

First Party Appellant:

John Lyons and Gabrielle Bowe.

Type of Appeal:

Appeal against Decision to Refuse Permission.

Date of Inspection:

7th January, 2016.

Inspector

Jane Dennehy.

1. **SITE LOCATION AND DESCRIPTION**

- 1.1 The site is that of a late nineteenth century terraced two storey over garden level house with front and rear gardens on the east side of Palmerston Road a short distance to the north of Cowper Road and South of Windsor Road. There is a mews access lane from Cowper Road that extends as far as the rear of the site
- 1.2 The front entrance is accessed by a granite staircase with railings to the side. The front garden is enclosed by cast iron railings mounted on a granite plinth and a pedestrian gate. The front garden contains shrub and flower borders, a small lawn area and a path between the gate and granite staircase.
- 1.3 The railings and pedestrian gates are intact at all the properties along the terrace. Curtilage parking and vehicular entrances has been provided at some of the properties along Palmerston Road. Pay and Display and Residential Permit parking is available on both sides of Palmerston Road parallel to the public footpaths.

2. **PLANNING HISTORY:**

- 2.1 **P. A. Reg. Ref. 3809/00:** Permission was granted for alterations at ground floor level, the conversion of an outhouse to a utility room, blocking up of a window and widening of a door.

3. **DEVELOPMENT PLAN.**

- 3.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is within the area subject to the zoning objective: Z2: *"To protect and improve the amenities of Residential Conservation Areas"*. The houses on Palmerston Road, including No 47 are included on the record of protected structures.
- 3.2 Policy SI13 provides for the objective of the planning authority to retain on street parking as a resource or the city as far as is practicable. According to section 17.40.11 there is a presumption against removal of on street parking in residential areas where residents are largely reliant on use of street parking spaces. Design criteria are in Appendix 10.

4. **THE PLANNING APPLICATION.**

- 4.1 The application lodged with the planning authority indicates proposals for creation of a 2.6 metre wide vehicular entrance and installation in the front garden of an electronically operated turning table which is to be finished in granite sets) to provide for off street parking for two cars that

can access and egress the site in forward year. In order to create the vehicular entrance, a 2.6 metre length of granite plinth and railing is to be removed. Existing plinth, railings and pedestrian gate over the remaining 7.9 width of the site frontage are to be retained.

4.2 The application is accompanied by a Conservation Report and a Traffic and Access Report. According to the traffic and access report, sufficient sight lines from a 2.4 metre setback can be achieved for the design speed of 30-50 kph on Palmerston Road but this would be subject to removal of an on street parking space. The applicant is reliant on an holistic approach provided for in DMURS with regard to this and the removal for up to six metres of on street parking space to be removed. if the on street parking and this is consistent with standards in DMURS.

4.3 According to the Conservation Assessment the proposed development:

- accords with Appendix 10 of the Dublin City Development Plan and is achievable without serious adverse effect on the special character of protected structures or the conservation area.
- traffic safety related concerns should take precedence over conservation considerations in the adjudication of the case.

4.4 The report of the Roads Planning Division concludes with a recommendation for refusal of permission because

- the removal of on street parking to provide a private vehicular access is contrary to the Policy SI13 of the development plan to retain on street parking as a resource for the city as far as practicable and,
- the proposed development would set undesirable precedent for similar development.

4.5 The report of the Conservation Officer contains a recommendation for refusal of permission due to adverse impact on the setting of the protected structure and the removal and loss of primary fabric and skilled craftsmanship. There is a detailed commentary on the rationale for the reason in the report and conditions recommended for attachment if permission is granted.

4.6 Third Party submissions were received from the applicants' daughter and the occupants of two neighbouring properties supporting the application.

5. **DECISION OF THE PLANNING AUTHORITY.**

5.1 By Order dated, 14th October, 2015 the planning authority decided to refuse permission on the basis of two reasons:

- Direct contravention of Policy SI13 of the Dublin City Development Plan 2011-2017 and, potential to set precedent for further similar development and,
- Serious impact on the character and setting of the protected structure and on the amenities of the residential conservation by provision for parking for two cars due to the limited size of the front garden.

5.2 According to the planning officer's report:

- vehicular entrances have been created at other properties on Palmerston Road.
- the frontage (plot width) of the appeal site property is one of the narrowest on the road.
- removal of on street public car parking would set precedent for similar development for the neighbouring properties which do not have off street parking.

6. THE APPEAL.

6.1 An appeal was received from Geraldine O'Daly, Architect on behalf of the applicant on 5th November, 2015. According to the appeal:

- On street carparking spaces are always available, are mostly used by local residents and capacity will be increased and not reduced by the proposed development. The applicants have two residential parking permits. The innovative proposal for two cars on a turning table results in a net gain in on street spaces. The frontage can accommodate the entrance and an on street space.
- There are several successful developments which have arguably improved the streetscape and the houses. No 47 has access to the same spaces as Nos. 60 and 82 at which parking in front gardens that are not much larger has been permitted
- The proposal is sensitively integrates into the neighbourhood, the views toward the house would not be changed significantly and the house would be more sustainable. The electronic turntable, accommodating 28 square metres takes much less space. Existing planting can be retained and re-sited and 43% of the total garden area of 120 square metres will be in soft landscaping.

- Short stay/commercial/leisure usage is not relevant as Palmerston Road is a residential area.
- The terrace does not have a separate identity that singles it out for different treatment to the other properties on Palmerston Road. No.42 the end unit has off street parking off Cowper Road.
- The applicants are getting older and have in an increasing need for parking close to the house. Parallel parking can be fraught especially in the evening time when it is necessary to compete with traffic. Safety would be greatly enhanced by the proposed vehicular entrance and the turntable ensures safety and no need for reversing onto the road.
- Neighbours support the application and the residents' association has no objection.

7. RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY.

7.1 There is no submission from the planning authority on file.

9. EVALUATION

9.1 The issues central to the determination of the decision and which are considered below are:

- Impact on existing supply of on street parking. (Policy SI13);
- Vehicular and pedestrian safety;
- Impact on the protected structure and the residential conservation area.

9.2 Impact on existing supply of on street parking. (Policy SI13)

There is no dispute that there is an ample readily availability of convenient on street parking capacity on Palmerston Road for the benefit of residents, visitors and other road users. The creation of an entrance at No 47 which is within the terrace in which the plot widths are the narrowest on Palmerston would result in the loss of on street parking capacity to the front of the terrace. Take up by other properties in the terrace of the precedent that would be set would lead to diminished and potential elimination of available convenient on street parking in front of the properties in the terrace benefitting the residents. To this end, there would be negative effect on the supply of on street parking the retention of which is provided for in Policy Objective SI13 and section 17.40.11 of the development plan.

9.3 Vehicular and pedestrian safety.

Palmerston Road is not one of the major routes between the city and the southern suburb and pressure of commercial and commuter traffic is limited. It is not accepted that parking movements involved in usage of the parallel on street parking spaces along the frontage of the terrace gives rise to significant obstruction of traffic movements and endangerment of public safety. Existing standards and conditions for the on street parking arrangements on Palmerston Road are not hazardous or substandard and traffic and pedestrian conditions and facilities are favourable.

9.4 The proposed turning table enables the applicant to egress and to access the site in forward gear. Owing to the existing good conditions, any public benefit of the use of the proposed turning table would be very limited so it would be inessential from a traffic and public safety perspective. The turning movements from the public road in and out of the site would substitute the vehicular movements the applicant needs to make when using the on street parking spaces.

9.5 Impact on the protected structure and the residential conservation area.

From an architectural heritage and conservation perspective there is concern about the loss and impact on the integrity of original historic ironwork and masonry that would be incurred in providing off street parking in the front garden. It would appear that intervention and alterations to the original railings and granite plinth would be considerable although there is some lack of clarity as to the extent of intervention and works.

9.6 The contention in the appeal that safety considerations should take precedence over architectural conservation is not accepted. There are no exceptional circumstances to support the applicants' case because of the ample supply of existing on street parking facilities available to the front of the terrace for use by do not raise to any traffic and pedestrian safety concerns.

9.7 Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development and the likely emissions from it, the nature of the receiving environment and proximity to the nearest 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 European sites.

10. CONCLUSION AND RECOMMENDATION.

- 10.1 In view of the foregoing it is considered that the planning authority decision to refuse permission should be upheld and that the appeal should be rejected. It is recommended that the planning authority decision be upheld and that permission be refused on the basis of the reasons set out in the draft order is set out overleaf.

DECISION

According to Policy SI13 and to section 17.40.11 of Dublin City Development Plan, 2011-2017 it is the policy of the planning authority to retain on street parking as a resource of the city as far as is practicable and there is a presumption against removal of on street parking in residential areas where residents are largely reliant on use of street parking spaces. The site of the proposed development is within a terrace of houses which has narrower plot widths than the other properties on Palmerston Road. It is considered that the creation of a vehicular entrance to provide for off street parking at a property within this terrace would reduce the supply of on street parking to the front of the terrace and would set undesirable precedent for further similar development adversely diminishing the availability of on street parking for the convenience of residents of the properties within the terrace.. As a result the proposed development would materially contravene a development objective of the development plan and would be contrary to the proper planning and development of the area.

Jane Dennehy,
Senior Planning Inspector.
18th January, 2016.