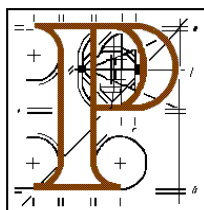


An Bord Pleanála



Inspector's Report

PL. 29S 245751

DEVELOPMENT: New Driveway Access and modifications to boundary wall and entrance gate.

LOCATION: 54 York Road, Rathmines, Dublin 6.

PLANNING APPLICATION

Planning Authority: Dublin City Council.
P. A. Reg. Ref: WEB1281/15
Applicant: Paul Mitchell.
Decision: Refuse Permission.

PLANNING APPEAL

Appellant: Paul Mitchell.
Type of Appeal: First Party Against Decision to Refuse Permission.
Observer: Rathgar Residents' Association
Date of Site Inspection: 7th January, 2016.
Inspector: Jane Dennehy.

1.0 **SITE LOCATION AND DESCRIPTION**

- 1.1 The site is that of a two storey house within one of two terraces of six houses with front and rear gardens on the north eastern side of York Road, Rathmines. There are vehicular accesses to the front garden areas at three of the twelve houses in the two terraces. The two terraces of houses appear to be of late 1980s or early 1990s construction whereas the majority of the remainder of the houses on York Road appear to date from the late nineteenth century.
- 1.2 There a vehicular access lane from York Road along the rear of the properties on York Road. There are entrances to garages and rear gardens of the properties of the properties on York Road off this lane. There is pay and display and residential permit parking on both sides of York Road and along the adjoining roads in the area.

2. **THE PLANNING APPLICATION.**

- 2.1 The application lodged with the planning authority on 31st August, 2015 indicates proposals for two carspaces on a cobble block surface (5.8 m x 5.4 m) in the front garden along with planting at the side and installation of an 'aco' trench drain at the entrance for surface water drainage. The entire site frontage (5 metres) with the exception of two gate piers at the boundary with the adjoining properties is to be removed. According to the written submission the applicant has difficulty in finding convenient on street parking in the evenings.
- 2.4 The report of the Roads and Traffic Planning Division indicates a recommendation for refusal of permission owing to direct conflict with section 17.40.11 and Policy SI13 of the Dublin City Development Plan 2011-2017 because it would be necessary to remove an on street parking space reducing the supply of on street carparking, which has dual residential and commercial/leisure use.
- 2.5 The Engineering Department's Drainage Division indicates no objection subject to standard conditions.
- 2.6 According to the planning officer report:
- one of four existing vehicular entrances is unauthorised,
 - two have the benefit of a grant of permission in 1999 and 2001 and,
 - permission was granted 2007 for a period of five years for the fourth property on grounds of special circumstances relating to disability.

3.0 **DECISION of the PLANNING AUTHORITY.**

- 3.1 By order dated, 20th October, 2015, the planning authority decided to refuse permission for the following reason:

“Having regard to Policy S113 of the Dublin City Development Plan 2011-2017 which seeks to retain on street parking as a resource for the city, as far as practicable, it is considered that the proposed removal of an on-street carparking space to accommodate a private vehicular access would result in a reduction in the availability of on street parking facilities available to residents and other road users and would set an undesirable precedent for further similar developments in the vicinity and, as such is considered to seriously injure the residential amenities of the area The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”

4.0 **THE APPEAL**

- 4.1 An appeal was received from NKA Architecture on behalf of the applicants on 12th November, 2015. Some photographs are attached. The appeal grounds can be outlined as follows:

- Policy S113 should be directed towards commercial areas. On street parking hinders the two way traffic flow on York Road in the vicinity of the site and causes delays on Rathmines Road Upper.
- The applicant and visitors often cannot find parking convenient to the appeal site on the road. Parking on other roads has implications for safety, security, access for emergency vehicles and affects the availability of on street parking from residents of those roads.
- The appeal site frontage addresses 1.5 on street parking spaces. The total number of spaces can be increased to three because the applicant is willing to reduce the entrance width to 2.5 metres so that two proposed spaces can be provided inside the property and one outside and this benefits all road users.
- Precedent has already been established as there are eleven plus off street spaces. There are three driveways at the two terraces (twelve houses) and off street parking for an apartment block on the other side of the road.

5.0 RESPONSE TO APPEAL BY THE PLANNING AUTHORITY

5.1 The planning officer in a submission received on 3rd December, 2015 confirms that there is no change to the decision of the planning authority and requests that it be upheld.

6. OBSERVER SUBMISSION - RATHGAR RESIDENTS' ASSOCIATION.

6.1 According to the submission received on 9th December, 2015 refusal of permission is requested because:

- Development *Plan* policy does not support the proposed development.
- The planning authority has recently refused permission for the bulk of applications for similar development on Rathgar's residential roads.
- There has been erosion of on street parking on residential roads where the needs of the community takes precedence over individuals.
- Off street parking on small plots dominates the front garden and impacts negatively on residential amenity.

7.0 DEVELOPMENT PLAN.

7.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is within:

- An area subject to the zoning objective: "Z2: *to protect and/or improve the amenities of residential conservation areas*".
- Policy SI13 seeks to retain the supply of on street parking as a resource of the city as far as practicable and Section 17.40.11 provides for a presumption against the removal of on street parking spaces to facilitate new private vehicular entrances in residential areas where residents are reliant on public on street parking.

8.0 PLANNING HISTORY:

3.1 There is no record of any planning history for the appeal site.

7.0 ASSESSMENT

- 7.1 The issues central to the determination of the decision are considered under the two subheadings below are:

Policy SI13 and Section 17.40.11 of the Dublin City Development Plan, 2011-2017 and Precedent.

Traffic Safety and Convenience and Residential Amenity.

8.2 **Policy SI13 and Section 17.40.11 of the Dublin City Development Plan, 2011-2017 and precedent.**

The existing on-site parking and widened entrances within the terrace of dwellings that includes the appeal site and in the immediate vicinity is acknowledged. However, there is no evidence of any similar development permitted under the current development plan having regard to the SI13 and Section 17.40.11 that could be taken as precedent for the current proposal. This current policy has been strictly applied in the residential roads of Rathmines and Rathgar by both the planning authority and the Board following appeal as pointed out in the Observer submission. Favourable consideration of the subject proposal would set precedent for similar development, setting aside the provisions of Policy SI13 and section 17.40.11 of the development plan.

8.3 **Traffic Safety and Convenience.**

In order to reduce the potential loss of public on street parking supply the applicant in the appeal proposes a reduction in the width of the vehicular entrance. It is not agreed that the proposed provision of two private on-site spaces with access via the reduced entrance width of 2.5 metres would be more beneficial with regard to the availability of public on street parking. Furthermore, the appeal does not include any details to demonstrate that satisfactory standards for turning movements in and out of the on-site spaces can be satisfactorily achieved. It does not appear feasible, for a vehicle to access and egress the site with ease and without obstruction via the reduced width entrance if the other off street parking space is occupied by another vehicle. In addition, turning movements for access and egress via the vehicular entrance to the on-site parking would contribute to obstruction of traffic flow on York Road. Therefore, the proposed arrangements would not overcome obstruction of flow of traffic caused by on street parking on both sides of the road, as asserted in the appeal.

- 8.4 The argument that the two proposed off street spaces reduce demand for the public on street parking availability is not persuasive because the substitution of off street private parking spaces is not a comparable

replacement for loss of public on street spaces. It is therefore not accepted that there is a net public benefit in terms of availability of public on street parking for the benefit of residential and commercial /leisure use. To this end, it is considered that there is justification for the setting aside of Policy SI13 and section 17.40.11 to allow for favourable consideration of the proposed development.

8.5 During the course of the inspection and desk study it was noted that there is a public access lane to the rear of the properties on the north side of York Road including the appeal site property. There are vehicular entrances and garages or similar structures which open onto the lane at most of these properties so these properties benefit from rear access off the lane.

8.6 **Appropriate Assessment Screening:**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 **CONCLUSION AND RECOMMENDATION.**

In view of the foregoing, it is recommended that the appeal be rejected, the planning authority decision be upheld and that permission be refused on the basis of the reasons and considerations set out in the draft order overleaf.

DECISION.

Refuse Permission on the basis of the Reasons and Considerations set out below:

REASONS AND CONSIDERATIONS

The proposed development of a vehicular entrance and two private off street parking spaces in the front garden would necessitate removal of public on street parking facilities in an area in which residential permit parking is available for use by residents and for use the wider community in connection with short stay commercial and leisure use. The proposed development would therefore materially contravene Policy S113 and section 17.40.11 of the Dublin City Development Plan, 2011-2017 which provides for the retention of on street parking as a resource for the city in so far as is practicable and in which there is a presumption against the removal of on street parking spaces to facilitate new private vehicular entrances in residential areas where residents are reliant on public on street parking and would set precedent for further similar development. As a result the proposed development would be contrary to the proper planning and development of the area.

JANE DENNEHY.
Senior Planning Inspector
22nd January, 2016.