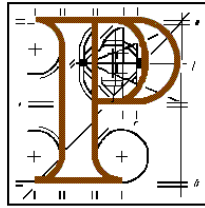


# An Bord Pleanála



## Inspector's Report

**PL06D.245947**

**DEVELOPMENT:-** Permission for alterations to the existing (garden) vehicular entrance to 3.5m in width and all associated site works at 92 Temple Road, Blackrock, Co. Dublin.

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15A/0644  
**Applicant:** Niamh Carmody  
**Application Type:** Permission  
**Planning Authority Decision:** Refuse

### APPEAL

**Appellant:** Niamh Carmody  
**Type of Appeal:** 1st-v-Refusal  
**DATE OF SITE INSPECTION:** 22<sup>nd</sup> March 2016  
**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

1.1 The appeal site, which has a stated area of 0.044 hectares, is located on Temple Road, at the eastern end of Blackrock Village. The site is occupied by an existing dwelling at the junction of Temple Road and Newtown Avenue. The existing dwelling (no. 92) is a two-storey semi-detached, dwelling and is angled to face south along with no 85 Newtown Avenue, which is the other dwelling that forms a pair of semi-detached dwellings. Immediately north of the site are the rear gardens of no.s 85 and 83 Newtown Avenue and to the east is no. 90 Temple Road, which is also a two-storey semi-detached dwelling with a single-storey garage to the side. As well as the main vehicular entrance to no. 92 (located at the junction of Temple Road and Newtown Avenue), there is an existing entrance to the site from Temple Road, which is busy dual carriage way.

## 2. PROPOSED DEVELOPMENT

2.1 Permission is sought to alter the existing vehicular entrance to increase its width to 3.5m and all associated site works. The entrance is to be widened from its current width of 2.516m to 3.5m with a new pier to tie in with the existing wall and match the existing one to west of the entrance, wooden gates are to be installed.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- a) Transportation Planning (23/11/15): It is noted that the location of the existing primary vehicular access is considered preferable for use from a traffic safety perspective and that the Transportation Planning section are not in favour of the proposed widening to this secondary vehicular access onto the N31 for a single residential dwelling.
- b) Drainage Planning (28/10/15): No objection.
- c) Planning report (01/12/15): It is noted that the existing dwelling has two vehicular entrances, the entrance subject to alteration and a 6m wide entrance. The views of the Transportation Planning section were noted and refusal was recommended based on the reason outlined below.

## 4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission refused based on one reason, which is as follows...

1. *The vehicular access would provide for wider secondary vehicular access onto the heavily trafficked N31 for a single residential dwelling. The proposed widened entrance would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.*

## 5. PLANNING HISTORY

- 5.1 PL06D.244144: Permission refused for construction of a house in side garden, alterations to existing house on site and alterations to vehicular entrance at 92 Temple Road, Blackrock, Co. Dublin. Refused for one reason...

*1. The configuration of the existing dwellings and their curtilage mean that the proposed dwelling is only five metres from the rear amenity space serving number 85 Newtown Avenue, which is small in size due to its location at the junction of Temple Road and Newtown Avenue, as well as being in close proximity to the rear elevation of existing dwelling at number 92 Temple Road. The consequence of the layout as proposed would be that the proposed dwelling would have an overbearing impact in relation to both number 92 Temple Road and number 85 Newtown Avenue. Due to proximity, scale and relationship with adjoining properties, the proposed development would result in significant and unacceptable levels of overshadowing to the rear of number 85 Newtown Avenue and to the rear and side of number 92 Temple Road. The proposed development would, therefore, seriously injure the residential amenities of adjoining property and would be contrary to the proper planning and sustainable development of the area.*

## 6. PLANNING POLICY

- 6.1 The appeal site is within the area covered by the Dun Laoghaire-Rathdown County Development Plan, 2016-2022, and has a zoning objective 'A': 'to protect and/ or improve residential amenity.'

## 7. GROUNDS OF APPEAL

- 7.1 A first party appeal has been lodged by Bright Design Architects on behalf of the applicant, Niamh Carmody. The grounds of appeal are as follows...
  - The proposal is for alteration of an existing vehicular access. It is noted that the applicant finds it difficult to use the entrance safely due to the existing layout and the alterations proposed would improve this situation. It is noted

that the applicant uses the entrance as it affords secure parking. It is noted that it is intended to widen the entrance and make the gates automatic gates and that such will minimise any potential traffic disruption on Temple Road.

- It is noted that the proposal is alteration of an existing vehicular entrance and the existence of another vehicular entrance to the site is of no relevance to the applicant's reason for seeking alteration to the other existing entrance.
- It is noted that a large number of dwellings along Temple Road have entrances with widths in excess of 3.5m and it is noted that there are numerous decisions to grant permission by the planning authority for similar proposals throughout the Council district.

## 8. RESPONSES

8.1 No responses.

## 9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/traffic safety

### 9.2 **Principle of the proposed development/traffic safety**

9.2.1 The proposal entails widening an existing vehicular access off Temple Road from 2.516m to a width of 3.5m. The existing entrance serves no. 92 Temple Road and is a gated entrance giving access to a driveway and garage. There is an alternative entrance to the site also off Temple Road. The alternative entrance is located further east and is also gated with a width of 6m and provides access to the front garden. The 6m wide access would appear to be in most frequent use to access the existing dwelling. Permission was refused due to concern about traffic safety and improving the secondary access with it preferable to the Council that the existing primary access remains as such.

9.2.2 I would acknowledge that Temple Road is a heavily trafficked dual carriageway and there would be presumption against permitting a proliferation of unnecessary vehicular entrance points. At present only traffic travelling east can access the site as there is a central reservation separating the two opposing lanes along Temple Road. Visibility in the direction traffic is coming from is of a reasonably good standard. Notwithstanding this view it must be acknowledged that the proposal is not for a new vehicular access, but alteration of an existing established vehicular access. As it stands the applicant/occupant is well in their rights to use the existing access subject to this appeal for vehicular access to the site as much or as little as they wish. It

could certainly be argued that the existing narrow width of this entrance does curtail safe traffic movements using the entrance and that widening such to 3.5m would improve the situation from the point of view of traffic movements. In this regard it can be argued that the alterations proposed improve the situation in relation to traffic safety and would be in accordance with the proper planning and sustainable development of the area. Having regard to such and subject to a condition requiring that any gates open inwards, I am satisfied the proposed development would be acceptable in regards to traffic safety and convenience.

### **9.3 Other Issues:**

9.3.1 The alterations to the access are satisfactory in regards to the visual amenity of the area and tie in with the existing wall.

9.3.2 Having regard to the nature and scale of the proposed development and its 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 a European site.

## **RECOMMENDATION**

I recommend a grant of permission subject to the following conditions.

## **REASONS AND CONSIDERATIONS**

Having regard to the fact the proposal entails widening of an existing established vehicular entrance in such a manner that would improve use of such in regards to traffic safety, it is considered that, subject to compliance with conditions the proposed development would be acceptable in the context of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The timber gates shall open inwards only.

Reason: In the interest of traffic safety and orderly development.

Colin McBride

23rd March 2016