

An Bord Pleanála



Inspector's Report

PL29N.245963

Development

Description: Replacement of a section of the front railing with matching gates to access one parking space to front of property at 9 Waterloo Avenue, North Strand Road, Dublin 3.

Planning Application

Planning Authority: Dublin City Council.
Planning Authority Reg. Ref.: 3895/15.
Applicant: Dylan Pitt
Type of Application: Permission.
Planning Authority Decision: Refuse.

Planning Appeal

Appellant(s): Dylan Pitt
Type of Appeal: 1st Party -v- Refusal.
Date of Site Inspection: 21/03/2016

Inspector: Suzanne Kehely

1.0 SITE LOCATION AND DESCRIPTION

- 1.01 The appeal site is a family house off the Strand Road near the city centre on the south western side of Waterloo Avenue near the end of the cul-de-sac. This road is of a fairly standard width (with on-street parking on one-side and yellow lines on the other) before kinking and narrowing at the end to about 3.5m as measured kerb to kerb/building. In contrast to Strand Road, the road is a quiet residential pocket with terraces of family dwellings on the south west side. On the opposite side there is a Church, small national school and 2 detached dwellings. There is a narrow granite kerbed footpath on the southern side. There is marked on-street parking most of which requires payment along the road from the junction with Strand Road up to the front of no.7. Some is reserved near the Strand Road junction for the commercial business. There is no marked parking space beyond no.7 i.e. to the front of nos. 8-10.
- 1.02 No 9 is a mid-terraced dwelling in a terrace of three dwelling houses at the end of the road where it narrows. They are two storey two bay properties with incorporated side passages. The plots area 6.84m wide as measured at the boundary. The front garden depths are 6.73m. This is considerably deeper than the railed enclosures fronting nos.1 -7.
- 1.03 At time of inspection the railings and gate had been removed off the top of the granite plinth from the eastern gate post leaving only a short section of original railing. The pathway has been retiled and the remainder of the garden has been freshly gravelled. The original front boundary treatment with pedestrian access remains in the neighbouring dwellings in the terrace.

2.0 PROPOSED DEVELOPMENT

- 2.01 The application lodged with the planning authority on 9th May, 2016 proposes to provide a vehicular access by replacing a section of the fixed railing and plinth with a 2.79m doubled gated opening. It is proposed to reuse the original railings in proposed bi-folding gates. The bi-folding design permits closing of gates with a parked car within the curtilage. The pedestrian gate is to be retained. It is also proposed to re-use the granite plinth in the garden landscaping.

3.0 PLANNING HISTORY

- 3.01 PL.29N.222024 refers to a decision to refuse permission for demolition of existing house and the building of a four-storey over basement block of apartments to include (a) car parking in basement, (b) three number two bedroom apartments on ground floor, (c) six number two bedroom apartments over two floors (first and second floor) with balconies to south-west, south-east and north-east elevations, (d) one number two bedroom and one number one

bedroom apartments with roof terraces on fourth floor and (e) the widening of existing vehicular entrance (that has access via lane from Nottingham Street) and all ancillary works at 11 Waterloo Avenue (opposite subject site) for the stated reasons:

1. It is considered that the proposed development by reason of the internal layout and the inadequate size of apartments proposed would result in a substandard form of residential development which would seriously injure the amenities of the area and future occupants of the proposed apartments and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by reason of inadequate open space and car parking provision would materially contravene the requirements of the current Dublin City Development Plan in relation to private open space provision and car parking provision and would constitute a substandard form of residential development which would seriously injure the amenities of the area and the amenities of future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is a policy of the Dublin City Development Plan 2005-2011 to seek “the retention, reuse and refurbishment, using appropriate materials and techniques of older buildings of architectural, cultural, historic and aesthetic merit which though not Protected Structures, make a positive contribution to the character, appearance and quality of the local streetscapes and the sustainable development of the city”. The Board is not satisfied, based on the submissions received in connection with the planning application and the appeal that the demolition of the existing mid-nineteenth century Victorian villa-style dwelling which is considered to be of architectural, historic and aesthetic merit and which contributes to the character of the streetscape, has been justified. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.0 PLANNING AUTHORITY DECISION

4.01 The Roads and Traffic Planning Division has no objection having regard to the location of the site at the end of the cul-de-sac.

4.02 The Drainage Division has no objections subject to conditions.

4.03 The planning report notes, the interdepartmental reports, the objections relating to zoning, narrowness of street, and planning application details/process, the absence of permit/pay and display parking and the development plan provisions in respect of parking standards and development in conservation areas (section 17.10.6). Particular regard is had to the latter issue.

- 4.04 By Order dated, 8th December, 2015 the planning authority decided to refuse permission on the basis of the following reason:

The subject site is located in a Z2 residential conservation area as set out in the Dublin City Development Plan 2011-2017 which section 7.2.5.3 states that 'conservation areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city'. The terraced houses along this section of Waterloo Avenue including the subject house, are characterised by their small and relatively intact front garden areas bounded by railings on granite plinths. It is considered that the removal of a substantial section of the existing front boundary treatment and the removal of a significant portion of the front garden to provide for a car parking area in close proximity to the front window of the house would result in a minimal landscaping area remaining. By virtue of the nature and scale of the intervention required in a small and shallow front garden area including the removal of original fabric, it is considered that the proposed development by itself and by the undesirable precedent that it would set would undermine the architectural integrity of no.9 Waterloo Avenue, of its terrace group and of the streetscape and would therefore adversely affect the character of the residential conservation area and would contravene its zoning objective as set out in the Development Plan. The proposed development would therefore be contrary to the proper planning and development of the area.

5.0 GROUNDS OF APPEAL

- 5.0.1 An appeal was received by the applicant on 5th January 2016. This includes drawings and photographs of the street. The grounds of appeal refer to:

- Chronic parking and access situation for family with 3 young children in this city street where street parking is partially reserved for a busy undertaker and where the applicant's car is often blocked in at end of cul-de-sac.
- Precedence not an issue as house is not prominent is only one of 3 and railings along road have been replaced with concrete wall at one property.
- The possible misinterpretation by PA of the drawings with respect to space available – there is more than the delineated parking space 'box'. Bi-folding gates permit more space to park and manoeuvre.
- The method would be a template for good conservation practice which is based on the principle of retaining and re-using materials and achievable in this instance as the applicant owns an architectural metalworking business
- The granite plinth blocks would be re-used in the garden.

6.0 APPEAL RESPONSES

6.1 The Planning Authority

6.1.1 In correspondence dated 6th Jan 2016 Dublin City Council acknowledges the appeal and attaches the Manager's Order, planning report, objections and Drainage Division report. The cover letter refers to potential further comments from the City Planner however no further comments on the grounds of appeal have been submitted.

6.2 Prescribed bodies.

6.2.1 The grounds of appeal were circulated to Failte Ireland, An Comhairle Ealaion, An Taisce, DAU Dep Arts Heritage and the Gaeltacht. There are no responses

6.3 Observations

6.3.1 RC Flewitt

- The council decision is correct in respect impact on garden and architectural integrity of terrace.
- removal of railings is not consistent with appropriate standards not can granite plinths been used to fully segregate gravel in garden.
- The concrete block wall is not necessarily relevant and they may pre-date conservation designation
- Car parking has always been an issue – even before the applicant purchased home. He has option move.
- Illegal parking is a matter for enforcement only.
- Alleged illegal parking on footpath outside no.9. This has allegedly damaged kerb and footpath.
- Drawings are not sufficiently clear

6.4 Appellant's response to observations

- There is ample space for parking
- The applicant is very experienced with respect to high standard restoration
- Cannot understand objection to more parking provision in this area
- Seeking to improve house rather than move house which is not practical.
- Granite can be used in conjunction with new pieces.
- Other examples of altered railings should concern observing party.
- Car needs to park on footpath in order to permit access beyond. Footpath not used as only serviced one house

- Dishing is not required due to 35mm high kerb. This is a fairly universal height along the street.
- Sometimes need to park in front of no.11 to ensure egress.
- Anti-social behaviour due to on-street car relates to allegedly stage of neglect and vacancy in neighbouring property.
- Advertisement in compliance with Regulations and common sense.

7.0 DEVELOPMENT PLAN PROVISION

7.1 Zoning

- 7.1.1 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/or improve the amenities of residential conservation areas”**.

7.2 Parking for city mews

- 7.2.1 All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. At least one off-street car space must be provided for each mews building, subject to conservation criteria

7.3 Use of historic buildings

- 7.3.1 **Section 17.10.5** refers to **Retention and Re-Use of Older Buildings of Significance which are not Protected** and states that the re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes.

7.4 Off-street Parking in Conservation Areas

- 7.4.1 **Section 17.10.6** refers to **Parking in the Curtilage of Protected Structures and in Conservation Areas** and states that **poorly designed off-street parking** in the front gardens of protected structures and in conservation areas can have an **adverse effect 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 protected structures and within conservation areas 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 protected structures and conservation areas. However, where site conditions exist which **facilitate parking provision without significant loss of visual amenity and historic fabric, proposals for limited off-street parking in the front gardens of protected structures and in conservation areas will be considered** where the following criteria can be met:

- Every reasonable effort is made to **protect the integrity** of the protected structure and/or **conservation area**
- There is **sufficient depth** available 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 proposal accords with the design criteria set out in **Appendix 10**

Further to the above considerations it is acknowledged that there are certain properties with large front gardens, which, subject to the following requirements and the guidelines set out in Appendix 10, could accommodate limited car parking without seriously affecting the special character of protected structures or conservation areas:

- The remaining **soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing.** *[This is not shown but can be provided]*
- Car parking shall be designed so that it is **set-back from the house and front boundary wall** to avoid excessive impact on the protected structure *[This is tight]*
- Car parking bays shall be **no greater than 5m x 3m metres wide.** *[Note: This can be provided]*
- The proposed vehicular entrance should, **where possible be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6m and this combined entrance should be no greater than half the total width of the garden at the road boundary.** *[Not proposed]* The gates shall not swing outwards so as to cause an obstruction on the public footpath.*[This can be complied with]*
- Where cast iron railings exist, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and **cast iron railings that require alterations shall be reused and integrated** *[This is proposed]* with all new parking adaptations to the front boundary.

Special regard will be had to circumstances **where on-street parking facilities are restricted** as a consequence of the introduction of bus priority

measures or **other traffic management changes**. In such situations, **every reasonable effort will be made to facilitate proposals for off-street parking in the front gardens** of protected structures and in conservation areas subject to the above criteria being met.

Proposals for off-street parking in the front gardens of protected structures and within conservation areas **will not be permitted in the following circumstances**:

- Where satisfactory vehicular **access to the rear** garden exists or can be easily provided without compromising personal safety and where sufficient rear garden area is available to meet both the parking and open space requirements of the building *[N/A]*
- Where there is **insufficient area** to accommodate a parked car in the front garden or where the proposal relates to vehicles other than a private car (i.e. caravan/boat) *[N/A in my opinion]*
- Where proposals would result in the **removal of the entire front boundary** of the property *[N/A]*
- Where the development would involve the **subdivision of original historic communal front areas** (shared by two houses or more) into separate driveways and where this would detract seriously from the unique architectural relationship and composition of the buildings and street *[N/A]*

Where off-street parking is proposed in **terraces or streets that are characterized largely by pedestrian entrances with few vehicular access openings, such proposals will be examined on their own merits** and will be subject to the criteria outlined above.

Where terraces/streets are characterized by railings of unique significance, which are of a type not found largely throughout the city, the planning authority may seek to retain such railings. *[N/A]*

Similarly, proposals to provide more than one private car within the curtilage of an owner occupied residential building will only be considered in exceptional circumstances where the integrity of the building or area is protected and retained.

7.5 Protection of on-street parking

- 7.5.1 Policy S113 and Section 17.40.11 indicate **a presumption against removal of on street parking space to facilitate provision of vehicular entrances** to single dwellings in predominantly residential areas largely dependent on street parking spaces. And according to Policy 113 it is the objective of the planning authority to retain on street parking as a resource or the city as far as is practicable. *[N/A]*

7.6 Appendix 8 – car parking standards

- 7.6.1 This section of the Development Plan provides detailed guidance on roads and parking standards. Road widths can be a minimum of 5.5. Driveways are guided at arrange from at least 2.5m or to at most, 3.6m in width, and shall not have outward opening gates. The design standards set out in the planning

authority's leaflet 'Parking Cars in Front Gardens' shall also apply. Section 4 sets out further detailed guidance on parking in conservation areas and is used in the assessment framework below.

8.0 ASSESSMENT

8.1 Issues

8.1.1 This appeal relates to the provision of off-street parking for a family home in a Z2 residential conservation area. The planning authority has decided to refuse permission primarily on grounds of visual impact and integrity of the streetscape in a conservation area. The issue arising relate to:

- Principle of car parking
- Visual impact and conservation

8.2 Principle

8.2.1 There is extensive guidance in the development plan on car parking provision in terms of geometry and proportions and heritage considerations in conservation areas. This guidance extends to protected structures and ACAs.

8.2.1 The area is zoned Z2 to protect amenities of residential conservation area and accordingly the principle of providing basic amenities for a family home is I consider acceptable. I note for example in a mews situation which is comparable in terms of road width and alignment (limited footpath) one off-street car park space is required. It is therefore a fairly standard requirement and is in accordance in my judgement with the overall objective of the continued and sustainable use of historic residential building stock. There will be no loss of on-street parking as the narrow alignment of the road fronting the property does not readily provide for such. In fact I agree that the provision of off-street space along this narrow stretch of road will reduce pressure on the marked spaces fronting nos. 1-7.

8.2.2 In this case however the conservation status, although it is not a protected structure nor is it a designated architectural conservation area, means that off-street parking that results in intervention with the integrity of streetscape (in this case by altering the integrity of front garden setting and integral element of terrace) is generally subject to strict criteria in addition to the normal guidance.

8.2.3 In this case the garden depth of 6.73m and width of 6.84m can in theory provide a 3 x 5m parking area that does would not amount to more than half of the garden area. The proposal can in theory accord with the guidance. The restriction therefore is purely about the extent of intervention with original fabric and overall visual quality.

8.3 Visual Impact

8.3.1 The criteria for assessing car parking provision are set out in considerable detail in the Development Plan. In addition to the cited extracts which I have commented on in brackets [], section 4 of appendix 8 refers to particular consideration in the case of **Residential Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas as set out in the subheadings below**. Features including boundary walls, railing and gardens are generally considered to be important to the character and setting of protected structures and conservation areas. Accordingly in addition to the development control standards laid out in Chapter 17, proposals for off-street parking are required to shall comply with certain design requirements and can be assessed under the following subheadings.

8.3.2 A High Standard of Design and Layout

The retention of most of the original boundary wall and/or railings and plinth wall and the re-use of the removed railings for new access gates is desirable to integrate the proposal into the sensitive context. It is a requirement that where original railings exist, which contribute to the special character of the structure or ACA, every effort should be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast iron railings that require alterations should be reused and integrated with all new parking adaptations to the front boundary. Re-use is being proposed in this case however the loss of almost 2.8m of the granite plinth from the boundary and insertion of additional opening gates is undesirable as a design approach as it unnecessarily weakens the boundary definition and results in a loss of original fabric. (Although I note re-use of granite elsewhere on site.) While the retention of the pedestrian gate as an original feature is desirable, in this case the applicant seeks to insert a second opening to the pedestrian access. I note that the new gates will incorporate the original railings and new metal will be required to heighten the gates to match original remaining railing height. Having regard to the development plan guidance only a single opening should be retained and this could be achieved by widening the pedestrian gate and reinstating more of the plinth/railing boundary. This would not however match the recently tiled original footpath. I consider a single opening would on balance be more appropriate to the width and this is likely to require a revision of the gravelling layout. This could be dealt with by condition as this is not a protected structure.

8.3.3 The width of the vehicular access is required to be kept to a minimum, having a maximum width of no more than 2.6m and gates should open inward. I consider the provision of a 2.8m opening is proportionate to the plot width of almost 7m and appropriate to the narrow alignment of the road.

- 8.3.4 The **outlook of rooms** with regard to light, including basement rooms, should not be obstructed. While I note the concerns of the planning authority I do not consider this to be an objectionable issue in this case.
- 8.3.5 **High quality appropriate surface treatment**, which should be influenced by the surrounding context and buildings, will be sought, particularly traditional materials such as gravel. Bituminous surfacing or concrete surfacing are not acceptable. In this case the applicant has already tiled the footpath and graveled the original lawn area. The amalgamation of the pedestrian and vehicular access would necessitate a revision in the hard and soft landscaping.
- 8.3.6 The extent of designated hard standing area for the parked car shall be kept to a minimum and the **maximum amount of grassed area and soft landscaping** shall be retained. The use of planting and soft landscaping will be encouraged to reduce the visual impact of the parked car.
It could be argued that the variety of tiled and graveled materials present an overall cohesive landscape treatment appropriate to the era of the dwelling and terrace. However the amalgamation of the entrances and dual usage of the original footpath would allow for increased bedding. I note the applicant does not intend to retain a formal lawn and I see no issue with this subject to a cohesive design and perhaps increased soft landscaping by way of increased bedding or a gravel garden.
- 8.3.7 With respect to precedent I accept that there are two other properties in a similar situation although no.8 has a lamppost fronting it. The provision of off street parking however in this case may enhance access to on-street parking for the other residents so it may not necessarily generate a demand for such development.

8.4 Appropriate Assessment.

- 8.4.1 Having regard to the nature, scale and location of the proposed development it is considered that the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

8.5 Conclusion

- 8.5.1 In conclusion, while some diminution of the character and integrity of the historic Victorian streetscape would occur having regard in particular to an additional entrance this can be offset by only widening the pedestrian gate. This I consider to be appropriate to the zoning for the area and the use of the property as a family home in the city environs and the restricted provision of on-street parking along Waterloo Avenue. The design issue can be addressed by condition.

9.0 RECOMMENDATION

- 9.01 Arising from my assessment above I consider the proposed development to be consistent with the proper planning and sustainable development of the area. I therefore recommend that planning permission be granted on the proposed development.

REASONS AND CONSIDERATIONS

Having regard to the restricted on-street parking in the vicinity of the property, the size of the front garden and the residential nature of the property and the development plan objective to provide of residential communities it is considered that the proposed development subject to the conditions set out below, would be acceptable in terms of visual amenity in a residential conservation area and traffic safety and would not contravene the objectives of Dublin City Development Plan, 2011-2017.

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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A single entrance only shall be provided in the front boundary which shall be no wider than 2.8m. Prior to the commencement of the development the applicant shall submit revised plan and elevation drawings indicating these requirements and details of landscaping for the written agreement of the planning authority.

Reason: To protect the integrity of the streetscape in a residential conservation area.

3. The footpath shall be dished to the requirement of the Planning Authority for such works and services and prior to the provision of the proposed entrance.

Reason: To protect the integrity of the streetscape in a residential conservation area

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

Suzanne Kehely
Senior Planning Inspector.
29th March, 2016.