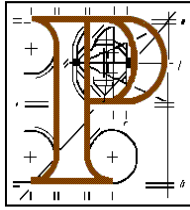


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246152

Development: Removal of front boundary wall for a new driveway to include a new pillar and new gates at No.41 Wilfield Road, Ballsbridge.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4058/15
Applicant: Lyndsey Roche
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Trina Donaghy and Others
Type of Appeal: Third Party
Observers: Marie Travers and Others
Date of Site Inspection: 21st of April 2016

Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The application site is located on the eastern side of Wilfield Road, Ballsbridge. The area is within the south-eastern suburbs of Dublin less than 3 kms from the city centre and within walking distance of Sandymount Dart Station which is to the north west. This site is located c.70m to the south of the junction with Wilfield Park. Wilfield Road is a long straight narrow cul-de-sac road with terraced houses on either side. There is a pedestrian access to the sports ground Pembroke F.C/Monkstown C.C, but no hammerhead/turning bay at the southern end.

This narrow road is heavily congested with parking and there are no parking restrictions in place. The terraced properties are generally bounded by low walls and metal railings or rendered walling with not many houses having off-street parking to the front. No.41 is a two storey mid-terrace property with walled front garden area, that corresponds to those on either side. There is an access laneway at the rear. Many of the roads in the vicinity have paid/permit parking restrictions.

2.0 PROPOSED DEVELOPMENT

It is proposed to remove the existing front boundary wall to allow for a driveway to include a new pillar matching the existing and also new gates at No.41 Wilfield Road. The application form provides that the total site area is 165sq.m. The Site Layout Plan shows the existing and proposed as does the Contiguous Front Elevation drawing submitted.

3.0 PLANNING HISTORY

While there is no specific planning history relative to the subject site, there is a considerable planning history relative to this type of development in Wilfield Road. The Planners Report and the documentation submitted by the Parties provides an extensive and detailed list. The following relates to recent history in the area, including two Board decisions:

Reg.Ref. 2746/07 – Permission was refused by the Council for the formation of vehicular access gates to front boundary wall and off street car parking to front garden at no.47 Wilfield Road.

Reg. Ref. 3079/11 – Permission refused by the Council to create a new vehicular entrance to the front with gates and driveway at no.43 Wilfield Road.

Reg.Ref.2931/11 – Permission refused by the Council to create a new vehicular access to the front with gates and driveway at no.66 Wilfield Road. This was subsequently refused on appeal to the Board Ref.29S.239515 in 2012 by reason of being out of character with the established pattern of development, loss of community parking, impairment of pedestrian safety and being seriously injurious to residential amenity and character of the area.

Reg.Ref.2972/11 – Permission refused by the Council and subsequently on appeal to the Board – Ref. PL29S.239565 relates at no.82 Wilfield Road for reasons of being out of character with the established pattern of development, loss of community

parking, impairment of pedestrian safety and being seriously injurious to residential amenity and character of the area.

Reg. Ref. 2125/11 – Permission granted subject to conditions by the Council for the creation of a new vehicular access to the front, to include new gates and driveway and associated site works at no.106 Wilfield Road.

Reg.Ref. 2334/15 – Permission granted subject to conditions by the Council for the removal of the existing front boundary wall for a new driveway to include a new pillar matching existing and also new gates at no.65 Wilfield Road.

4.0 PLANNING AUTHORITY APPLICATION

Planning and Technical reports

The Engineering Department Drainage Division does not object to the proposed development subject to incorporation of SUDS in the management of stormwater.

Road Planning Division

They are concerned about parking congestion on this narrow road, the loss of on-street parking and residential amenity and recommend refusal.

Submissions have been received from a number of local residents include concerns about the following:

- They note previous refusals for this type of development and consider that the premise has not changed.
- They are concerned about on-going parking problems on the narrow Wilfield Road.
- The granting of driveways reduces the number of communal on-street spaces.
- The driveways are very small and they are concerned about turning space.
- They are concerned about severe parking problems and pedestrian safety issues.
- The erosion of the front garden areas of these 1930's to 1950's properties detracts from the streetscape and character of the area.
- Many of these houses have rear vehicular access including garages.
- Undesirable precedent.

The Planner's Report

This has regard to the locational content, the mixed planning history relative to this type of development in the area, and to planning policy (Z1 zoning) and the Observations made. They noted the parking situation and that the Roads Department has recommended refusal in this case. They consider that this proposal subject to conditions is unlikely to have an adverse impact on the visual amenity of the original dwelling and is unlikely to have an unacceptable impact upon the amenities of the occupants of the dwelling and neighbouring properties. They recommend that permission be granted subject to conditions.

5.0 PLANNING AUTHORITY DECISION

On the 19th of January 2016 Dublin City Council granted planning permission for the proposed development subject to 8no. conditions. These include regard to the following:

- Condition no.2 – Provides for works to the public footpath.
- Condition no.3 – The driveway shall be at least 2.5m or at most 3.6m and have outward opening gates.
- Condition no.4 – Restriction on hours of site works.
- Condition no.5 – Compliance with Codes of Practice.
- Condition no.6 – Management of Construction Works.
- Condition no.7 – Compliance with Codes of Practice for Drainage Works.
- Condition no.8 – Compliance with Noise Standards during construction works.

6.0 GROUNDS OF APPEAL

A Third Party Appeal has been submitted by local residents Trina Donaghy and Others who consider that this proposal should be refused and this includes the following concerns:

- The proposed vehicular access would create an added risk to pedestrians and young children living on the road.
- Any increase in the number of cars reversing/driving onto and turning out of front gardens would create a greater risk to their safety.
- The provision of an on-site parking area would not have adequate sightlines for manoeuvres due to the narrow and congested nature of the road.
- Visibility issues for pedestrians with cars parked tightly on the road and partly over the pavement.
- The front garden areas are short and there is concern about over-sailing the pavement. There is concern about clearance for access and impact on community on-street parking.
- The proposed access would detract from the character and streetscape of this mature residential area originally designed in the 1930's and 1940's.
- The houses in this area including no.41 Wilfield have rear vehicular access, many with garages, which are accessed by a shared laneway.
- Details are provided of the planning history of the area including permissions to grant and the precedent to refuse vehicular entrances.
- They note that the Wilfield Road Residents Committee assessed carparking on the road in 2015 and provide details of the results.
- They acknowledge that parking is tight but the salient point is that residents rely heavily on available on-street parking.
- They provide that in accordance with S.17.40 of the Dublin CDP 2011-2017 this application and any further applications for off-street parking on this road should be refused.

7.0 RESPONSES TO GROUNDS OF APPEAL

7.1 Dublin City Council has responded that they have no further comment to make and consider that the Planner's Report on file adequately deals with the proposal.

7.2 First Party Response

Lyndsay Roche and Christopher Flogdell have submitted a First Party response which includes the following:

- As parents of young children they believe that constructing a driveway increases safety on the road and increases foot space for pedestrians.
- This is a heavily congested road, with cars parking on the footpath making mobility more difficult.
- As shown on the drawings submitted their front garden is the standard size for an on-site parking space.
- There is a narrow laneway running to the rear and none of these properties have a garage accessing onto this lane. It is for pedestrian access.
- The construction of a driveway at no.41 or any other house along the road would not be detrimental to the current varied streetscape.
- None of the enhancements that have occurred relative to existing houses and those with driveways impact on the character of the area.
- The Planning History shows that there has been a precedent for this type of application and such applications will increase over time.
- They believe that the Council's decision to grant should stand and conclude that there has been no increased danger, or safety matters associated with the already existing driveways on the road.
- The construction of driveways to the front of the house on adjoining roads does not have any adverse impact on the visual aspect of the road, its dwellings or their original character.
- There is no adequate rear vehicular access that could be used for parking or no garage to the rear of the property.

8.0 **OBSERVATIONS**

An Observation has been made by Marie Travers of no.49 Wilfield Road and Others residing on this road which requests the Board to uphold the Council's decision to grant permission for the development. This includes the following:

- There is already a risk to pedestrian safety on Wilfield Road, with congestion on the footpaths due to parking on them.
- This risk increases outside the hours of daylight.
- There have not been any accidents with existing vehicular accesses on this road – they note 15 such accesses on this road.
- The congested nature of the road makes it difficult for service and emergency vehicles to gain access which places all residents in danger.
- Over-sailing the pavement is not an issue as the front garden areas are adequate.
- Wilfield Road is not a conservation area. Many of the original features on this road including front boundary treatment have been replaced, renovated and modernised and they provide details of such.
- None of these properties has a garage at the rear and the laneway at the rear is for pedestrian access.

- They note parking restrictions on the surrounding roads and that in view of this people have been using Wilfield Road as a free car parking area.
- The Pembroke Cricket Club/Monkstown Rugby Club has a pedestrian entrance to their grounds at the bottom of Wilfield Road and members of these clubs continue to use the road for parking despite the grounds having its own parking area.
- Off-street parking would reduce the number of cars on the road, ease the parking problems for the residents and improve the visual amenity of the area.
- The stress and inconvenience of finding an on-street parking space could be reduced by allowing on-site parking.
- They provide details relative to the granting and refusing of vehicular accesses/on-site parking on this road.
- The parking situation since 2006 has become more chronic and on-site parking has become more pertinent.
- The original design of the houses and gardens on Wilfield Road were practical for the requirements of a 1930's car-less society – people now have more use for the private car.
- They do not consider that the proposed development will impact adversely on the character of the streetscape or area – the road now appears as a carpark.
- They believe that the current application will improve living conditions for the applicants, and generally provide for a safer environment.
- They include a Document which provides details of the current streetscape relative to the properties on the east and west sides of Wilfield Road.

9.0 POLICY CONTEXT

Dublin City Development Plan 2011-2017

The Dublin City Development Plan is the pertinent plan. The site is included within the Z1 residential land use zoning.

Section 5.1.4.7 refers to Car Parking and SI13 to retention of on street parking.

Section 17.8 refers to Roads and Services and includes reference to design standards for vehicular access. Section 17.40.11 refers to a presumption against the removal of On-Street Parking.

Appendix 8 Section 1 provides the Road Standards relative to Residential Development. This also includes reference to the planning authority's guidance leaflet '*Parking Cars in Front Gardens*'.

10.0 ASSESSMENT

10.1 Principle of Development and Planning Policy

Regard is had to the locational context of the site and to concerns regarding parking and access issues in the area. The application site is included in Section 15.10.1 of the Dublin City Development Plan 2011-2017 in the 'Z1' residential zoning where the objective seeks: *To protect, provide and improve residential amenities.*

Section 17.40.11 refers to On-Street Parking and includes: *Dublin City Council will preserve available on-street parking where appropriate.* This also provides: *There will be a presumption against the removal of on-street parking spaces to facilitate the*

provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces. Also Policy SI13 in Section 5.1.4.7 seeks: To retain on-street parking as a resource for the city, as far as practicable.

Appendix 8 provides the Road Standards for various Classes of Development which includes Section 1 which refers to Residential Development. This includes: *Where driveways are provided, they shall be at least 2.5m or, 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.*

In this case regard needs to be had to the impact of the provision of this vehicular access and the loss of on-street car parking on the character and amenities of the area including community on-street parking to ensure that it would not be contrary to planning policy, traffic and pedestrian safety and the proper planning and sustainable development of the area. This is discussed further taking into account these issues and having regard to the grounds of appeal and observations made in this Assessment below.

10.2 Design and Layout

The Site Layout Plan shows the existing front garden layout and that proposed to provide for the vehicular entrance and on-site parking space. The Guidance note '*Parking Cars in Front Gardens*' includes: *The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden, and to provide safe access and egress from the proposed parking space, for example near a very busy road or a junction with restricted visibility.*

In this regard the Site Layout Plan shows that the proposed car parking space would be c.5.8m x 5.9m, and the vehicular entrance 3.1m. Although when measuring this on site I found it was less in view of the existing wall, hedging/planting in the front garden area. Therefore it appears that the guidance standards would be met with the development proposed and that there would not be an issue with over-sailing the footpath which is of concern to the Third Parties.

Minimising the impact of creation of the access is also recommended. The '*Parking Cars in Front Gardens*' leaflet also notes: *The combined effect of paving a number of gardens in a street or area increases the risk of flooding and pollution (oil, brake dust, etc).* The use of Sustainable Drainage Methods (SUDs) is recommended.

The Contiguous Front Elevation shows a view of the existing wall and pedestrian entrance which matches those either side and a view of the new pillar and capping to match the existing and proposed rail bi-fold gates. The proposed vehicular entrance

is shown 3135mm in width which complies with that referred to in Appendix 8 as outlined above.

10.3 Access and Parking issues

Wilfield Road is a narrow cul-de-sac road and parking areas are not marked out on either side of the road including in front of the property. While the precedent for such vehicular entrances has been set in the past, regard is had to current development plan policy which seeks to curtail such entrances in the interests of the retention of the resource of dual usage on-street parking. While the surrounding roads including Wilfield Park have paid/permit parking, there are no parking restrictions in place on Wilfield Road and there are footpaths on both sides of the carriageway. This narrow road is very congested with primarily on-street parking, much of which is parked partially on the footpaths making it more difficult for pedestrians to pass.

I measured the front garden area inside the existing boundaries and planting and it is c.5.2m x c.5.2m. I also measured the width of Wilfield Road in this location it is 5.6m between the footpaths with parking on either side making it difficult for traffic to pass and in view of parking either side impacting on manoeuvring and turning ability. To allow for throughway, cars are parking partially on the footpaths on either side impacting adversely on pedestrian safety. There is a narrow laneway at the rear of these terraced properties. This is used more for rear access for bins etc. and does not appear to be in use for vehicular access. There is a wide area at the southern access to this laneway which is used for parking. There is a gated entrance in control of residents at the northern end of the lane.

The Council's Roads Streets and Traffic Department notes the existing congested parking situation on this road where most of the residents rely on on-street parking and do not have driveways. There is a problem with commuter and social parking on this road. This is also in view of its proximity to the Sandymount Dart Station to the north and to the sports grounds to the south. It appears to be one of the few roads with unrestricted parking in the area. However they note that local residents have opted not to introduce pay and display parking. They consider that given the level of objections and the history of the road that on balance the needs of the residents are best addressed by retaining the existing level of on street parking. They recommend refusal for the following reason: *The proposal, which is for private vehicular access, would reduce the supply of on-street car parking available to residents of the street resulting in a loss of residential amenity. The proposed development would set an undesirable precedent for other similar developments in the vicinity of the site.*

10.4 Impact on the Character of the Area and Precedent

This proposal would serve to remove the front garden area and alter the existing wall and setting of this period dwelling within the terrace. The current frontage wall and pillars match those on either side. The proposed railings will produce a different boundary frontage, however it is not out of character with some other frontages, particularly where such vehicular accesses have been permitted.

As noted in the history section and the documentation submitted the precedent for the creation of a vehicular entrance has been set on this road. There have also been a number of refusals. Each case has to be considered on its merits and it is considered that the southern part of this road where the subject property is located is particularly congested with no cul-de-sac for turning. It is of concern that this proposal may worsen this congestion in view of the additional turning movements into and out of the on-site parking space and the loss of the public on-street space. As such it is considered that it would detract from the residential amenity of the area.

10.5 Appropriate Assessment

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.

11.0 CONCLUSION AND RECOMMENDATION

Having regard to the relevant planning policy and to the documentation submitted and having viewed the site and in the context of parking congestion in the area, it is considered that the creation of the new vehicular entrance and loss of this on-street parking space would detract from the residential amenity in the Z1 residential zoning and would continue to further an undesirable precedent for such development for the erosion of the relatively short front garden areas of these older period properties and to the detriment of the character of the area.

It is therefore recommended that permission be refused for the reasons and considerations below.

12.0 REASONS AND CONSIDERATIONS

The site of the proposed development is located in an attractive suburban area where the terraced houses have very limited off-street vehicular parking to the front. It is considered that the proposed off-street car parking and vehicular entrance in the front boundary would not be in character with the established pattern of intact front boundaries in the vicinity, would give rise to the loss of the front garden area, would result in the loss of community parking, and would impair pedestrian safety. The proposed development would, therefore, be contrary to Policy S113 and Section 17.40.11 as set out in the Dublin City Development Plan and would serve to further create an undesirable precedent, disrupt the existing orderly layout, would seriously injure the residential amenity and character of the area and would be contrary to the proper planning and sustainable development of the area.

Angela Brereton,
Planning Inspector
Date: 6th of May 2016