

An Bord Pleanála



Inspector's Report

PL 29S 246472

DEVELOPMENT: Vehicular Entrance to front (north) of existing dwelling, carparking, landscaping and associated site works.

LOCATION: 69 Bath Avenue, Dublin 4.

PLANNING APPLICATION

Planning Authority: Dublin City Council.

P. A. Reg. Ref: 2191/16

Applicant: Hugh Rainey.

Decision: Refuse Permission.

APPEAL

First Party Appellant: Hugh Rainey.

Type of Appeal Appeal against Refusal of Permission.

Observers: None.

Inspector: Jane Dennehy.

Date of Inspection: 17th June, 2016.

1. SITE LOCATION AND DESCRIPTION

- 1.1 No 69 Bath Avenue is a terraced Victorian House located within a terrace on the south side of Bath Avenue between Havelock Square and O'Connell Gardens a short distance to the south of which is the Aviva Stadium. The front garden is enclosed by cast iron railings and a pedestrian gate. On both sides of Bath Avenue and the adjoining streets there is residential permitted and pay and display parking. There are vehicular entrances at some properties in the area, including the adjoining property to the west side none of which would appear to have been recently constructed.

2. THE PLANNING APPLICATION.

- 2.1 The application lodged with the planning authority indicates proposals for removal of the plinth and railings across a 2750 mm section of the site frontage and installation of two inward opening gates. The remaining cast iron railings and the cast iron pedestrian gate are to be retained. The plinth supporting the cast iron railings that are to be retained may be either replaced or retained according to the lodged plans. The front curtilage layout indicates one car space on a surface of gravel chippings with border flower beds and a granite set footpath at the side between the pedestrian gate and entrance.

3. PLANNING HISTORY:

- 3.1 According to the details available, there is no record of any planning history for the site.

4 THE PLANNING AUTHORITY DECISION.

- 3.1 **Technical Reports:** The report of the Roads and Traffic Planning Division indicates a recommendation for refusal of permission due to loss of an on street space to facilitate the development which is contrary to Policy S113 of the Dublin City Development Plan 2011-2017 seeking to retain parking on street facilities as a resource for the city as far as possible.
- 3.2 The **planning officer**, with reference to Para 17.40.11 and Policy S113 of the Development Plan 2011-2017 and the recommendations of the Roads and Traffic Planning Division recommends refusal of permission in his report..
- 3.3 **Planning Authority Decision:** By order dated, 21st March, 2016, the planning authority decided to refuse permission on the basis of the reason reproduced below:

“The proposal for removal of an on-street car parking space to accommodate a private vehicular access would reduce the supply of on street carparking and contravenes policy S113 of the 2011 Dublin City Development Plan which seeks to retain on street parking as a resource for the city as far as practicable. The proposed development is therefore contrary to the proper planning and sustainable development of the area.”

4. THE APPEAL.

4.1 An appeal was received from Manahan Planners on behalf of the applicant on 18th April 2016 in which an outline of the background and application is set out. According to the appeal:

- Policy 17.40 and 17.40.11 should be implemented in streets where residents are reliant on on-street parking which is not the case in Bath Avenue which has good public transport and is close to major employment centres.
- There are never more than three cars parked in the space which has capacity for five spaces at the front of the applicant’s house. One space would be removed to facilitate the development.
- There is ample surplus capacity in the surrounding area in day and evening times. Photographs are attached in an Appendix.
- Many neighbouring properties have converted front gardens facilitating off street parking. A survey is attached.

5. RESPONSES TO THE APPEAL

5.1 There is no submission from the planning authority or from any other parties on file.

6. DEVELOPMENT PLAN:

6.1 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 Z1: to protect, provide for and improve residential amenity.
- According to section 17.40.11 and Policy S113 there is a policy of presumption against removal of on street parking spaces to facilitate provision of vehicular entrances to single dwellings in predominantly

residential areas where residents are largely reliant on on-street parking and there is a strong demand for such parking and to retain the availability on street parking as a resource for the city as far as is practicable.

7. EVALUATION

7.1 The issues central to the determination of a decision and considered below having regard to current development plan policies and objectives are those of:

- Justification for the proposed development and,
- Precedent for further similar development.

7.2 Justification for the Proposed Development:

It is accepted that it may be possible that the equivalent of just one public on street space would need to be removed to facilitate the development. There are ample on street residential permit and public pay and display parking facilities available on Bath Avenue and in close proximity to the applicant's property.

7.3 It is apparent from observations made during the course of inspection which took place in the evening time circa 7.30 pm and from the details of the observations made by the appellant provided in the appeal that on street parking facilities at this location are not subject to heavy demand and occupancy. Residents who have the benefit of residential permit parking on street therefore do not experience any difficulties with access to on street parking facilities adjacent to or in close proximity to their residences. It is therefore considered that convenience, residential amenities and property value are not affected by lack of access to available on street parking facilities because they are more than adequate to facilitate the parking needs of residents who are rely on public on street parking.

7.4 The argument in the appeal that availability of public transport services and proximity to services and facilities including employment centres reduces parking demand is noted. However, this argument is equally applicable to demand for private car use and ownership by residents in an area and does not justify permanent removal of on street parking in favour of off street private parking at a residential property.

7.5 It is therefore not accepted that it can be demonstrated that there is justification for the proposed development, having regard to policy S113 of the development plan in so far as it allows for favourable consideration for parking in a front garden of a private house for which permanent reduction in supply of on street public parking is necessary.

7.6 **Precedent.**

Two storey terraced Victorian houses with front and rear gardens are characteristic of the residential area at Bath Street and the adjoining roads and as has been pointed out in the appeal, several of the front gardens have been already been converted into off street parking spaces. With regard to the precedent claimed in respect of the current proposal, it should be borne in mind that the policies and objectives relating to vehicular entrances and parking in front gardens at residential property in the preceding statutory development plans were more lenient and favourable than the current policies and objectives. The relevant policies and objectives have changed to a strong presumption against such development in favour of protection of the supply communal on street car parking facilities which are to be retained and maintained as a public resource for the benefit of both residents and parking needs in connection with business and leisure.

7.7 Favourable consideration of the proposed development would therefore set precedent for a departure from the interpretation and application of the current, Dublin City Development Plan, 2011-2017 policies and objectives that have been established and implemented.

7.8 **Other Observations:**

While interference with and or removal of original cast iron railings on plinths and conversion of front curtilage gardens to off street parking at properties at historic houses is undesirable, it is acknowledged that the applicant's proposal has been designed to as to minimise the adverse impact on the streetscape and presentation of the house.

8.9. **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.**

9.1 In view of the foregoing, it is recommended that the appeal be rejected and that the planning authority decision to refuse permission should be upheld. A draft order is set out overleaf.

DECISION

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

REASONS AND CONSIDERATIONS

The proposed development which is to facilitate a private vehicular entrance involves the loss of on street parking facilities available to the wider community for daytime use in connection with short stay commercial and leisure needs and evening use by residents in an area in which residential permit parking is available. The proposed development would materially contravene Policy S113 of the Dublin City Development Plan, 2011-2017 according to which it is the policy of the planning authority to retain on street parking as a resource for the city and would be contrary to the proper planning and sustainable development of the area.

JANE DENNEHY

Senior Planning Inspector.

23rd June, 2016.