

# An Bord Pleanála



## Inspector's Report

**PL 29S.246609**

### Development

Modified parking in front garden and enlarged gates at opening

356 Lower Kimmage Road, Dublin 6W

### Planning Application

Planning Authority:	Dublin City Council
Planning Authority Ref.:	2359/16
Applicant:	Susan Dee
Type of Application:	Planning permission
Planning Authority Decision:	Refuse permission

### Planning Appeal

Appellant(s):	Susan Dee
Type of Appeal:	First v refusal
Observers:	None
Date of Site Inspection:	12 <sup>th</sup> July 2016

**Inspector:** Karla Mc Bride.

## 1.0 INTRODUCTION

### 1.1 Site and location

The appeal site is located in Kimmage on the south site of Dublin and the surrounding area is predominantly residential in character. The site is located along Lower Kimmage Road and it comprises a 2-storey semi-detached house with front and rear gardens. There is an existing driveway in the front garden with a gated entrance off the public road. Photographs and maps in Appendix 1 describe the site and location in some detail.

### 1.2 Proposed Development

Permission is being sought for modified car parking in the front garden:

- Increase the width of the driveway and entrance from 2.3m to 3.0m
- All associated site works.

### 1.3 Planning Authority's Decision

The PA decided to refuse planning permission for 2 reasons related to:

- Adverse impact on Kassel kerb at bus stop.
- Precedent and contrary to the provisions of Appendix 8 "Parking Cars in Front Gardens" and adverse impact on visual amenities.

This decision reflects the report of the *City Planning Officer*.

The *Drainage Division* had no objection subject to conditions.

The *Roads and Traffic Department* recommend that planning permission be refused. There is a bus stop on the road outside the site which has Kassel kerbs; these allow buses to pull in close to the kerb thus allowing for low floor buses which aid mobility impaired persons and those with prams; proposed widening of the driveway from 2.4m to 3m would require alterations to the Kassel kerbing; it is not considered desirable to alter the kerbing or reduce its length; and any such proposal would require consultation with Dublin Bus.

**Public submissions:** None received.

**Prescribed Bodies:** Not circulated

### 1.4 Planning history

None attached.

## 2.0 DEVELOPMENT PLAN

**Zoning objective:** The site is located within an area zoned with the objective “Z1” in the Dublin City Development Plan 2011-2017 which seeks “To protect, provide and improve residential amenities.”

**Appendix 8 & Parking Cars in Front Gardens:** contain further advice in relation to car parking in front gardens and entrance arrangements.

## 3.0 APPEAL

### 3.1 First Party appeal

- Unaware of the significance of the Kassel kerb at the bus stop.
- Willing to reduce the scale to ensure that this kerb is not affected.
- The widened driveway is needed to accommodate 2 cars side by side (one for the applicant who has a young child, and one for her elderly father) as parking the cars in tandem is problematic.
- No precedent would be set as several other houses in the area have similar front garden car parking arrangements.
- No adverse impacts on visual amenity as permission is not required for the car parking space just the enlarged entrance off the road.

### 3.2 Planning Authority response

No response to date.

### 3.3 Prescribed Bodies

The appeal was circulated to Dublin Bus who object to the proposal:

- Dublin Bus strongly support the concerns raised by the PA with regard to the impact of the proposal on the bus stop, accessible kerbing and the accessibility and usability of the bus stop.
- The bus stop and its paired stop on the opposite side of the road carry a significant number of passengers per day, many of whom require the assistance provided by raised kerbing.
- Dublin Bus have invested across the network to provide kerbing to compliment the 100% fully accessible low floor fleet which allows freedom and ease of use people requiring ease of access.

## **4.0 REVIEW OF ISSUES AND ASSESSMENT**

The main issues arising in this case are:

1. Principle of development
2. Accessibility
3. Visual amenity
4. Other issues

### **4.1 Principle of development**

The site is located within an area zoned “Z1” in the current Development Plan for residential use and the proposed development is acceptable in principle.

### **4.2 Accessibility**

The proposed widened entrance would be located along Lower Kimmage Road which is a busy and heavily trafficked carriageway with cycle lanes on either side. There is a Dublin Bus Stop on the road outside the appeal premises at no.356 and on the opposite side of the road. Both bus stops serve a number of bus routes to and from the city centre. The bus stop outside the appeal premises has a Kassel kerb, as do almost all Dublin Bus stops throughout the city.

These are special kerbs designed for low-floor buses that serve an elevated bus stop platform. The usage spread after good experiences with the Kassel kerb featuring a concave-section that allows for an easier alignment for buses which was first introduced in the German city of Kassel. They allow buses to pull in close to the kerb so that low floor buses can provide optimum accessibility to passengers with mobility difficulties, such as elderly people, people with disabilities and wheelchair users as well as and those with prams. According to Dublin Bus, low floor buses comprise most of their fleet and the buses which use this particular route along Lower Kimmage Road serve a diversity of commuters.

The proposed widening of the driveway from 2.3m to 3m would require alterations to the Kassel kerbing outside no.356. The Council’s Roads Engineer raised concerns that it would not be desirable to alter the kerbing or reduce its length. Dublin Bus concurred with this position as the proposed development would impact on the social inclusivity of the public transport service.

It is noted that the applicant was not aware of the Kassel kerb and Ms. Dee has indicated a willingness to reduce the scale of the modifications to ensure that this kerb is not affected. The applicant measured the distance between the edge of the gate and the start of the Kassel kerb as c.15 inches (c.0.38m) and has requested that she be permitted to widen the gate by 12 inches (0.38m) or by any other decreased width deemed acceptable to the Board. The existing entrance is c.2.3m wide and the additional 0.38m would result in a entrance width of c.2.68m which falls within the acceptable range set out in Appendix 8 of the Development Plan states that driveways should be between 2.5m and 3.6m in width.

Although the Kassel kerb is indeed set back from the existing edge of the gateway, it is noted that the regular kerb continues on to slope down until it is approximately flush with the edge of the gate. Furthermore the SW boundary of the white line that demarcates the bus stop on the public road is also flush with the gateway. Thus any reduction in the overall width of the proposed entrance would continue to have an adverse impact on the bus stop.

#### **4.3 Visual amenity**

Appendix 8 of the Development Plan states that ‘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 Council’s leaflet entitled ‘Parking Cars in Front Gardens’ sets out design standards for car parking spaces. It states that “narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist”. The basic dimensions required to accommodate a car within a front garden are 3m x 5m, the front garden should still appear to be a front garden, and where an existing entrance is widened, the existing gate piers should be retained and relocated.

The existing driveway would be widened and a large portion of the front garden would be used for car parking. The widened driveway would be paved with brick paviors and the central section of the garden would contain coloured gravel within an area defined by granite kerbs and bound by flower beds. The existing gates would be replaced by new gates to match the existing railings which are located on a plinth wall. The proposed arrangements are considered acceptable in terms of visual amenity and there would be no adverse impacts on the streetscape. It is noted that other similar off street car parking arrangements exist in the immediate vicinity and the proposed development would not set a precedent in this regard.

#### 4.4 Other issues

**Environmental services:** The proposed arrangements are considered acceptable subject to compliance with Council requirements.

**Appropriate assessment:** The proposed development would not have an adverse effect on any European Sites.

**Built heritage:** The proposed development would not have an adverse effect on any protected structures or heritage features.

**Financial contribution:** None required.

#### 5.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

#### REASONS AND CONSIDERATIONS

1. The proposed increase in the width of the vehicular entrance would result in reducing the length of the Kassel kerb associated with the bus stop outside the development on Kimmage Road Lower. Kassel kerbs assist people with mobility issues boarding and alighting buses and therefore it is not desirable to reduce the length of the Kassel kerb at this location. The proposed development would interfere with the safe operation of the bus stop, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Inspector

21<sup>st</sup> July 2016