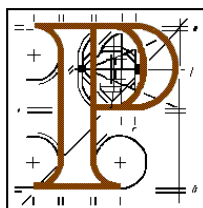


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 06S.246626

**Development:** Widen entrance and driveway at 49 Brookvale Downs, Dublin 14.

### Planning Application

**Planning Authority:** South Dublin County Council.

**Planning Authority Reg. Ref:** SD 16B/0075

**Applicant:** Suzanne Finnegan.

**Planning Authority Decision:** To refuse permission.

### Planning Appeal

**Appellant:** Suzanne Finnegan.

**Type of Appeal:** First party v. decision.

**Observers:** None.

**Date of Site Inspection:** 14 August 2016.

**Inspector:** B. Wyse.

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1** No.49 Brookvale Downs is a semi-detached house in a short cul-de-sac of similar houses probably constructed in the 1970s/1980s.
- 1.2** The front garden is currently part concrete driveway, part concrete pavements and part gravel. The front boundary comprises a vehicular entrance, widened slightly from the original, and a small brick wall c.0.5m in height. A substantial hedge runs along the northern side. The footpath to the front includes a grass verge, incorporating a telecoms chamber and a street light.
- 1.3** Entrances and parking areas to houses in the vicinity have also been variously altered over time to facilitate ease of access for one or more cars. Slightly different houses at the northern end of the cul-de-sac were constructed in the first instance with no front boundary and clear access for parking.
- 1.4** Maps and photographs in file pouch.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1** This consists of:
- Extending the driveway to the full width of the garden, excluding the hedge which is to be retained, and hard paving over.
  - Removing the front boundary wall, leaving a 0.6m length to the front of the hedge.
  - Extending the dish to the footpath by 2.9m to facilitate access.

## **3.0 PLANNING AUTHORITY DECISION**

### **3.1 Decision**

- 3.1.1** The decision is to refuse permission for one reason which refers to:
- The removal of the majority of the front wall contravening development plan Policy H11 (Residential Amenity in Existing Residential Areas) and Policy H16 (Extensions to Dwelling Houses) with specific reference to the House Extension Guide which notes that boundary walls should not be removed.
  - The loss of an on-street parking space.

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Report**

Basis for the planning authority decision. It includes:

- Numerous properties in the vicinity have widened their entrances.
- Removal of majority of front garden wall and complete hard surfacing of the front garden will result in a parking court appearance, out of character with the permitted arrangements in the area.
- The current narrower driveway width (3.4m) is considered suitable in terms of maintain a sense of enclosure while still facilitating ease of vehicular movement and also ensuring a greater awareness when entering/exiting.

### **3.2.2 Other Technical Reports**

#### **Roads Department**

Recommend conditions, including:

- Widening of entrance to be restricted to 2m to allow sufficient clearance of the public lighting pole in the public domain.
- Dishing of footpath at applicants expense to the Councils satisfaction and subject to a road opening licence.
- Any gates to open inwards.

**Water Services** – no objection subject to conditions, including requirement that paving be permeable.

**Irish Water** – no objection.

### **3.2.3 Observations**

None received.

## **4.0 PLANNING HISTORY**

None of relevance.

## **5.0 POLICY CONTEXT**

### **5.2. South Dublin County Development Plan 2010-2016**

**Zoning:** Objective A – to protect and/or improve residential amenity.

Policy H11 – to protect and improve residential amenity in existing residential areas.

Policy H16 – to support the extension of existing dwelling houses in principle subject to safeguards contained in the plan and within the House extension Design Guide (App. 5).

## **6.0 THE APPEAL**

### **6.1 Grounds of Appeal**

#### **6.1.1 Main grounds include:**

- Many other houses on the road have widened the driveways and can park two cars.
- The proposal is to facilitate an elderly relative.
- It would have been expected that the Council would have given the applicant the opportunity to modify the proposal.

### **6.2 Planning Authority Response**

Decision confirmed – issues raised covered in Planner's Report.

### **6.3 Observations**

None received.

## **7.0 ASSESSMENT**

**7.1** The main issues in this appeal are those referred to in the planning authority's reason for refusal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

**7.2** Having regard to the nature of the existing front boundary in this instance, comprising just a low brick wall, and the existing pattern of such boundaries in the vicinity that includes a variety of altered arrangements to facilitate vehicular access and parking, and houses constructed with no front boundaries in the first place, I do not

consider that the proposed development would injure the residential amenity of the area. It follows that it would not, in my view, contravene policies H11 and H16 of the development plan.

- 7.3** In this context, while the House Extension Design Guide does indicate (at page 401) that front boundary walls or railings should not be removed this is qualified somewhat by the statement "...particularly if they are characteristic of the street or area". It should also be noted that this document is a guide and is not intended to be prescriptive. It emphasises that each planning application must be assessed on its own merits.
- 7.4** I draw the Boards attention, in particular, to the recommendation of the planning authority Roads Department – see section 3.2.2 above. I consider the requirement to restrict the widening of the entrance to 2m (less than the 2.5m proposed) in order to achieve sufficient clearance of the street light in the footpath to be reasonable. This would result in a c1.1m length of front wall remaining while still meeting the applicant's needs for access. It would also enhance the finished appearance.
- 7.5** In relation to the loss of on-street car parking any such loss would be offset by the gain of an easily accessible off-street space.
- 7.6** In relation to appropriate assessment, given the small scale and nature of the proposed development, I am satisfied that no issues arise.
- 7.7** I conclude, therefore, that the appeal should be upheld in this case.

## **8.0 RECOMMENDATION**

I recommend that permission be granted subject to conditions in accordance with the following draft order.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature of the existing front boundary and vehicular access and the pattern of such arrangements in the vicinity it is considered that, subject to compliance with the following conditions, the proposed development would not injure the residential amenities of the area or contravene Policies H11 and H16 of the current South Dublin County Development Plan. 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 entrance shall be widened by no more than 2 metres and the remaining front boundary wall shall be retained.

**Reason:** To ensure sufficient clearance to the street light located in the public footpath and to retain the character of the front boundary treatment.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services. Paving within the garden area shall be permeable.

**Reason:** In the interest of public health.

4. The footpath shall be dished, and the telecoms chamber altered, at the applicant's expense and to the satisfaction of the planning authority.

**Reason:** In the interest of traffic safety.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Brendan Wyse**

**Assistant Director of Planning**

15 August 2016