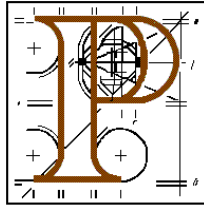


An Bord Pleanála



Inspector's Report

PL29N. 246630

DEVELOPMENT: Retain driveway and lay out new driveway and pedestrian access

ADDRESS: 1 and 1a Grange Park Green, Dublin 5

PLANNING APPLICATION

Planning Authority: Dublin City Council

Planning Authority Reg. No.: 2417/16

Applicant: Errol and Valorie Golding

Application Type: Permission

Planning Authority Decision: Grant permission subject to condition

APPEAL

Appellants: Bernie and Tom Grannell

Type of Appeal: 3rd party vs. grant

Observers: None

DATE OF SITE INSPECTION: 3rd August 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a third party appeal against a decision by Dublin City Council to grant permission for a new access layout for two houses.

2.0 SITE

- 2.1 The site lies in an established suburban area of north Dublin where semi-detached houses predominate. It has a stated area of 456m². It lies at the corner of two roads, Grange Park Close and Grange Park Green. It consists of the curtilages of two houses, No 1 Grange Park Green which is semi-detached, and No 1a which is detached. There is a shared driveway and access for the two houses onto Grange Park Green. There is a driveway to the side and rear of No 1a onto Grange Park Close.

3.0 HISTORY

- 3.1 Reg. Ref. 2415/13 – The planning authority granted permission on 2nd July 2013 to build a house in the side garden of No. 1 Grange Park Green. Condition no. 4 of that permission required shared parking and access for the authorised and existing house with no widening of the previous access, and with only one parking space in front of each dwelling with the rest of the front gardens in soft landscaping.

4.0 PROPOSAL

- 4.1 It is proposed to retain the driveway from No. 1a to Grange Park Close. A separate driveway for No. 1 and a new pedestrian gate for No 1a would be laid out onto Grange Park Green. It is also proposed to separate the curtilages of Nos. 1 and 1a with a new low wall. An area of the garden to the side of No. 1a would be enclosed by a timber fence.

5.0 POLICY

- 5.1 The Dublin City Development Plan 2011-2017 applies. The site is zoned under objective Z1 'Residential'. Appendix 8 of the plan states that driveways shall be between 2.5 and 3.6m wide.

6.0 DECISION

- 6.1 The planning authority decided to grant permission subject to 11 conditions. Condition no. 2 allows only one parking space within the curtilage of No.1a with the rest of the side garden in soft landscaping. Condition no 3 would require fencing to the side of that house, and condition no. 4 would require more

planting in front of both nos. 1 and 1a. Condition no. 5 required 50% of the front garden at No. 1a and 30% of that at No. 1 to have soft landscaping.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Submission – The appellants objected on grounds similar to those raised in the subsequent appeal.

7.2 Drainage Division – No objection subject to conditions

7.3 Roads Section - No objection subject to conditions

7.4 Planner's report – The retention of the access onto Grange Park Close would contravene condition no. 4 of permission 2415/13. The access was established before that grant of permission to serve a shed. Its dimensions are not out of keeping with those along the street. The shared entrance at the front of the houses is excessively wide. The revised proposals here are acceptable. However there are no proposals to remediate the excessive provision of hard surfaces in the form of concrete. Planting is required. The altered layout would not be seriously out of keeping with the character of the streetscape and is acceptable.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows –

- The appellants live at the neighbouring house at No. 15 Grange Park Close and have done for 48 years.
- The existing driveway beside their house was not used for 16 years and does not appear to have had planning permission. The appellants did not appeal the grant of permission for a house under 2415/13 because it included the closure of this driveway.
- The extent of hard surfacing to the side and front of the new house is unsightly. The concrete side garden is an unsightly feature when viewed from the appellants' house.
- The use of the rear driveway beside the appellants' house will impact on the residential amenity due to engine noise and fumes and visual imposition. They purchased their house on a reasonable expectation that there would be no new entrance on the adjoining property as it was on a different road with its own access thereto.

- The planning authority was wrong to consider the driveway as established or that it would not lead to undue impact on amenities. The use of the driveway would cause disturbance so close to the appellants' front door and front rooms. It also removes valuable on-street parking which is required by the appellants' disabled son.
- The planning authority's conclusion that sufficient garden space can be provided rests on the inclusion of an unsuitable concrete side garden. It is unlikely that the concrete will be removed and the area planted and screened in a manner that would render it suitable as private open space.
- The rear entrance would be out of keeping with housing in the estate. Where other houses have been built in side gardens their driveways have been to the front. The problems with the front access in this case emerge from its layout and poor treatment of surface areas.
- The access arrangements authorised under 2415/13 remain valid and useful, possibly with two separate accesses at the front as has been done at other houses in side gardens in the area. This would ameliorate the annoyance caused to the appellants and allow adequate private open space for the new house at No 1a.

9.0 RESPONSES

9.1 The planning authority did not respond to the appeal.

9.2 The applicants' response can be summarised as follows-

- The driveway is well clear of the appellants' front door and windows. Its use would not lead to the fumes, noise or visual intrusion raised in the appeal.
- The applicants have gone to the expense of removing a large section of hardstanding and have improved landscaping prior to the making of the application.
- The existing vehicular access is too wide. The original pedestrian access location would not have worked due to the need for level access to the house for visitability purposes.

- Providing two separate driveways at the front of the houses would cause the applicants unnecessary stress and expense. The access to No 1a would also be too close to the corner and would cause a traffic hazard.
- The applicants will abide by the requirement for landscaping set out in the conditions of the planning authority's decision as required to protect their neighbour's privacy and residential amenities.
- The applicants are elderly and have invested considerably in developing this property and wish to get on with their lives.

10.0 ASSESSMENT

10.1 The driveway whose retention is proposed is in front of the building line along Grange Park Close. Its retention in this position would not be likely to seriously injure the amenities of the neighbouring property due to disturbance, noise, fumes or otherwise. It does not detract from the character or appearance of the area. Adequate visibility is available along the road here and the retention of the driveway would not give rise to a traffic hazard. The retention of the driveway would prevent on-street parking directly in front of it. However the area would not have a unusually high demand for parking. The width of the road and of the housing plots facilitates on-street parking elsewhere in the immediate vicinity of the appellants' house. In these circumstances the impact of the development on parking would be marginal, even allowing for the appellants' family circumstances. It would not justify refusing permission or requiring substantial modifications to the development. The size and shape of the gardens to the rear of the houses mean that they would provide adequate and useable private open space to serve both the houses on the site even if the driveway were to be retained, albeit that the one serving the house at 1a is rather small. The retention of the driveway is therefore considered to be acceptable. This does not depend upon any conclusion as to whether the driveway was established or authorised before permission was sought to erect a second house on the site.

10.2 The extensive concrete surfaces that have been laid on the site are unsightly and out of keeping with the character of the area. However the restoration of part of the front boundary treatment which is proposed in this application will mitigate this impact to an extent that I would consider to be acceptable. It would also be mitigated by the erection of a low boundary wall between the houses on the site. The width of the proposed driveway to serve the house at No. 1 and the pedestrian access to No. 1a are acceptable in this regard. I note that the conditions of the planning authority's decision referred to landscaping works on the site. These largely required the implementation of works that are

shown on the submitted plans as part of the proposed development, but condition no. 5 also specified proportions of soft landscaping in the front gardens of either house. This condition was not appealed by the applicant, and it would be reasonable to re-iterate such a requirement on any grant of permission made by the board.

10.3 Having regard to the foregoing, it is considered that the development would not injure the character of the area or the amenities of property in the vicinity, and would therefore be in keeping with the proper planning and sustainable development of the area.

11.0 RECOMMENDATION

11.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the established pattern of development of in the area, and in particular to the location of the driveway whose retention is proposed in front of the building line established by the houses to the south along Grange Park Close, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area, would not seriously injure the residential amenities of property in the vicinity of the site and would be acceptable in terms of traffic safety and convenience. It would therefore be in keeping 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. Within two months of the date of this order, the applicant shall submit and agree in writing with the planning authority details of the finishes of the walls, fences, gates and piers shown on the plans and drawings submitted with the application, and they shall be erected on the site within six months of the date of this order.

Reason: To protect the character of the area

3. Within two months of the date of this order, the applicant shall submit and agree in writing with the planning authority details of further landscaping of the site which shall provide soft landscaping or planting over 50% of the front garden serving house No. 1a and 30% of the front garden serving house No.1. The agreed landscaping shall be carried out on the site twelve months of the date of this order.

Reason: To protect the character of the area

4. Water supply and drainage arrangements, including the attenuation and 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.

Stephen J. O'Sullivan,
4th August 2016