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Bord  
Pleanála

## Inspector's Report 06D.246653

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<b>Development</b>	Increase width of existing entrance to 6m, construct single storey glazed car port and associated works Martha's Vineyard, 29 Coliemore Road, Dalkey, County Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown Co. Co.
<b>Planning Authority Reg. Ref.</b>	D16A/0146.
<b>Applicant(s)</b>	Stephen Cross
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Split Decision.
<b>Appellant(s)</b>	1. Stephen Cross
<b>Observer(s)</b>	1. Sheila Barnes.
<b>Date of Site Inspection</b>	24 <sup>th</sup> August 2016.
<b>Inspector</b>	Hugh Mannion.

## 1.0 Site Location and Description

The site has a stated area of 0.884m<sup>2</sup> and is located on the seaward side of Coliemore Road in Dalkey County Dublin. The site accommodates a single storey modernist house with a ground floor on the level of Coliemore Road and a basement below. The ground floor accommodates dining, living kitchen and service areas. The basement level provides bedroom, dining and a terrace. The OSI mapping is somewhat misleading because it implies that there is no 'undeveloped' open area whereas at road level there is a gravel garden over most of the basement level with two drive-in car parking spaces also over the basement living space. A coursed stone wall separates the site from the public road fitted with a single vehicular/pedestrian sliding gate.

The area has a mix of building styles and types. To the immediate north on the seaward side of the road and adjoining the application site is a single storey cottage, just opposite the site is a three storey apartment block (Berwick House).

## 2.0 Proposed Development

The proposed development comprises;

(1) increasing the width of the existing vehicular entrance to 6m including modifications to a stone boundary wall and sliding gates,

(2) construction of a single storey fully glazed car port (43m<sup>2</sup>) with two fully glazed sides to the east and south elevations all to the southern side of an existing house, and

(3) associated works at Martha's Vineyard, Coliemore Road, Dalkey, County Dublin.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the widened vehicular entrance and refused permission for the car port.

Condition 2 of the grant of permission for the widened gate (a) limited the gate to 5m wide and extended southeast, (b) lowered the existing boundary wall close to the gates to 1.1m and, (c) lowered the gates to 1.1m.

Condition 3. Required a lowered gate to match the walls.

The planning authority refused permission for the car part for interference with visual amenity.

### **3.2. Planning Authority Reports**

The planner's report recommended the conditions attached to the grant of permission for the wall/gates and refusal of the car port as adopted by the planning authority's decision order.

### **3.3. Other Technical Reports**

Transportation Planning section recommended limiting the gate to 5m wide and moving it southeast.

### **3.4. Third Party Observations**

Dalkey Community Council made an observation in relation to the protection of views and prospect from Coliemore Road. H. Darling made an observation in relation to potential for changing the use of the car part to residential space. Conor & Aine O'Hanlon stated that the development was not in character with the Victorian style of Dalkey.

## **4.0 Planning History**

The original permission appears to have been under D00A/0846 which granted demolition of an original house and site and the construction of the existing structure. The planning reports on file set out minor alterations over the years since.

## **5.0 Development Plan**

Objective LHB6 of the County Development Plan 2016-2022 states:

It is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The purpose of widening the gate is to avoid excessive manoeuvring on Coliemore Road to improve traffic safety. Reducing the vehicular entrance to 5m does not help in reducing the problem of manoeuvring.
- The reduction of the boundary wall to 1m would be unnecessary if the vehicular gate was 6m.
- The height of the wall is determined by the need to provide an upright for the sliding gate to be fixed to. The wall also hides refuse bins.
- Condition 3 is unclear in its purpose.

## 6.2. Planning Authority Response

The planning authority responded to the appeal as follows;

- The planning authority's objective is to facilitate traffic safety by allowing an increased width in the vehicular gateway.
- The gate is now 1.6m high, can be reduced to 1.1 or slide back for a further 1m to meet the requirement to maintain visibility over the site.
- The glazed car port was refused in the interest of visual amenity.

## 6.3. Observations

Sheila Barnes made an observation to the Board which may be summarised as follows;

- The proposal may impact on views towards the sea.
- The car part should be refused because it would block views and be contrary to the provision of the County Development Plan.

## 6.4. Further Responses

There are no further comments.

## 7.0 Assessment

### Introduction

The OSI maps are somewhat misleading in indicating that the site has 100% site coverage. Apart from the flat roofed house there is two the car parking spaces and a gravelled garden that are constructed over a basement bedroom/living/dining area. This gravelled garden is about 26m long from the southern end of the sliding gate.

### Vehicular gate.

The existing vehicular entrance is 3.43m wide, has a single gate which slides north behind the boundary wall when opening. There is a double yellow line on both sides of Coliemore Road in the vicinity of the site, there is a footpath on the opposite side (Western) side of the road but none on the application site's side. Two cars can pass with care on this stretch of Culiemore Road.

The application provides for a revised vehicular entrance of 6m wide on the grounds that this would reduce manoeuvring on the road. The Transport Planning Section recommended that the width be reduced to 5m in line with the policy set out at 8.2.4.9 of the County Development Plan.

Generally I agree that the application provides for a wider entrance and this would allow greater flexibility when entering and exiting the site. However I do not consider that applicant's the case for a 6m wide is persuasive. While there does not appear to be an official national Irish standard for car park space dimensions the British environment agency recommends that car park spaces for cars and light vans should have widths of 2.4m. Therefore it would be possible to park two cars or light vans in a manner which allows drive out onto Coliemore Road. Notwithstanding the road safety point it must also be recognised that Coliemore Road is a high amenity area where views over the sea are of particular importance and the more visual clutter by way of gates and walls directly onto the public road the greater will be impact on such views. I conclude, balancing both issues, that the new opening should be restricted to 5m and I recommend attaching a condition to that effect.

### Walls and gate.

It is the policy of the planning authority (LHB6) to protect and encourage the enjoyment of views and prospects of special amenity value or special interest and to prevent development which would block or interfere with a view. Map 4 attached to

the County Development Plan indicates that views from Coliemore Road towards the sea and Dalkey Island are designated for protection.

The height of the existing wall and gates are unchanged (reference drawing A1215-02-103 received by the planning authority 10<sup>th</sup> March 2016) by this application. The planning authority imposed conditions 2 (b) and (c) that reduced the wall on the north and south of the gate to 1.1m. Furthermore condition 3 reduced the height of the gate to 1.1m. The reason given for these conditions is in the interest of traffic safety.

The appeal makes the case that the mechanics of the gate would be adversely affected by this change and that the wall hides a bin storage area at present.

The rationale for the application is to improve traffic safety. The planning authority agrees with this subject to a condition limiting the width of the opening. The existing walls and gate are not unreasonably intrusive and allow views out to sea and particularly slightly southeast towards Dalkey Island. I do not consider that planning or traffic safety goal would be advanced by reducing the height of the “wing” walls to the side of the gateway. I consider that a condition which will allow the planning authority and the developer to agree the exact position of the widened gateway, probably southwards, is appropriate and I attach a draft condition 2 below.

### **The Car Port**

The appeal makes the point that the car port is transparent and will not impact on views from Coliemore Road.

There is not a strict uniformity in building style or materials on Coliemore Road and this variety of building style and materials is not recent. Nonetheless the planning authority in the County Development Plan has recognised that views towards the sea and Dalkey Island are of special amenity value which it is necessary to preserve and have specifically designated them on the maps attached to the County Development Plan. Notwithstanding the transparent materials of the car port structure I consider that the proposed development would incrementally reduce the quality of the views available from Coliemore Road in a manner as to materially contravene the objective in the County Development Plan. I therefore recommend refusal as set out below.

### **Appropriate Assessment**

Having regard to the nature and scale of the proposed development no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, for the new vehicular entrance and refused for the car port for the reasons and considerations as set out below.

### Reasons and Considerations/ Reasons

The site is zoned for residential development in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to the pattern of residential development in the area and the existing entrance arrangements for a permitted residential use it is considered that the proposed revised vehicular entrance would not give rise to traffic hazard, would accord with the zoning of the site set out in the County Development Plan and would, otherwise, accord with the proper planning and sustainable development of the area.

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 revised vehicular entrance shall be a maximum of 5 metres wide. Plans and particulars providing for this maximum width and location of the revised gate shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity and traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

## **Reasons and Considerations**

It is an objective of the planning authority as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 to protect and encourage the enjoyment of views and prospects of special amenity value or special interest designated in the Plan. Views out to sea and towards Dalkey Island from Coliemore Road are designated for protection as views of special amenity value in the County Development Plan. The proposed car port would comprise an intrusive feature in views from Coliemore Road in such a manner as to materially contravene the objective set out in the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion

Planning Inspector

23<sup>rd</sup> August 2016.