

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246965

Development: Construction of a new vehicular access to the front of the house together with new gates and driveway and associated works at 6 Wilfield Road, Sandymount, Dublin 4.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2550/16
Applicant: John Mitchell
Planning Authority Decision: Grant, subject to 7 conditions

Planning Appeal

Appellant(s): Fred Dunn
Type of Appeal: Third party -v- Decision
Observers: None
Date of Site Inspection: 11th October 2016

Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site is located at the north western end of Wilfield Road, an established residential street of predominantly period two storey terraced dwelling houses with front and rear gardens. This Road runs on a north west/south east axis and at its north western end it joins with Sandymount Avenue at a point immediately to the north east of the level crossing on this Avenue and the adjacent Sandymount DART station.

The site itself is of rectangular shape and it extends over an area of 221 sq m. This site accommodates a bay-fronted, two storey, end-of-terrace, red brick dwelling house, which is served by gardens to the front and rear. The former garden is enclosed to the front and to the north western side, where it abuts a narrow laneway, by means of ornate railings above a plinth. The pattern of these railings is replicated in the existing pedestrian gate. This garden has a pea gravel surface, which is interspersed with shrubs. There is a concrete path between the aforementioned pedestrian gate and the front door of the dwelling house.

2.0 PROPOSED DEVELOPMENT

The proposal would comprise the construction of a vehicular access to and a gated driveway within the front garden to the dwelling house. This access would entail the dishing of the public footpath and the driveway would be surfaced in free draining gravel to match the existing. The new 3m wide folding gates would open inwards and they would be made from the existing railings.

3.0 PLANNING HISTORY

While there is no planning history on the site, elsewhere on Wilfield Road there have been a number of comparable proposals for vehicular entrances, details of which are summarised below:

- No. 106: **2125/11**: Permitted
- No. 66: **2931/11**: Refused at appeal **PL29S.239515** for the following reason:

The site of the proposed development is located in an attractive suburban location of terraced houses with very limited off-street vehicular parking to the front. It is considered that the proposed off-street car parking and vehicular entrance in the front boundary would be out of character with the established pattern of intact front boundaries in the vicinity. The proposed development would, therefore, disrupt an existing orderly layout, would seriously injure the residential amenity and character of the area and would be contrary to the proper planning and sustainable development of the area.

- No. 82: **2972/11**: Refused
- No. 43: **3079/11**: Refused
- No. 65: **2334/15**: Permitted
- No. 41: **4058/15**: Permitted at appeal **PL29S.246152**

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- The case planner made the following points:
 - The advice of the Roads and Traffic Planning Division is cited.
 - Under further information, the applicant clarified that the shed in his rear garden is not a garage and the lane to the side of his property is blocked, due to its use for parking.
 - The Board decision on 4058/15 is cited as a precedent.
- Drainage: No objection, subject to conditions.
- Roads and Traffic Planning: Objects on the following grounds:
 - Wilfield Road is narrow and Sandymount DART station is nearby. If pay and display parking were to be introduced, then only one side of this Road would be available for formal on-street car parking spaces, thereby halving the level of informal parking that occurs at present. The corollary of this situation is that the Road is used by commuters as well as residents for parking.
 - Notwithstanding recent permissions for comparable proposals, the Roads and Traffic Planning Division objected in each case. Objection is raised again on the grounds of loss of on-street car parking spaces, pedestrian safety, the risk of oversailing the footpath, and aesthetics.

4.2 Planning Authority Decision

Following receipt of further information, permission granted subject to 7 conditions, which includes one, denoted as no. 2, that requires that the vehicular entrance gates open inwards and that the existing railings be used in the manufacture of these gates.

5.0 GROUNDS OF APPEAL

- The proposed removal of railings from the front boundary would introduce a saw tooth effect to the streetscape.
- Previous comparable proposals, when permitted have at the implementation stage installed modern railings rather than using the original ones.
- The applicant has access to the rear of his property, which could be utilised for parking.
- The existing parking problems on Wilfield Road are addressed by the NTA's Jacob's Report. The current proposal would sterilise on-street parking in front of the proposed vehicular gates and it would be attended by issues of visibility and manoeuvrability.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

None.

6.2 First party response

- The submitted plans show the details of the proposal, which would entail the installation of vehicular gates that reflect the proportion, style, and rhythm of the existing railings and pedestrian gate. Notwithstanding issues of compliance elsewhere, the applicant undertakes to implement this proposal, if its permitted.
- Precedent for the proposal exists, for example the Board's decision on PL29S.246152.
- The Jacob's Report proposes that staggered on-street parking be introduced to Wilfield Road, which would be complemented by off-street parking to the front of houses, such as that proposed by the applicant.
- Parking to the rear of the applicant's property was addressed under further information.

A letter of support from 17 residents accompanies this response.

6.3 Observations on grounds of appeal

None.

7.0 POLICY CONTEXT

Under the Dublin City Development Plan 2011 – 2017, the site is shown as lying within an area that is zoned Z1, wherein the objective is “To protect, provide, and improve residential amenities.” Section 17.40.7 and Appendix 8 address the layout of car parking spaces, as does a leaflet entitled “Parking cars in front gardens”.

8.0 ASSESSMENT

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Parking,
- (ii) Amenity, and
- (iii) Appropriate Assessment.

(i) Parking

8.1.1 During my site visit, which took place mid-morning on Tuesday 11th October 2016, I observed that Wilfield Road is subject to a high degree of on-street car parking on both sides of this Road. Due to the narrowness of the carriageway, such parking occurs at least on one side and sometimes on both sides of the Road in a manner that entails vehicles over riding onto the public footpaths that accompany this carriageway.

8.1.2 Dublin City Council’s Roads and Traffic Planning Division report that on-street car parking on Wilfield Road is generated by residents and commuters. They state that, whereas pay and display arrangements have been considered as a means of regulating such parking, the necessary formalisation of car parking that they would entail would effectively halve the road space available for on-street parking and so they have not been pursued. The Division has consistently objected to proposals, such as the current one, on the basis that they would entail the loss of on-street car parking spaces in front of the ensuing vehicular accesses.

8.1.3 The appellant draws attention to the Dublin Residential Parking Study – Brighton Road and Wilfield Road undertaken by Jacobs on behalf of the NTA and dated 15th September 2015. This Study identifies the issue with this Road insofar as its narrow width militates against the provision of on-street car parking wholly on both sides of the carriageway, i.e. neither the DMURS minimum in this respect of 10.9m nor the City Council’s traditional minimum of 10.3m is available. It

considers that the partial use of public footpaths is unacceptable and it concludes that the optimal solution (Option 2) would be “the formalisation of parking, via white lining and parking controls, on both sides of the road, staggered to allow routing of vehicles in a safe and efficient manner.”

- 8.1.4 I have been unable to ascertain the status of the aforementioned Study. The advice of the Roads and Planning Traffic Division did not refer to it. Thus, I am uncertain as to what weight should be attached to the same. Nevertheless, I am satisfied that the current proposal would be compatible with Option 2, provided any vehicle turning right into the proposed driveway reversed into it.
- 8.1.5 The planning history of the site indicates that similar proposals have been permitted and refused both by the planning authority and the Board in the past. The planning authority in permitting the current proposal gave weight to the Board’s most recent decision, which was to permit a similar proposal at No. 41. No particular pattern emerges from a review of previous planning decisions.
- 8.1.6 I anticipate that the pressure from commuters upon on-street car parking space is likely to be greater over the north western portion of Wilfield Road, i.e. that half of the Road which is closer to Sandymount DART station.
- 8.1.7 The site is located towards the top of the north western portion of Wilfield Road and so the applicant is likely to face particular competition from commuters for the use of the road space forward of his property. As I consider that the parking needs of residents should be prioritised over those of commuters, I take the view that his proposal is capable of greater justification than that which would apply to residents in the south eastern portion of Wilfield Road, including that at No. 41, which was the subject of the Board’s most recent decision.
- 8.1.8 The appellant draws attention, too, to the laneway to the side and rear of the site and the presence of a garage like structure in the rear garden. He contends that the applicant has thus an alternative means of off-street car parking to hand. The planning authority raised this matter with the applicant under further information and it established that the gated laneway is narrow and that it is typically blocked by parked vehicles. The said structure is not a garage but a garden shed. Thus, in practise, this apparent alternative would not be tenable.
- 8.1.9 The Roads and Traffic Planning Division also expressed concern that the proposal would risk oversailing of the public footpath and a consequent risk to pedestrian safety. I note that the clearance distance between the proposed vehicular gates and the bay window in the front

elevation would be 5.226m and so there would be an adequate depth available to ensure that a car of standard length could be parked without oversailing. I note, too, that the gates would fold inwards and so they would not overhang the public footpath. I am thus satisfied that the aforementioned concern can be allayed.

8.1.10 I conclude that, in the light of the recent planning history of Wilfield Road and without prejudice to the Jacob's Study of this Road, the proposal, which would prioritise the parking needs of residents over that of commuters, is justifiable and it would be capable of being provided without jeopardising pedestrian safety.

(ii) Amenity

8.2.1 The proposal would be designed to ensure that aesthetically there is considerable continuity between the front garden that exists at present and that which would obtain in the future. Thus, the driveway would be finished in gravel and the railings would be re-used in the manufacture of the proposed vehicular gates. Existing shrubs would be retained, where possible, and the existing pedestrian gate and concrete footpath would be retained insitu.

8.2.2 The appellant expresses concern that the proposal would introduce a saw tooth effect to the streetscape. He also expresses concern that elsewhere on Wilfield Road applicants have undertaken to re-use original railings in similar projects, but in the event have installed modern ones.

8.2.3 The applicant has responded to these concerns by emphasising that the proposed vehicular gates would reflect the proportion, style, and rhythm of the existing railings and pedestrian gate and by expressing that, notwithstanding failures of compliance elsewhere on the Road, he would fulfil his undertakings.

8.2.4 Given the applicant's response, the appellant's saw tooth concern may relate to the appearance of the property if the vehicular gates are left open. While this is not something that can be addressed by condition, I anticipate that it would be in the interests of the applicant to close these gates when they are not in use.

8.2.5 Additionally, I consider that the proposal should include a lip that would ensure that the gravel surface is not dragged into the roadway, thereby looking unsightly and creating a potential safety issue. Such a lip could be conditioned.

8.2.6 I conclude that the proposal would be compatible with the visual amenities of the area.

(iii) Appropriate Assessment

8.3.1 The site is located neither in or near to a Natura 2000 site. It lies within an established suburban area that is fully serviced. Accordingly, no Appropriate Assessment issues arise.

8.3.2 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 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the Dublin City Development Plan 2011 – 2017 and the planning history of Wilfield Road, it is considered that, subject to conditions, the proposal would accord with the Z1 zoning objective for the site. The proposed vehicular access and off-street car parking space would be appropriate in terms of road safety and good traffic management and their design would be compatible with the visual amenities of the area. No Appropriate Assessment issues would arise. The proposal would thus accord 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, as amended by the further plans and particulars submitted on the 8th day of June 2016, 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 proposed development shall be amended as follows:

A lip shall be placed across the mouth of the driveway.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to prevent gravel from being dragged onto the public road, in the interests of road safety and visual amenity.

3. The proposed vehicular gates shall incorporate the existing railings within their design and they shall be open inwards only.

Reason: In the interest of visual amenity and road safety.

4. 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 orderly and well-planned development.

5. The public footpath shall be dished in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Hugh D. Morrison
Planning Inspector
20th October 2016