



An  
Bord  
Pleanála

## Inspector's Report PL29S.247079

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<b>Development</b>	New Vehicular entrance and off street car parking to front garden.
<b>Location</b>	37 Derrynane Gardens, Sandymount, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2966/16
<b>Applicant(s)</b>	Jennifer Doyle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jennifer Doyle
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> of October 2016
<b>Inspector</b>	Angela Brereton

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## **1.0 Site Location and Description**

The application site is on the eastern side of Derrynane Gardens, which is a cul-de-sac road to the north of Bath Avenue, Sandymount, Dublin 4. Shelbourne Park is to the north and the River Dodder is to the west. The E.S.B Sports and Leisure Centre is to the west. The Aviva Stadium can be seen to the south. No.37 is a modest terraced two storey dwelling which is close to the turning area at the northern end of the cul-de-sac.

## **2.0 Proposed Development**

Permission is sought for a new vehicular entrance and off street car parking in the front garden at 37 Derrynane Gardens.

The application form provides that the total site area is 203.4sqm.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

On the 15<sup>th</sup> of July 2016 Dublin City Council refused permission for the proposed development for the following reason:

*The proposal which is for the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking available to residents on the street. The proposed development would directly contravene Policy SI13 of the Dublin City Development Plan 2011-2017 which seeks to retain on-street parking as a resource for the city, as far as practicable. The proposed development would set an undesirable precedent for similar sites throughout the city and would be contrary to the proper planning and sustainable development of the area.*

## 3.2 Planning Authority Reports

### Planner's Report

The Planner's Report had regard to the locational context of the site, planning history and policy relevant to the proposed development. They noted that the Council's Roads and Traffic Planning Division recommended that permission be refused. They considered that notwithstanding other vehicular entrances on the road that the proposed development would have a negative impact on the residential amenities of the area and set an undesirable precedent for further loss of on-street parking and would be contrary to the proper planning and sustainable development of the area.

### Other Technical Reports

The *Roads and Traffic Planning Division* are concerned about the loss of an on-street parking communal space and consider that the proposed development would not comply with planning policy, would set an undesirable precedent and recommend it should be refused.

The *Engineering Department – Drainage Division* has no objection to the proposal subject to the incorporation of SUDS in the management of storm water.

## 4.0 Planning History

There is no specific recent planning history pertaining to the subject site.

- Reg.Ref. 1083/00 – Permission granted subject to conditions for an attic bedroom extension at rear including hipped extension at no.37 Derrynane Gardens.

The following are of note relative to the creation of vehicular entrances in the vicinity:

- Reg.Ref.2764/15 – Permission granted subject to conditions for extensions and a vehicular entrance at no. 73 Derrynane Gardens.
- Reg.Ref.2617/10 – Permission granted by the Council subject to conditions for the widening of the pedestrian access to create a vehicular access at the front of no.13 Derrynane Gardens.

- WEB1013/10 – Permission granted by the Council subject to conditions for the widening of the pedestrian access to create a vehicular access at the front of no.42 Derrynane Gardens
- Reg.Ref.3461/08 – Permission granted by the Council subject to conditions for the erection of a two storey rear extension with hipped roof at no.38 Derrynane Gardens. It is of noted that condition no.2 of this permission omitted the proposed vehicular entrance. This property adjoins the subject site.
- Reg.Ref.6191/07 – Permission granted by the Council subject to conditions for a vehicular entrance at no. 44 Derrynane Gardens.
- Reg.Ref.5285/08 – Permission granted subject to conditions for a vehicular entrance at no.70 Derrynane Gardens.

## **5.0 Policy Context**

### **5.1 Dublin City Development Plan 2011-2017**

The application has been considered under this plan. The site is included within the Z2 residential/conservation land use zoning where the objective is: *To protect and/or improve the amenities of residential conservation areas.*

Policy SI13 seeks: *To retain on-street parking as a resource for the city, as far as practicable.*

Section 17.8 refers to Roads and Services and includes reference to design standards for vehicular access. Section 17.40.11 refers to a presumption against the removal of On-Street Parking.

Appendix 8 Section 1 provides the Road Standards relative to Residential Development. This also includes reference to the planning authority's guidance leaflet 'Parking Cars in Front Gardens'.

### **5.2 Dublin City Development Plan (2016-2022) – Interim Publication**

This Plan was adopted by Dublin City Council at a Special Council meeting on 23rd September 2016. The Plan came into effect on 21st October 2016. It replaces the

2011-2017 City Development Plan. It sets out policies and objectives to guide how and where development will take place in the city over the lifetime of the Plan. It aims to provide an integrated, coherent spatial framework to ensure the city is developed in an inclusive way which improves the quality of life for its citizens, whilst also being a more attractive place to visit and work.

Section 8.5.6 provides the policies and objectives relative to Car Parking and notes that the Standards are set out in Section 16.38.

Policy MT14 seeks: *To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to sustainable transport provision, access to new developments, or public realm improvements.*

Objective MTO27 seeks: *To renew restrictions on the use and cost of on-street parking and change them, as necessary, in order to discourage commuter parking, and to facilitate short-term parking for shopping, business and leisure purposes at appropriate locations.*

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

16.10.18 is concerned with Parking in the Curtilage of Protected Structures and in Conservation Areas and provides a presumption against the removal of front garden areas for off-street parking. However in cases where it would not be detrimental to visual amenity it provides a range of criteria to be met.

Section 16.38 provides the Car Parking Standards. Table 16.1 refers. This section also includes a presumption against the removal of on street parking.

Appendix 5 – Roads Standards for Various Classes of Development. This includes regard to off-street parking and to the Planning authority’s leaflet ‘Parking Cars in Front Gardens’.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

- 6.1.1 A First Party Appeal has been submitted by the applicant Jennifer Doyle. Her grounds of appeal are summarised as follows:

- Presently both their cars are parked on the street. They have residents permits due to expire in February 2018. If this space were freed up, one space would be available in their front garden area
- They frequently have difficulties parking due to congestion and this presents safety risks to their family.
- Their situation is made more difficult due to the parking demands on the adjacent Scout Hall/Community Hall in Derrynane Gardens.
- In Derrynane Gardens, there are 78 houses, of this total 43 already have off-street parking available. Details are included of some of these and photographs are included with the appeal.
- She provides that all of these examples are in the D4 area in close proximity to her home. Some of these are in areas where pay and display is in operation.
- The granting of this application will create an extra parking space for the community.

## **6.2 Planning Authority Response**

- 6.2.1 They have reviewed the appeal documents and consider that the proposed development is contrary to the proper planning and sustainable development of the area. They request the Board to uphold the decision of the Planning Authority and to refuse permission for the proposed works.

## **7.0 Assessment**

### **7.1 Principle of Development and Planning Policy**

- 7.1.1 Regard is had to the locational context of the site and to parking and access issues in the area. As shown on Map E of the Dublin City Development Plan 2016-2022 the site is located in the 'Z2' residential zoning where the objective seeks: *To protect, provide and/or improve the amenities of residential conservation areas*. The general objective for such areas is to protect them from unsuitable new developments or

works that would have a negative impact on the amenity or architectural quality of the area.

- 7.1.2 This Map also shows that the site while not a Protected Structure is located in a Conservation Area. As noted in the Policy Section above Section 16.10.18 is concerned to restrict off street parking in smaller garden areas in Conservation Areas. However in cases where it would not be considered detrimental to visual amenity it provides a number of criteria to be met to ensure that satisfactory vehicular access and parking can be achieved and that the integrity of the area is retained.

Section 16.38 provides the Car Parking Standards – Table 16.1 refers. This Section 16.38.9 includes: *There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces.*

Appendix 5 includes Road and Footpath Standards for Residential Development and provides: *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 design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply.*

- 7.1.3 Therefore it is considered that regard needs to be had to the impact of the proposed provision of this vehicular access and the loss of the on-street car parking space on the character and amenities of the area including on-street parking to ensure that it would not be contrary to planning policy and the proper planning and sustainable development of the area. This is discussed further taking into account these issues and having regard to the grounds of appeal in this Assessment below.

## **7.2 Regard to First Party Rationale**

- 7.2.1 The First Party provides that they are a two car family and that by having a driveway they would be freeing up an on-street parking space. At present they have difficulty in finding on-street parking spaces for both of their cars. They consider that there are safety risks for their family and would prefer to be able to park one of their cars on-site. They note that there has been a precedent for the widening of entrances to



provide vehicular access and provide that there are 78 houses and of this total 43 already have off street parking available. They provide details including some photographs of these. They also refer to their situation being made worse by the demands of the Scout Hall/Community Hall on Derrynane Gardens. This facility is used up to five nights a week and adds to congestion for local residents. They consider that their proposal would create an extra car parking space for the community.

### **7.3 Access and Parking issues**

- 7.3.1 It is noted that there have been a number of permissions granted for vehicular entrances in Derrynane Gardens. There may also be a number of unauthorised vehicular entrances. However with regard to enforcement, that is a matter for the Planning Authority. Many of these were granted prior to the 2011-2017 DCDP which had a presumption against a proliferation of such entrances and removal of off street parking. Section 17.40.11 of that Plan refers to On-Street Parking and includes: *Dublin City Council will preserve available on-street parking where appropriate. This also provides: There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces.* Also Policy SI13 in Section 5.1.4.7 seeks: *To retain on-street parking as a resource for the city, as far as practicable.* Such restricted policies have also been noted in the current 2016-2022 DCDP in the Policy Section above.
- 7.3.2 In this respect it is noted that Derrynane Gardens is a cul-de-sac and the subject site is at the northern end close to the more heavily parked turning circle. There is paid/permit parking and on-street parking is marked out. There are on-street parking spaces marked out in a linear fashion in front of the property. There are several vehicular accesses opening out onto the turning circle and several cars were parked there so that it does not appear possible to use the turning circle for that purpose. On the day of the mid-week afternoon site visit it was noted that the central or lower part of the road was not as heavily parked. However Derrynane Gardens is located in relative proximity to a number of sporting fixtures such as Shelbourne Park to the north and Aviva stadium to the south.

- 7.3.3 The Parking Cars in Front Gardens Guidance note includes: *The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden, and to provide safe access and egress from the proposed parking space, for example near a very busy road or a junction with restricted visibility.* In this case no.37 has constructed a porch which somewhat reduces the front garden area. The Site Layout Plan shows that the proposed car parking space would be c.5.6m x 3.0m, and the vehicular entrance 3.0m. Therefore as confirmed when viewed on site these minimum guidance standards would be met, however very little additional manoeuvring space would be available. Minimising the visual impact of creation of the access is also recommended. The 'Parking Cars in Front Gardens' leaflet also notes: *The combined effect of paving a number of gardens in a street or area increases the risk of flooding and pollution (oil, brake dust, etc).* The use of Sustainable Drainage Methods (SUDs) are recommended.
- 7.3.4 The Council's Roads Streets and Traffic Department notes that Derrynane Gardens is a residential street consisting of a main spine road and three cul-de-sacs. It is acknowledged that many residents have off street parking spaces, however many others rely on communal on-street parking. They are concerned that the opening of the vehicular entrance in this location would result in the removal of at least one on street parking space.

## **7.4 Impact on the Character and Amenities of the Area**

- 7.4.1 The subject site is located within the Z2 Residential/Conservation area land use zoning and within a Conservation Area. As shown on Land Use Map E only the northern end and eastern side of Derrynane Gardens is located within the Conservation Area. Section 16.10.18 of the DCDP 2016-2022, which relates specifically to parking in a Conservation area provides a presumption against such i.e: *Poorly designed off-street parking in the front gardens of protected structures and in conservation areas can have an adverse affect on the special interest and character of these sensitive buildings and areas. For this reason, proposals for off-*

*street parking in the front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant – and can lead to the erosion of the character and amenity of the area.* This Section also outlines criteria where limited off street parking will be permitted. This includes where: *Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area.*

- 7.4.2 In this case while the proposal would involve the removal of the front garden area and railings, the proposed space has an area that just exceeds the minimum standards. The proposal will only allow for the provision of one off street parking space, in an area where on-street parking spaces are marked out. While it is acknowledged that there is a parking problem in the area especially during times of peak use, it is considered that regard must be had to continuing the trend of providing off-street parking spaces in these relatively short front garden areas and the further erosion of on-street parking, especially close to the busy cul-de-sac turning area at the northern end of Derrynane Gardens. There is concern that this proposal will further an undesirable trend for this type of development in Derrynane Gardens to the detriment of the residential amenities and the character of the area.

## **7.5 Appropriate Assessment**

- 7.5.1 It is considered that having regard to the nature and scale of the development which is for domestic/residential purposes in a fully serviced suburban location, and to the nature of the receiving environment, that no appropriate assessment issues arise.

## **8.0 Recommendation**

- 8.1 It is recommended that permission be refused for the Reasons and Considerations below.

## **9.0 Reasons and Considerations**

It is considered that this proposal for the provision of an on-site vehicular parking space for this mid-terraced property and the removal of an on-street parking space in this restricted and delineated parking area would be contrary to Section 16.38.9 as

set out in the Dublin City Development Plan 2016-2022, which seeks to retain on-street parking as a resource as far as practicable. It would serve to further create an undesirable precedent for similar development in this Conservation Area including the further erosion of front garden areas within the sensitive Zone Z2 residential conservation area. As such it would also be contrary to Section 16.10.18 relative to the loss of front garden areas in Conservation Areas and would therefore, seriously injure the amenities of this residential conservation area and would be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

1<sup>st</sup> of November 2016