



An
Bord
Pleanála

Inspector's Report PL06D.247228

| | |
|-------------------------------------|--|
| Development | Permission for a new front garden design, car entrance, modifications of existing cast iron railings and stone wall to provide off street car parking. |
| Location | 16 Northumberland Avenue, Dun Laoghaire, Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council. |
| Planning Authority Reg. Ref. | D16A/0448 |
| Applicant(s) | Rowan Oberman |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First-v-Refusal |
| Appellant(s) | Rowan Oberman |
| Observer(s) | |
| Date of Site Inspection | 07 th December 2016 |
| Inspector | Colin McBride |

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.057 hectares, is located just south of Dun Laoghaire town centre and on the western side of Northumberland Avenue. The appeal site is occupied by a two-storey terraced dwelling, which has front garden with iron railings and a pedestrian entrance. Immediately to the north is no. 15, which is also a two-storey terraced dwelling similar in character. To the south is a single-storey over basement level dwelling (no. 17). The street is characterised by period dwellings with existing railings along the front boundaries.

2.0 Proposed Development

2.1. Permission is sought for a new front garden design, vehicular entrance and modification of existing cast iron railings and stone wall at an existing dwelling. It is proposed to install a vehicular entrance with a width of 3.12m.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. Having regard to the design, extent and location of the proposed vehicular entrance and parking area, it is considered that the proposed development would dominate the frontage and materially affect the character of the structure, and its setting and contribution to a shared character of front boundary treatments on the streetscape, also impacts on available on-street car parking, would materially contravene the Dun Laoghaire Rathdown County Development Plan 2016-2022 with regard to Section 8.2.4.9 'Vehicular Entrances and Hardstanding Areas', and Policy AR8 'Nineteenth and Twentieth Century Buildings, Estates and Features' and would help set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate

the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Local Authority and External reports

- 3.2.1. Conservation (06/07/16): Proposal would be contrary Policy AR5 and Section 8.2.4.9 of the County Development Plan.
- 3.2.2. Surface Water Drainage (12/07/16): No objection.
- 3.2.3. Transportation Planning (02/08/16): No objection subject to conditions.
- 3.2.4. Planning Report (12/08/16): The recommendation of the Conservation Officer and policy AR5 and Section 8.2.4.9 are noted. Refusal was recommended based on the reason outlined above.

4.0 Planning History

- 4.1 No planning history on site.
- 4.2 D14A/0395: Permission granted for a vehicular and pedestrian entrance at no. 39 Northumberland Avenue.
- 4.3 D98A/0878: Permission granted for enlargement of pedestrian entrance at no. 29 Northumberland Avenue.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

5.1.2 Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Some urban and suburban areas within the County contain groupings of nineteenth and twentieth century buildings that are recognised for their distinctive planned layout and collective interest, as determined by the Planning Authority.

5.1.3 Section 8.2.4.9: Vehicular Entrances and Hardstanding Areas (attached).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Rowan Oberman, 16 Northumberland Avenue, Dun Laoghaire, Co. Dublin. The grounds of appeal are as follows...

- The vehicular entrance is necessary as the appellant has young children with difficulties encountered due to the need to park on street.
- There are a significant number of houses along Northumberland Street with off-street car parking, photographs of properties in question are included with the submission. The proposal would not be out of character with adjoining properties.
- The planning report suggests that a laneway to the rear of the properties could facilitate off-street car parking. The laneway is very narrow and would not be practical for facilitating off-street car parking.

- The development has been designed to be in keeping with the character of the existing frontage maintaining the style of gates, existing pedestrian entrance and planning in the front garden. It is noted there are examples of front gardens with vehicular entrances that have improved the visual amenities of the area.
- It is noted that the proposal would have no adverse impact on the visual amenities of the area and the proposal would not be contrary Development Plan policy as suggested in the reason for refusal.
- It is noted that there are significant variations in the character of the dwellings along the road and that the proposal would not impact adversely on the shared character of frontage treatments along the road.
- It is noted that the decision appears to indicate a differing attitude to this type of development on one side of the street than on the other and that such is inequitable.
- The proposal does not reduce the availability of on street car parking as the proposal would reduce the demand for such by facilitating off-street car parking.

6.2. Planning Authority Response

6.2.1 Response by Dun Laoghaire Rathdown County Council

- It is still considered that the proposal would have an adverse impact on the character, the availability of on-street car parking. It is noted that the dwellings on the eastern side of the street have a larger front curtilage and the existing laneway to the rear has been used for facilitating off-street car parking. It is still considered that the proposal would be contrary stated Development Plan policy.

7.0 Assessment

- 7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Visual Impact/Architectural character/Development Plan policy

Traffic impact/car parking

Other Issues

7.2 Visual Impact/Architectural Character/Development Plan policy:

- 7.2.1 The reason for refusal relates to the material impact the character of the structure, and its setting and contribution to a shared character of front boundary treatments on the streetscape, as well as being deemed to be contrary Section 8.2.4.9 'Vehicular Entrances and Hardstanding Areas', and Policy AR8 'Nineteenth and Twentieth Century Buildings, Estates and Features' of the County Development Plan. The appeal site is occupied by an existing two-storey dwelling, which is part of terrace of three dwellings similar in design and period. Northumberland Avenue is an attractive street with a significant number of period dwellings that are attractive in character and feature boundary treatment in the form of iron railings. There are variations in type and scale of structures along Northumberland Street, notwithstanding such there is strong architectural character exhibited in the properties the length of the street. I would note that the site and the immediate adjoining area is not designated as an Architectural Conservation Area and the dwelling on site or adjoining dwellings are not protected structures.

- 7.2.2 The existing dwelling features an iron railing on small stone wall with a pedestrian gate in the centre of the frontage. The front garden is a grassed area with concrete path between the pedestrian gate and the front door. It is proposed to remove a section of the low wall and railings and provide a 3.12m wide vehicular entrance. Iron gates (in swinging) to match the existing design and dimensions of the railings are to be provided. The front garden is to be surfaced mainly with pebbles to provide off-

street car parking. A path with pavers is also to be provided from the existing pedestrian gate to the door as well as some additional landscaping. There is very strong and deliberate pattern of development at this location with the dwelling part of a row of dwelling with strong architectural character. The building line, front gardens and railings and pedestrian entrances are part of this architectural character and the dwelling is part of line of dwellings where this rhythm is unbroken unlike on the opposite side of the road where there are some vehicular access points. It is notable that there are differences in the architectural character on the western side from the eastern side, with the dwellings much closer to the road on the western side. I would consider that the proposed development would have a significant and adverse impact on the architectural character of the area as it would materially affect the character of the structure, and its setting and contribution to a shared character of front boundary treatments on the streetscape. I would consider that the proposal would be contrary to the policy set down under AR8 in that it impacts adversely on a features that contribute to the character of exemplar nineteenth and twentieth century buildings.

7.2.3 It is notable that under Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas part (iv) in relation to ACA's/protected structures it is noted that "in areas characterised predominately by pedestrian entrances, new, or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street car parking will generally not be permitted". Although not a protected structure or an ACA, I would consider that the point raised in this policy is relevant in this case due to the distinct and consistent character of boundary treatment at this location, which contributes to the overall character of the dwelling on site and on adjoining sites. I would however consider that the impact of the proposal is covered by policy under AR8 and that the proposal is contrary such policy.

7.2.4 It is notable that permission was refused by the Planning Authority on the basis that the proposal is a material contravention of Development Plan policy. It should be noted that the provisions of Section 37(2)(b) apply and that the Board may only grant permission where the proposed development meets the criteria set down under Section 37(2)(b) (i, ii, iii and iv).

7.3 Traffic Impact/Car Parking:

7.3.1 The proposed entrance located at a point along Northumberland Road where the alignment of the road is straight with good sightlines available in each direction at the proposed vehicular access. It is notable that the Transportation Section of the Council noted no objection to the proposal on traffic grounds subject to conditions. The proposal does require removal of pay and display parking space and the Transportation Section includes a condition in this regard. Notwithstanding the view of the Transportation Section, the proposal would result in the loss of on-street car parking and such would be detrimental to the amenities of the area. It appears that the dwelling on the appeal site and adjoining dwellings benefit from an access laneway that runs to the rear of existing dwelling fronting Northumberland Street and such would offer alternative access arrangements that would not impact on the front boundary treatment and current on-street car parking.

7.4 Other Issues:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 a refusal of permission based on the following reason.

9.0 Reasons and Considerations

9.1 Having regard to the design, extent and location of the proposed vehicular entrance and parking area, it is considered that the proposed development would dominate the frontage and materially affect the character of the structure, and its setting and contribution to a shared character of front boundary treatments on the streetscape, would also impact adversely on available on-street car parking, would be contrary the Dun Laoghaire Rathdown County Development Plan 2016-2022 with regard to

Policy AR8 'Nineteenth and Twentieth Century Buildings, Estates and Features' and would set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

07th December 2016