



An
Bord
Pleanála

Inspector's Report 29N.247235

Development	Provision of a gated vehicular entrance to the front, private parking space and associated works.
Location	30 Merville Avenue, Fairview, D3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3179/16
Applicant(s)	Alan Laycock & Ciara Murray
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Alan Laycock & Ciara Murray
Observer(s)	None
Date of Site Inspection	09/12/2016
Inspector	Anne Marie O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
6.0 The Appeal	4
6.1. Grounds of Appeal	4
6.2. Planning Authority Response	5
6.3. Observations	5
7.0 Assessment	5
8.0 Recommendation.....	7
9.0 Reasons and Considerations.....	7
10.0 Conditions	7

1.0 Site Location and Description

- 1.1. The site is located in a residential cul-de-sac (Merville Avenue), off Fairview Strand in the Fairview/ Marino area of Dublin City. The immediate vicinity of the site is largely residential in nature, but Saint Joseph's primary and secondary school and a group of retail/ commercial units are located on the corner of Merville Avenue and Fariview Strand.
- 1.2. The appeal site comprises a 2-storey mid-terrace house with a front and rear garden. A 900mm high wall extends along the front boundary with a pedestrian entrance. A small cul-de-sac lane provides access to the rear of the appeal site and adjacent properties. No. 29 and No.31 Merville Ave adjoin the appeal site on either side.

2.0 Proposed Development

- 2.1. Permission is sought for the creation of 3m wide gated vehicular entrance and parking space within the front garden of the existing dwelling. Grass paving is proposed for the parking area. The existing pedestrian entrance retains unchanged.

3.0 Planning Authority Decision

3.1. Decision

Refused for two reasons.

1. Loss of on-street car parking space to accommodate private on-site car parking contrary to Policy SI13 of the Development Plan.
2. Precedent for similar streets throughout the City.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report reflects the decision of the planning authority.

3.2.2. Other Technical Reports

Roads Refusal recommended.

Drainage No objection subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2011-2017 is the County Development Plan for the area.

The site is located within Zone 1 the objective for which is “to protect, provide and improve residential amenities”.

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

Section 17.40.11 Presumption against removal of on-street parking spaces.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal submitted by the applicant can be summarised as follows:

- The majority of houses on Merville Avenue have already created on-site parking in their front gardens.
- There were no objections to the proposal from local residents.

- The planning authority granted permission for a number of driveways in the area between 2006-2007 when the pay and display system was already in place, with parking spaces adjacent to these properties. There is precedent, therefore, for the removal of pay and display spaces on Merville Avenue.
- The retention of the parking bay is not practicable as it can be difficult to find available parking nearby. This creates extreme difficulties in relation to shopping etc and particularly with an 18 month old child.
- 10 families have small children who play on the road and an on-site parking space would provide a safer environment for children to play. The removal of the space will also reduce commuter cars driving into the area to avail of free parking in the evening and weekends.

6.2. Planning Authority Response

No further comment.

6.3. Observations

None

7.0 Assessment

- 7.1. I am satisfied that the main issue in this case relates to the loss of the public parking space as a result of the creation of the proposed vehicular driveway, and the resulting conflict with Policy SI13 as set out in the reasons for refusal.
- 7.2. Policy SI13 seeks to retain on-street parking, and I consider this to be a reasonable policy in that these spaces provide a resource for the city. The policy does, however, acknowledge that this may not be practicable in all cases. Section 17.40.11 further elaborates that *'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'*.
- 7.3. This this case, 16 of the 24 residential properties on Merville Avenue have on-site parking, including most of the houses in the cul-de-sac. The apartments opposite,

which are currently being extended, also have off-street parking. I further note that there is a Resident's Parking/ Pay & Display parking lane stretching from the junction with Fairview Strand along Merville Avenue for some 70m before the road turns into the exclusively residential area, in addition to a further 2 spaces to the north, and 3 more in the cul-de-sac within which the appeal site is located. All of the spaces were occupied at the time of my site visit on a Tuesday afternoon, although I noted that the vehicles parked appeared to be in connection with the building works going on to extend the small apartment scheme opposite, and none of the cars displayed residents parking permits (or indeed pay and display tickets).

- 7.4. Given the relatively quiet and hidden location of the cul-de-sac, and the high number of properties with on-site parking, the main localised demand for the parking bay in question is likely to come from the applicants who at present are competing for the space with second cars per household, visitors, or those seeking free parking in a secluded spot by not abiding by the pay and display system.
- 7.5. I am satisfied, therefore, that the protection of public facilities sought by Section 17.40.11 and Policy SI13 do not apply in this case due to fact that residents in the area are not largely reliant on on-street car parking spaces as the majority of have on-site parking. Given the accessibility of the site to the city centre and public transport, it is also reasonable to assume that there are some households that do not have cars. Furthermore, the residents'/ pay and display spaces provided on Merville Avenue closer to Fairview abut the boundary wall with St Joseph's school (ie are not to the front of houses), and the current proposal would, not therefore, set a precedent resulting in extensive loss of public parking in the area.

Other matters

- 7.6. The depth of the front garden (5.8m) is sufficient to accommodate a standard sized vehicle, and the roads department had no objection in terms of road safety. I likewise have no concerns in this respect.
- 7.7. Having regard to the nature and scale of the proposed development, its location in a serviced urban area, the distance to the nearest European sites, and the lack of a pathway to those sites, I am of the view that no **appropriate assessment** issues arise, and that the proposed development would not 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, as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the vicinity of the site including the pattern of vehicular accesses serving residential properties on Merville Avenue, and the cul-de-sac location of the site with low level of localised parking demand and traffic volumes, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in the removal of an on-street parking space in a residential area where residents are largely reliant on on-street car parking spaces, would be acceptable in terms of traffic safety and convenience, and would be acceptable in terms of the proper planning and sustainable development of the area.

10.0 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.

Anne Marie O'Connor
Planning Inspector

13 December 2016