



An
Bord
Pleanála

Inspector's Report 29S.247388

Development	Alterations to front railing and gates to provide entrance and 2 no. off-street car parking spaces (Protected Structure) 40 Lansdowne Road Ballsbridge Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3377/16
Applicant(s)	Mr & Mrs Robert Bastow
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mr & Mrs Robert Bastow.
Observer(s)	None.
Date of Site Inspection	November 30 th , 2016.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at No 40 Lansdowne Road on the south side of the city. It accommodates a three-storey dwelling. The house is semi-detached and has stepped access to first floor level. The ground floor has a rendered finish with a string course separating it from the upper floors, which are a red brick finish. The front garden, from which pedestrian access is available off Lansdowne Road, is enclosed by wrought iron railings set in a granite plinth.
- 1.2. With the exception of Butler's Townhouse to the east, the area in the vicinity is one that is predominantly residential in character. There are some office uses towards the western end (Northumberland Road) of the road. The Ballsbridge Hotel dominates the corner with Pembroke Road.

2.0 Proposed Development

- 2.1. The proposal seeks to carry out alterations to the front boundary wrought iron railings and provide new gates to provide vehicular entrance off Lansdowne Road and 2 no. off street car parking spaces in the front garden (Protected Structure).
- 2.2. The works proposed involves the removal of part of the front boundary granite plinth with railings to widen the existing ope from c 1.2m to 2.85m. New double opening gates would be provided with the same detail as existing railings. The existing gate posts will be restored.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development on the grounds that it would be contrary to Policy SI13 of the Dublin City Development Plan which seeks to retain on-street car parking as a resource for the city.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of 8/9/16 refers to the relevant sections of the Plan regarding parking in the curtilage of Protected Structures and Conservation Areas (Section 17.10.6 and Appendix 10.4). Reference is also made to Section 17.40 11 in relation to on-street parking, Policy SI13 and Appendix 8 (Road Standards for Various Classes of Development).

It is noted that a number of properties on this side of Lansdowne Road have vehicular access and off-street parking to the front of dwellings. The road has a pay and display and permit parking scheme in place. The provision of a driveway at this location would result in the loss of at least one on-street parking space to the front of the dwelling. Dublin City Council seeks to retain on street parking where possible. Section 17.40.11 of the Plan states that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular access to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces.

The removal of an on-street communal car parking space to facilitate the provision of a private driveway is considered undesirable as it reduces the number of spaces available for residents, commercial/leisure uses and the wider community and is contrary to Dublin City Council's policy .

3.2.2. Other Technical Reports

The Drainage Division in their report of 12/8/16 raised no objection to the development subject to standard type conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4122/00 – Permission refused for the redevelopment of 6 no. apartments into 8 no apartments at 40 Lansdowne Road on the grounds that the proposed development

would involve a substantial loss of original building fabric and would significantly damage the character of the structure, and that the impact assessment of the proposed alterations was inadequate.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Council Development Plan 2016-2022, which came into operation on October 21st, 2016. The site is located in an area zoned Z2 - Residential Neighbourhoods (Conservation Areas), with the following objective;

'To protect and/or improve the amenities of residential conservation areas'.

Protected Structures – Policy CHC2 seeks to ensure that the special interest of protected structures is protected and that development will conserve and enhance these structures and their curtilage.

Section 11.1.5.3, Section 16.10.18 and Appendix 24 sets out requirements for parking related to Protected Structures.

The policies in relation to car parking generally are set out in Section 8.5.6 of the Plan.

Relevant sections of the plan are appended to the back of the report for the information of the Board.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposal would be in accordance with the standards set out in Section 17.10.6 and Appendix 10 of the Plan and it is not suggested in the planning officer's report that it does not conform with these standards.

- There is only one reason for refusal of the application and this relates to loss of on-street car parking space. There is a solution to the problem and this is illustrated on attached drawings.
- The standards for car parking as stated in the development plan (Section 17.40.9) is 4.75 x 2.5m . The present car parking space outside 38 & 40 Lansdowne Road measures 12.1 x 3.3 meters and would accommodate two cars (Dwg 18/2/16).
- The relocation of the car parking space would result in a space of 10.1.x 3.3 meters and would accommodate two cars (Dwg No. 18/3/16).
- The applicant is prepared to pay Dublin City Council the reasonable cost of re-painting the required road lines, moving the ticket machine, signage and dishing of the footpath.
- From observations made over a number of site visits, there was never any more than three cars parked on the south east side of the road i.e from Shelbourne Road up to the taxi rank near Northumberland Road. On the other side of the road about 75% of the spaces were used.
- Only two houses along the entire length of the road do not have a vehicular entrance.
- The Victorian houses that have recently been renovated with vehicular entrance and newly landscaped gardens have greatly enhanced the Protected Structures. With the car parking solution as proposed, there will be no loss of on-street car parking and the completion of the restoration work to the house together with the landscaping of the front garden, will bring the house back to its former glory.
- Two photographs are appended to the appeal showing a car parked adjacent to the property.

6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.0 Assessment

- 7.1. The Board will note that the new Dublin City Council Development Plan 2016-2022 has come into effect since the planning authority made its decision on the application.
- 7.2. Two issues arise for consideration by the Board in relation to this appeal. The first relates to the impacts of the removal of part of the plinth/railings that define the curtilage of the protected structure. The second relates to the loss of on-street car parking arising from the proposed development.
- 7.3. No works are proposed to the Protected Structure. The works are confined to the front boundary wall and railings which define its curtilage. It is the policy of Dublin City Council to ensure that the special interest of protected structures is protected and that development conserves and enhances such structures and their curtilage (Policy CHC2).
- 7.4. The front boundary granite plinth with embedded railings and pedestrian gateway supported on wrought iron gate piers is an intrinsic part of the original design concept for this area. Whilst the Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG, 2004) cautions against incremental alterations which may impact on the character of protected structures and residential conservation areas, I note that the vast majority of the properties on this section of Lansdowne Road (No's 16 ,20, 22, 26, 28, 30, 32, 34, 36 & 38) have carried out similar works, replacing the original pedestrian access with a vehicular entrance. Cumulatively, these works have impacted on the character of the protected structures and the residential conservation area. Only two properties remain which have not been altered to provide pedestrian access.
- 7.5. Having regard to the significant intervention that has taken place along this section of the road and subject to the works being carried out in the manner proposed, which will reproduce as closely as possible the existing boundary detail, I do not consider that there will be significant additional impacts on the character of the protected structure or the residential conservation area.
- 7.6. It is recognised in the development plan that 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. The development plan does not prohibit car parking in the curtilage of Protected Structures and in Conservation Areas, subject to the standards set out in the development plan. Having observed existing arrangements on Lansdowne Road, I noted that the provision of on-site car parking within the curtilage of protected structures can be accommodated successfully when the car parking is located clear of the entrance leaving the stepped access to the house visible and unobstructed. Should the Board be minded to grant permission for the development, I recommend that a condition to this effect be attached.

- 7.7. The planning authority in this case decided to refuse permission for the development on the basis of the loss of on-street parking space. The Board will note that in accordance with the provisions of the development plan section (16.38.9) there is 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. Policy MT14 also seeks to minimise the loss of on-street car parking.
- 7.8. There is currently a pay and display system in operation on Lansdowne Road and a permit parking scheme. A residents parking permit allows a resident to park on the roadway on which they live. However, parking spaces on the street are not reserved and the permit does not guarantee the holder a space at all times. The property is within walking distance of the Aviva Stadium, which hosts a significant number of events each year. During these events, there would be significant demand for car parking and local residents may not be in a position to park on the road on which they live. I accept that this would result in significant inconvenience for the occupants of No 40, which would impact on their residential amenity and which could be resolved by the provision of on-site carparking.
- 7.9. Whilst I acknowledge that Dublin City Council wishes to retain as much on-street parking as possible, I consider that areas such as Lansdowne Road, which experience significant pressure may require special consideration. Provided the parking space is provided in a manner that minimises impacts on the protected structure, I consider that planning permission should be granted for the proposed development.

Note: I draw the attention of the Board to the wording of the reason for refusal. Whilst it states that the development would 'directly contravene Policy SI 13 of the development plan', it does not specifically mention a material contravention of the plan and accordingly the Board would not appear to be constrained by the provisions of section 37(2)(b) of the Planning and Development Act, 2000, as amended.

Appropriate Assessment

The nearest Natura 2000 sites are the South Dublin Bay & River Tolka SPA and South Dublin Bay SAC. Having regard to the location of the development within a built up area, the nature and scale of the proposed development and the separation distance from the Natura 2000 sites, I do not consider that the proposed development either alone, or, in combinations with other plans and projects has the potential to adversely impact on the qualifying interests of any Natura 2000 sites. Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. Having considered the content of the application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the proposed development in an area which experiences significant demand for on street parking associated with events at the Aviva Stadium, the established pattern of development in the area and the nature and scale of the development proposed, it is considered that subject to compliance with the conditions set out below the proposed development would not detract from the character or setting of the Protected Structure, or, the character or amenities of the Residential Conservation Area. It is considered that the proposed development would significantly enhance the residential amenities of the subject property, and

would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out 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 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 interests of clarity.

2. The proposed car parking area shall be relocated to the west side of the site such that the entrance steps to the house remains unobstructed and visible from the public realm. Revised plans incorporating details of the car parking area, including proposed finishes and details of site landscaping shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To minimise the impacts on the character and setting of the protected structure.

3. The wrought iron railings and gate posts shall be repaired and refitted as proposed. The works shall be carried out under the supervision of a conservation architect.

Reason: To ensure the authentic preservation of the historic fabric associated with the protected structure and to ensure the works are carried out in accordance with best conservation practice. .

Breda Gannon
Planning Inspector

15th December 2016

