



An  
Bord  
Pleanála

## Inspector's Report PL 29N 247852

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<b>Development</b>	Relocation of existing entrance gate for vehicular access and off street parking.
<b>Location</b>	20 Brian Road, Marino, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	WEB 1452/16
<b>Applicant</b>	Cait Twomey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Cait Twomey.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> March, 2017.
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The site is that of the middle house in a group of three two storey houses with front and rear gardens facing onto Brian Road at a junction within the Marino residential area off the south west of Griffith Avenue. Similar groups of three houses with front and rear gardens are positioned at each of the other three corners of intersection. To the front of each group there are small landscaped communal green spaces separated from the front boundaries of the houses by a public footpath.
- 1.2. Railings on low plinth walls with a height overall of circa 1.2 metres which incorporate a pedestrian gate are located along the front boundaries. These boundaries have remained intact at most of the houses but at the appeal site there is an entrance gate with a width of circa two metres. At No 26, the middle dwelling in the group of three houses to the west that overlook the intersection the front boundary treatment has been altered providing for vehicular access on the front curtilage space. A hard-surfaced space has been constructed over the original communal green space to the front of the adjoining dwelling to a vehicular entrance created on the front boundary. On street parking is available along both sides of the roads in the area.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for removal of the existing entrance gate and creation of a vehicular entrance on the front boundary providing for off street parking on the front curtilage. The proposed works include creation of a hard surfaced access route across the existing communal open space to the front the group of three dwellings in which the appeal site is that of the central dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 15<sup>th</sup> December, 2017 the planning authority decided to refuse permission due to conflict with policies for car parking in conservation areas provide for in section 16,10.18 and Objective CHC8 of the development plan on the basis negative impact on the visual amenities and undermining of the integrity of the Residential Conservation Area (in which the site is located) due to the erosion of the communal public green space by creating hardstanding to facilitate the proposed vehicular access and on-site parking and potential for precedent for similar development

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

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## **4.0 Planning History**

- 4.1. There is no record of planning history for the site location other than an invalidated application (PA 1366/15 refers.)

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.2. The operative development plan is the Dublin City Development Plan 2016-2022 and as indicated in section 3 above, the site location comes within an area subject to the zoning objective Z2: (Residential conservation area). Guidance for off street parking in the curtilage of protected structures is set out in section 16.10.18 and guidance and standards for vehicular access and off street parking are provided in Appendix 5. Policy CHC8 provides for facilitation of off street parking where the special interest and character of protected structures while protecting the special interest of protected structures and conservation areas.

## 6.0 The Appeal

6.1. An appeal was received from the applicant, Ms Twomey on her own behalf on 15<sup>th</sup> January, 2017 the contents of which are outlined in brief below.

- Ms Twomey is seriously inconvenienced by the one-way system operating on Brian Road. When using on street parking it is necessary to exit her vehicle onto the road rather than on to the public footpath. She also considers that there is congestion and hazardous conditions in these circumstances on account of the narrow road width and amount of use of the road during peak hours and that sometimes a parking space is not available for her use outside her house. Ms. Twomey states that the inconvenience and safety hazards experienced can be addressed with front curtilage parking at her property.
- Ms Twomey in pointing out that the front curtilage of her property is all under hard standing and was used for off street parking by the previous owners indicates a willingness to accept a condition to replace it with an appropriate porous material and a lawn. She states that she likes gardening and would like to landscape her front garden benefitting the visual amenities of the area. She also contends that the amount of green space (public green space) to the front that would need to be removed to provide for the access would be minimal. She suggests that the encroachment could be limited by angling the required hard surfaced space could be angled and that a porous surface material could be used.
- Ms Twomey states that similar development has been carried out at other properties. She acknowledges that the works at the properties are unauthorised but considers that they set precedent. She states that there are only four other properties where the circumstances are similar to the those of her own property with regard to vehicular access and off street parking. Photographs of No 26, 46, 47 and 40 Brian Road and the Health Centre at Brian Road are included.

## 6.2. Planning Authority Response

There is no submission on file from the planning authority.

## 7.0 Assessment

7.1. The issues central to the determination of a decision can be considered under the following two broad sub categories.

- Traffic and parking in the area and precedent.
- Impact on visual amenity and established character of the area.

7.1.1. Traffic and parking in the area and precedent.

Provision for private vehicular transport and on site and on street parking at the time of the development of the public housing in the Marino area was not a consideration and current occupants of the dwellings with some exceptions rely on public parallel parking facilities. It is well established that residential development dating from the earlier twentieth and nineteenth centuries is dependent on street facilities the retention of the supply of which is provided for in the policies and objectives of the current development plan. It is accepted that residents may not always be able to access space directly at the front of their properties. At the time of inspection at mid-morning on a week day spaces were available. Widening of entrances to provide for off street parking usually necessitates a removal spaces and a reduction in on street supply for residents and other road users. In instances it is arguable that the current proposal would not result in the loss of on street parking facilities but access and egress the front curtilage is potentially a minor obstruction at the junction. This could further investigated if required. Use of the parallel parking facilities along the Brian Road and the adjoining roads would not appear to be hazardous whether vehicles are entering or leaving the spaces and passengers are getting in and out and/or and unloading or loading vehicles due to the road layout and good visibility along the roads and limited traffic volumes.

7.1.2. The front gardens and railings have been altered at a few properties providing for off street parking and the planning status of these alterations cannot be confirmed. This includes the front curtilage parking at No. 26 a middle house in a group of three facing onto the cross roads where part of the green space has been altered to allow for vehicular access. Precedent for approval of development cannot be taken from existing unauthorised developments. The argument in the appeal that the number of units where comparable development could be implemented is limited is noted but it is not considered sufficient to justify favourable consideration of development such as that proposed.

7.1.3. Impact on visual amenity and established character of the area.

The design and formal layout of the Marino public housing scheme of over one thousand dwellings, was designed and developed as a garden city suburb, inspired by the Garden City movement. The roads and open spaces, symmetry and individual plot configurations providing for rear and railed front gardens with pedestrian gates are strong characteristics and the area is accordingly subject to the Z2; residential neighbourhoods (Conservation Areas) for which the objective is to protect and /or improve the amenities of residential conservation areas. The policy objective is to protect the area from unsuitable new development or works that have negative impact on the amenity of architectural quality of the area. The applicants' intentions and commitment to providing for soft landscaping and minimisation of intervention are fully acknowledged. However, erosion of the green space to the front of the three dwellings notwithstanding the proposed use of permeable surface materials and potential loss of trees is a significant intervention which if authorised would give rise to reasonable precedent for further interventions in the public realm to provide for vehicular access to the front curtilage of other similar properties. The cumulative impact of such development would seriously erode the visual amenity and architectural quality of the original design and character of the estate.

7.1.4. Appropriate Assessment.

Having regard to the location of the site in Marino and to the limited nature and scale of the proposed development no appropriate assessment issues arise. 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 Conclusion and Recommendation**

- 8.1. In view of the foregoing the comments of the planning officer in his report and the decision of the planning authority decision to refuse permission is supported. It is therefore recommended that the appeal be rejected and the at permission be refused. A draft reason is set out below.

## **9.0 Reasons and Considerations**

Having regard to the zoning objective: Z2; residential neighbourhoods (Conservation Areas) for which the policy objective is to protect and /or improve the amenities of residential conservation areas according to the Dublin City Development Plan, 2016-2022 and to the design and development of the area which was designed as a garden city suburb, inspired by the Garden City movement in which there is a distinct layout and symmetry to the characteristics of the streetscapes, open green spaces and individual plot configurations providing for rear gardens and railed front gardens with pedestrian gates, it is considered that the proposed development for which significant erosion of the public green space to the front of the dwellings is necessary would result in serious injury to the visual amenities and characteristics of the residential conservation and would be in conflict with Policy CHC8 which facilitates off street parking where the special interest and character of protected structures while protecting the special interest of protected structures and conservation areas.

Jane Dennehy  
Senior Planning Inspector  
15<sup>th</sup> March, 2017.