



An
Bord
Pleanála

Inspector's Report PL29S.248096

Development	Vehicular entrance to front of existing dwelling, carparking, landscaping and associated site works
Location	Castleville, 12 Sandymount Green, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1497/16
Applicant(s)	David Leahy
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	David Leahy
Observer(s)	None
Date of Site Inspection	15 th May 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site fronts onto the southeast of Sandymount Green, close to the junction with Newgrove Avenue and approximately 3km southeast of Dublin city centre. It comprises approximately 16m frontage onto Sandymount Green and extends for a depth of approximately 65m, with no access available to the site from the rear.
- 1.2. The two-storey house on site, Castleville, is one of a pair of 19th-century gothic-style dwellings with pointed-arch sash windows and a roof decorated with castellated battlements. Construction works are currently ongoing on site with hoarding along the front boundary. Vehicular access onto the site is not available.
- 1.3. The southeast side of Sandymount Green is generally characterised by period dwellings, while commercial and retail uses dominate the western and northeastern streets onto Sandymount Green. The immediate streets accommodate pay and display / permit parking.

2.0 Proposed Development

The proposed development comprises the following:

- Provision of a new vehicular access off Sandymount Green to the north, to allow for 2 no. car parking spaces in the front garden of No. 12 Sandymount Green;

The planning application is accompanied by a Planning Report supporting the proposed development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the following reason:

- The proposed vehicular access onto Sandymount Green would result in the removal of an on-street car parking space to accommodate a private vehicular access and is considered to be contrary to Dublin City Council Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimize loss of

on-street parking, and would be contrary to a previous condition attached to a planning permission for the site. The proposal is, therefore, considered to seriously impact on the amenity of the area and as a result, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority. The Planning Officer noted that the proposals result in the loss of 1 no. on-street car parking space, in an area where there is high demand for such spaces.

3.2.2. Other Technical Reports

- **Drainage Division** - no objection subject to conditions;
- **Roads & Traffic Planning Division** – object to the proposed development because the proposals would reduce the supply of on-street car parking.

3.3. Prescribed Bodies

- None.

3.4. Third-Party Submissions

- None.

4.0 Planning History

4.1. Subject Site

- 4387/07 – Permission **refused** for change of use from residential to medical-related use, extensions and refurbishment of property;
- 5747/07 – Permission **granted** for alterations to the house comprising demolition works and a new part single, part two-storey rear extension and alterations to elevations and roofs;

- WEB1096/16 – Permission **granted** for demolition of side and rear extensions and construction of a two-storey side extension and part single, part two-storey rear extension. Vehicular access proposed from Sandymount Green omitted by condition from the final grant of permission;

4.2. **Surrounding Sites**

Permissions in the area generally relate to proposals for commercial and retail uses on the west and northeast side of Sandymount Green, while there have been permissions for residential extensions along the southeast side of the Green and along Newgrove Avenue, including the following permissions granted by Dublin City Council:

- 1571/07 – Permission **granted** by Dublin City Council for widening the existing gateway, alterations to boundary and dished kerb at 14 Newgrove Avenue;
- 1453/07 – Permission **granted** for widening the existing gateway to provide vehicular access at 16 Newgrove Avenue;

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022 with a stated objective to "protect and/or improve the amenities of residential conservation areas".
- 5.1.2. The subject site is not included within the Record of Protected Structures, but is included entirely within the Sandymount Village & Environs Architectural Conservation Area (ACA), while the frontage to the side is located within a Conservation Area. Chapter 11 of the Plan notes under policy CHC4 that development in such areas should contribute positively towards the character and distinctiveness of the area.

- Policy MT14: 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.
- Section 16.10.18: Parking in the Curtilage of Protected Structures and in Conservation Areas.
- Section 16.38.9: Presumption against removal of on-street parking spaces.
- Appendix 5 Section 1: Road standards relative to residential development, including reference to the Planning Authority's guidance leaflet titled 'Parking Cars in Front Gardens'.

6.0 The Appeal

6.1. Grounds of Appeal

The principle grounds of appeal can be summarised as follows:

- Proposed works along the front boundary of the site receive no reference in the assessment by the Planning Authority and there is no comment from the Council's Conservation Officer on the application;
- Proposals would not have a negative impact on the setting or amenity of the subject site, the ACA or the Conservation Area, exemplified by the fact that there were no objections raised to the proposals by other parties;
- The Planning Authority assessment only considers the parking implications of the proposals and fails to recognise the overall merits of the proposals;
- Council planning policy does not strictly prohibit the removal of on-street car parking, as under the Development Plan proposals can be facilitated where specific criteria can be met and the subject proposals can meet this criteria;
- The properties immediate to the site are in residential use and on-street parking is therefore not a fundamental requirement for visitors to this part of the neighbourhood centre;
- Previous permissions relating to two sites within the Sandymount & Environs ACA, provides ample planning justification for the subject proposals;

- Proposals result in a net gain of 1 no. car parking space and there are limited vehicular accesses on the southeastern side of Sandymount Green and restricted opportunities for further vehicular accesses;
- The applicant has a residential parking permit from the City Council and the subject proposals will improve the amenity of the subject property.

6.2. Planning Authority Response

- No response.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the main issues arising in the appeal are as follows:

- Parking & Traffic Safety;
- Design & Visual Impact.

7.2. Parking & Traffic Safety

7.2.1. The grounds of appeal state that the proposals result in a net gain of 1 no. car **parking** space and that the subject proposals can readily meet criteria required by the Development Plan regarding parking in front gardens. At least one car parking space will be lost to facilitate the proposed development. It is noted that while the southeastern side of Sandymount Green is dominated by residential uses, on-street car parking in this area also serves visitors to neighbouring commercial and retail premises and is in high demand.

7.2.2. Under policy MT14 of the current Dublin City Development Plan, the Council aim 'to minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for, or in relation to sustainable transport provision, access to new developments, or public realm improvements'. The subject proposals do not readily fall into any of the above categories. Section 16.38.9 further elaborates that 'Public on-street parking is a necessary facility for shoppers and business premises and is

necessary for the day-to-day functioning of the city. Dublin City Council will preserve available on-street parking, where appropriate’.

- 7.2.3. It is considered that there is only sufficient space for one car parking space on site based on Development Plan standards, as sufficient depth is not available. At the time of my site visit spaces on a Monday afternoon were in high demand. Given the importance of such car parking as a resource for the city, the loss of at least one on-street car parking space, would increase competition for parking in the vicinity, thereby impacting on the sustainable transport needs of the city. The proposed development is therefore contrary to Policy MT14 of the Plan.
- 7.2.4. Traffic speeds in the area are generally quite restricted consequent to street widths and on-street parking and I note that the Roads & Traffic Planning Division had no objection in terms of **traffic safety**. The small scale of traffic and parking associated with the new vehicular access would not compromise the traffic safety or impact on the capacity of the road network. Accordingly, the development would not give rise to a traffic hazard and should not be refused for this reason.

7.3. Design & Visual Impact

- 7.3.1. Development Plan policy CHC8 facilitates off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of Conservation Areas. The subject proposals will be only visible from the public streets, properties and park immediately to the north of the site. Alterations to the front boundary have potential to impact on the visual amenities of the area. It is considered that the proposed alterations to the front boundary have been sensitively designed and are sympathetic to the subject site, the ACA.
- 7.3.2. Proposals reveal space for two cars in the front garden of the subject site. Under Section 16.10.18 of the Development Plan standards relating to parking in the Conservation Areas, sufficient depth must be available in the front garden to accommodate a parked car. The Plan also requires over half of the front garden space to be set aside for soft-landscaping. The size of the front garden area is limited and the parking arrangement is not desirable as exit from one of the spaces is restricted by the other space.

- 7.3.3. The introduction of car parking will result in significant reduction of area available for soft landscaping in the front garden, the loss of which would be contrary to the Development Plan and would be likely to erode the character of the ACA. Consequently, the proposed development would injure the amenities of the area and would set precedent for further similar development within the vicinity.
- 7.3.4. The grounds of appeal note that the Planning Authority has granted permission for car parking within the front gardens of houses along Newgrove Avenue, which form part of Sandymount & Environs ACA, but not within the Conservation Area. It is considered that the subject properties along Newgrove Avenue referenced by the appellant have greater scope to meet standards outlined in the Development Plan, including guidance document 'Parking Cars in Front Gardens'.

8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

I recommend that permission is **refused** in accordance with the following reasons and considerations.

10.0 **Reasons and Considerations**

1. The proposed vehicular access and car parking area, by reason of the loss of at least one on-street car parking space in a location where there is high demand for on-street car parking, would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimise the loss of on-street parking as a resource for the city. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of the loss of the front garden area, would materially affect the character of the Architectural Conservation Area, would thereby seriously injure the visual amenities of the area and would set a precedent for further inappropriate development in the vicinity of the site, which could lead to erosion of the characteristics of the conservation area and, therefore, would be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

22nd May 2017