



An
Bord
Pleanála

Inspector's Report PL29S.248801

Development	Provision of one on-site parking space and a motorised sliding vehicle gate (Protected Structure)
Location	No.11 Belgrave Square East, Rathmines, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2679/17
Applicant(s)	Ronan Murphy and Clare Meaney
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Ronan Murphy and Clare Meaney
Observer(s)	None
Date of Site Inspection	3 rd of October 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The site is located on the eastern side of No.11 Belgrave Square East opposite Belgrave Square, Rathmines. This is one of a row of period two storey semi-detached/terraced properties which are Protected Structures with long rear gardens adjoining the rear gardens of Charleston Avenue. The property is currently being refurbished, the front garden area contains a large skip. The front railings have been removed to facilitate the works. There is currently a timber gate/hoarding along the site frontage.
- 1.1.2. While a number of properties have vehicular entrances, there is also marked out pay and display parking along this side of Belgrave Square East. There is a single yellow line on the opposite side in front of the green area of the square. There is public transport in the vicinity with bus stops along Belgrave Square North.

2.0 Proposed Development

- 2.1.1. This proposal is for the provision of one on-site parking space and a motorised sliding vehicle gate (Protected Structure).
- 2.1.2. A letter has been submitted on behalf of the applicants by DDA Duigan Dooley Architects and Planning Consultants providing a rationale for the proposed development.
- 2.1.3. Drawings have been submitted including a Site Layout Plan and existing and proposed context elevations showing the proposed development.
- 2.1.4. An Architectural Heritage Impact Assessment for no. 11 Belgrave Square has also been submitted. This referred to the previous application for refurbishments, alteration and extensions to the subject property.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 1st of June 2017 Dublin City Council refused permission for the proposed development for the following reason:

The proposal, which is for the removal on an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of public on-street car parking available on the street. The proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to minimize loss of on-street parking.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner has regard to the locational context, planning history and policy and to the submissions made. They noted that this is a Protected Structure in a Residential Conservation Area. They had regard to the issue of the loss of on-street parking and noted that the Roads Department recommends refusal of the drive way access. They provided that 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 recommended refusal.

3.3. Other Technical Reports

3.3.1. Roads & Traffic Planning Division

They had regard to planning history and policy and to the issues of loss of on-street parking and recommended that the proposed development be refused.

3.3.2. Engineering Department Drainage Division

They had no objection and recommended the incorporation of Sustainable Drainage Systems in the management of stormwater.

3.4. Third Party Observations

A Submission has been received, which includes the following:

- It is noted that this proposal is in a Protected Structure in a Z2 Conservation Area.
- This proposal would result in the removal of on-street parking.

- The proposed sliding gates are not in keeping with good conservation practice or principles.

4.0 Planning History

- Reg.Ref.4127/16 – Split by Dublin City Council relevant to the subject property i.e. – Permission granted subject to conditions for refurbishments, alterations and extension works to the subject property. Permission refused for the provision of on-site parking and associated works for the following reason:

The proposal, which is for the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to DCC policy and would reduce the supply of on-street car parking available to residents on the street. The proposed development would directly contravene Policy MT14 of the DCDDP 2016-2022 which seeks to minimize loss of on-street parking, would set a precedent for other such proposals adjacent to the site and would therefore be contrary to the proper planning and sustainable development of the area.

A copy of this decision is included in the History Appendix to this Report.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

This is the pertinent plan. As shown on Map H the site is within the Z2 Residential/Conservation zoning where the objective is: *To protect and/or improve the amenities of residential conservation areas.*

It is also a Protected Structure - Policy CHC1: *To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

Policy CHC2 includes a number of criteria to seek to ensure that the special interest of protected structures is protected and that development will conserve and enhance PS and their curtilage.

Section 11.1.5.4 and Policy CHC4 relate to Architectural Conservation Areas and Conservation Areas. The site is not within a CA or ACA.

Policy CHC8 seeks: *To facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas.*

Section 8.5.6 provides the policies and objectives relative to Car Parking and notes that the Standards are set out in Section 16.38.

Policy MT14 seeks: *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 16.38 provides the Car Parking Standards. Table 16.1 refers. This section also includes a presumption against the removal of on street parking.

Section 16.10.18 refers to and provides the criteria for appropriately designed parking in the Curtilage of P.S and in C.A's.

Appendix 5 – Roads Standards for Various Classes of Development. This includes regard to off-street parking and to the Planning authority's leaflet 'Parking Cars in Front Gardens'.

Appendix 24 relates to Protected Structures and Buildings in Conservation Areas and includes Section 24.4 on residential parking.

6.0 The Appeal

6.1. Grounds of Appeal

DDA Duignan Dooley Architects and Planning Consultants have submitted a First Party Appeal on behalf of the applicants Ronan Murphy and Clare Meaney of no.11 Belgrave Square East. Their grounds of appeal include the following:

- They request the Board to reconsider the Council's application of Policy MT14 in this instance as the Policy relates more to a new residential development site than to an existing residential home, a Protected Structure.

- They provision of an additional car parking space on site in a family home is unlikely to negatively impact on this policy.
- The area is well served by public transport, Map J of the DCDP 2016-2022 refers, and is in Area 2 where one car parking space is required per dwelling.
- They refer to Policy CHC8 and submit that it is contradictory to Policy MT14, as it specifically relates to PS, CAs and sites of special interest and character such as the subject site.
- They provide that the proposal complies with the high design standards as put forward in the criteria relative to Section 16.10.18 i.e. *Parking in the Curtilage of Protected Structures and in Conservation Areas*.
- They consider that the sensitivity of the proposal complies with that the proposal complies with Section 24.4 of Appendix 24 of Volume 2 which relates to *Residential Parking in the Curtilage of PS, ACAs and CAs*.
- They draw the Board's attention to previous grants of permission for vehicular entrance gates adjoining their client's property on Belgrave East and note that nos. 1,2,3 and 11 are the only properties that do not have access to off street parking. Also that the former are closer to the corner junction.
- They submit that Policy MT14 has wrongly been given precedence over Policy CHC8 which is more applicable to this application.
- Sustainable transportation models already exist in the vicinity of this site and permitting one additional car space will not affect this policy.
- Section 16.10.18 and Section 24.4 of the DCDP 2016-2022 support their appeal in that Policy CHC8 should take precedence over Policy MT14.
- They have demonstrated that the visual amenity of the residential conservation environment can be fully protected if the intervention is sensitive.
- They include aerial photographs and request a fair and equitable application of DCC policy in this regard.
- They request the Board to grant permission for the proposed development.

6.2. Planning Authority Response

- 6.2.1. Dublin City Council provide that they have no further comments to make and consider that the Planner's Report on file adequately deals with the proposal.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on Map H of the Dublin City Development Plan the subject site is within the Z2 zoning where the Objective is: *To protect and/or improve the amenities of residential conservation areas. Section 14.8.2 provides: Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.*
- 7.1.2. The site while in the Z2 Residential Conservation Area is not within a Conservation Area or an Architectural Conservation Area. However, it is a Protected Structure and therefore policies CHC1 and CHC2 apply relative to the need for development within the curtilage to be sensitive and of a high standard to ensure the protection and enhancement of the historic fabric of the P.S. Also regard must be had to the impact on the character of the area and the streetscape.
- 7.1.3. The First Party consider that the design of the proposed development is of a sensitive nature and is of a high standard relative to its setting within the curtilage of the P.S. They consider that Council's reason for refusal has wrongly given precedence to Policy MT14, which seeks to minimise the loss of on-street parking. They provide that this relates more to a new residential development than an existing property which is a P.S. Also, that the proposal complies with planning policy relative to parking in the curtilage of Protected Structures and Conservation Areas. They consider that this proposal should be considered relative to Policy CHC8 which seeks to facilitate off-street parking where appropriate site conditions exist, while

protecting the special interest of the P.S and C.A. They also refer to Section 16.10.18 and to Appendix 24 Section 24.4 relative to Parking in the curtilage of P.S and in a C.A. They provide details of a number of precedent cases.

- 7.1.4. Therefore, having regard to planning policy it needs to be ascertained whether the opening of a vehicular entrance, would be appropriate or desirable in this case, having regard to the locational context, impact on on-street parking, the curtilage of the P.S and the character of the streetscape in the Z2 Residential Conservation Area. Regard is also had to the planning history and to the Council's reason for refusal and to the applicant's rationale for the proposed development.

7.2. Rationale for Proposed Development

- 7.2.1. It has been noted in the Planning History Section above that permission has recently been refused by the Council for the provision of on-site parking at the subject site – Reg.Ref.4126/16 refers. At that time the proposal included a 3m wide vehicular access to the property. It is provided that the current proposal has been modified with the proposed entrance being reduced to 2.6m. It is now proposed to provide a single dedicated space which is in accordance with the site location in Zone 2 Parking Area on Map J of the DCDP.
- 7.2.2. The letter submitted with the application provides that the condition of the existing boundary railings is poor in places and poor repairs should be un-done. It is provided that the sliding gate proposed will have no impact on the existing landscape planting and will not obstruct the public footpath in any way. Also that this proposal is to improve the quality of the existing railing and pedestrian gate and repair and re-use as required. They also note that it will not damage any trees along Belgrave Square East.
- 7.2.3. It was noted during the site visit that these railings have been removed to allow for the refurbishment works granted under the previous application and that there is currently an unsightly white timber hoarding/gates along the frontage and a large skip in the front garden area, so that much of the landscaping in the front garden has been removed.
- 7.2.4. The First Party also refers to a number of precedent cases relative to on-site parking in Belgrave Square and these are referred to further below. They contend that this

proposal is to provide the least amount of alterations to the historic fabric in order to achieve one off street parking space and complies with Conservation policies.

7.3. Proposed Access and impact on the Character and Amenities of the Area

- 7.3.1. Regard is had to Appendix 5 of the current DCDP which includes: *Where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates. The design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply.*
- 7.3.2. It is of note that the current proposal would comply with this and that the front garden is of sufficient size to accommodate an on-site parking space. The front garden area of the P.S would need to be landscaped to incorporate the space. Concern has been expressed in the submission made that the provision of an electronic sliding gate to facilitate such on-site parking is not consistent with good conservation principles. However, it is noted that there are some examples of railed sliding gates to entrances to the north of the subject property. It is considered that provided the boundary treatment is designed to match the existing railings which are a frontage feature prevalent in these period properties in the area, that a well-designed and landscaped on-site parking space and proposed sliding gateway would not visually detract from the P.S or the Z2 Residential Conservation Area. While this would be generally in accordance with Policy CHC8 and Section 16.10.18 the issue is in accordance with the former, whether appropriate site conditions exist.
- 7.3.3. In this case it is noted that there is a shortage of on-street parking along Belgrave Square East. The proposed access would be adjacent to what is now delineated as roadside parking which can accommodate 3no.cars. It is also proximate to a parking metre and pay and display signage. Therefore, it would not only impact on one space but also on the adjoining spaces. In many instances along Belgrave Square East it is noted that there is only one on-street space marked out due to the proliferation of vehicular entrances. Parking was also seen on the site visit, which was in the early afternoon, partially blocking entrances in some cases, denoting the general shortage of on-street parking in the area. It is noted that the Council's refusal is based on Policy MT14 which seeks to minimise the loss of on-street parking. While there is sustainable transport in the area, the issue is whether it is desirable to continue the trend towards the loss of public on-street parking in this area. Regard is

also had to Section 16.38.9 which provides a presumption against the removal of on-street parking and includes *Dublin City Council will preserve available on-street parking, where appropriate..*

7.4. Regard to Precedent

- 7.4.1. The First Party provides that a clear precedent has been set for on-site parking in the area. It is noted that only house nos.1,2,3 and 11 do not have off street parking in the immediate area. The former are close to the corner with the junction with Charleston Road and there are double yellow lines in this location. Also reference is had to a number of permissions that have been previously granted by Dublin City Council. It is of note that these date from the 1990's to the early 2000's and were not granted under the current DCDP 2016-2022.
- 7.4.2. However, each case must be considered on its merits. As noted above the proposed access has the potential to impact on three on-street marked out pay and display parking spaces. It is not considered that because a precedent has been set for off-street parking on this side of Belgrave Square East, that it is necessary to continue such a trend unless it is considered to be desirable in the interests of proper planning and sustainable development. It is also noted that there is a yellow line on the opposite side of the road adjacent to the green recreational area of the square, and that parking is not permitted on this side. It is considered that in view of the location adjacent to Belgrave Square there is a demand for on-street parking.

7.5. Appropriate Assessment

- 7.5.1. The site is not located within or near to a Natura 2000 site. It is within a fully serviced urban area. The current proposal is for the provision of one on site car parking space for an existing residential property and does not pose any appropriate assessment issues. Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal 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. In view of the above it is recommended that planning permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. It is considered that the this proposal for the provision of on-site vehicular parking space for this period property which is a Protected Structure and the removal of an on-street parking space in this restricted and delineated parking area would be contrary to Policy MT14 and Section 16.38.9 of the planning authority, as set out in the Dublin City Development Plan 2011-2017, which seeks to retain on-street parking as a resource as far as practicable, and would serve to further create an undesirable precedent for similar development including the further erosion of front garden areas within the sensitive Zone Z2 residential conservation area. It is considered that the proposed development would, therefore, seriously injure the amenities of this residential conservation area and would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

4th of October 2017