



An
Bord
Pleanála

Inspector's Report PL 29S 248937.

Development	Vehicular entrance and parking in side garden.
Location	No 6 Rathdown Court, Corrib Road, Dublin 6W.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	2896/17
Applicant	Karl Leavy and Linda Patton
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Eilish Coghlan and Others
Date of Site Inspection	22 nd September, 2017.
Inspector	Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site is that of a two storey detached house with a front driveway and side and rear gardens within an enclave of six similar houses with access off Corrib Road. The rear garden of the property at No 127 Corrib Road was subdivided with the area within the appeal site being acquired by the applicant circa 1999. This area is forward of the house and front curtilage and adjoins the rear boundary of No 127 Corrib Road where the rear garden was subdivided. The side boundary adjoins a garden at the rear of No 125 Corrib Road. A 1.8 metre-high wall and climber and shrub planting are on the frontage to the cul de sac's vehicular access and turning area. There is a row of six lock up sheds on the west side of the cul de sac providing for each of the six properties in Rathdown Court.
- 1.2. At the time of inspection, construction of a residential development was taking place on the lands to the south of Corrib Road and Rathdown Court.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on, 11th May, 2017 indicates proposals for demolition of part of the existing boundary wall and, for construction of a 3.3 metre-wide vehicular entrance to provide for one on-site parking space and storage space for a dinghy. The application also shows proposals for 2.45 metre-high double gates in timber to be erected at the entrance.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 29th June, 2017, the planning authority decided to grant permission for the development subject to standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The planning officer indicated satisfaction with the proposed development.

3.2.3. Other Technical Reports

The Roads and Traffic Planning Division and the Drainage Division of the Environment Department indicated satisfaction with the proposed development subject to conditions of a standard nature.

3.3. **Third Party Observations**

Third party observations indicate concerns as to the need for the proposed development, potential security and access issues for residents and diminution of the attainable amenities of the communal space within the area.

4.0 **Planning History**

Permission was granted under P. A. Reg. Ref. 1166/98 for a side extension in respect of which permission was subsequently granted for revisions to plan and elevation drawing under P. A. Reg. Ref. 1851/99.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective: Z1: *to protect, provide and improve residential amenities.*

According to Appendix 5 the recommended width for vehicular entrances is within the range of 2.5 metres and 3.6 metres.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Eilish Coghlan on behalf of the residents of Nos. 1 to 5 Rathdown Court and No 125 Corrib Road. Some photographs are attached.

According to the appeal:

- The planning authority did not take the local context into consideration in assessing the application. The space is used as a play area by residents with small children and there is a blind spot for vehicle access.
- The proposed development would reduce the availability of on street parking on Rathdown Court. It would add to parking problems in Rathdown Court and Corrib Road. Although the planning authority considers that the area should be used as a turning area the reality is that it is used for carparking including visitor parking for No 6 Rathdown Court as a result of which the cul de sac is congested.
- The proposed development contradicts the original intention of the applicant which was to enhance the area with planting in front of the wall that is to be demolished. The proposed development will adversely affect residential amenities at Rathdown Court.

6.2. Applicant Response

A submission was received from the applicant's agent, Seamus Ruddy on 17th August 2017. Attached are some photographs and a sheet with a record of cars parked in Rathdown Court on various dates at various times. According to the submission:

- The side garden space was originally part of the property at No 127 Corrib Road prior to purchase by the applicant in 1999.
- Secure off-street parking is required due to several incidents in the area and, because there is space for one car only to the front of the house.

- Rathdown Court is a cul de sac and is a public road. It is not and, has not been a playground since 1970 when the lands were purchased for development. There are several public parks near and the individual houses have gardens suitable for play space. The house is occupied in day time so it is known that children from Corrib Road do not play in the cul de sac.
- The proposed development would not increase traffic, injure residential amenities, or affect the supply of parking available for residents and visitors. The houses at Rathdown Court have sufficient parking space on site for two cars, either from the time of construction or because of alterations to boundaries and front lawns at a later date.
- It is not possible to bring two cars, (one behind the other) entirely into the driveway of No 6. The second car which is parked on the public road beside the shed in front of the house and site of the application would be taken off the road if permission is granted.
- Given the short length of the driveway at No 6 and the existing side gate, there is insufficient manoeuvrability for a car to turn and access the side garden. It is possible to manoeuvre a short boat through the entrance.
- The contention as to take up of the public road by visitor parking to Number 6 Rathdown Court is rejected. The submitted photographs of parking in the cul de sac by the Appellant is misleading. Normally two or three cars are parked on the cul de sac.
- The location is in Parking Zone 3 according to development plan parking standards. There are at least five more spaces within the Rathdown Court cul de sac.
- If two cars are parked at the front of No 6 beside the lock up sheds, egress and access to the driveway at No 6 is obstructed and reversal out of the driveway is problematic. There is only sufficient space for one car to be parked at this location. There is no potential for loss of on street parking because the car usually parked at this location will be parked off street in the parking space to be provided.

- The gates at the proposed entrance will be locked so it will not become no potential route for burglaries. The height of the proposed gate is the same as the wall so no change in daylight or sunlight impact will occur. Privacy will be maintained and the structural integrity of the wall will be maintained. Planting on the wall was carried out at the applicant's expense with the agreement of the City Council.
- There is no agreement by the applicants or other property owners at Corrib Road to any development projects on the back gardens of the Corrib Road properties and the side garden of the applicant's property.

Planning Authority Response

6.3. There is no submission on file from the planning authority.

7.0 Assessment

The issues central to the determination of the decision and considered below are that of impact on residential amenities and traffic and pedestrian safety and convenience

Residential Amenities

- 7.1. The site location is a quiet cul de sac comprising six residential properties partially set behind the older properties on Corrib Road. The intended and primary use of the communal hard surfaced area is as a vehicular, cyclist, pedestrian and services access for the residential properties. Although not designated as a play space or public open amenity and recreational space, the occasional casual recreational use of the space by children may also occur and should not be precluded. However, priority should be given to providing for the intended use as vehicular access and circulation space. If it is accepted that there is no adverse impact attributable to the development relative to the status quo in terms of traffic and parking safety and convenience, there is no question that the proposed development would have significant adverse impact on residential amenities.
- 7.2. The location of the proposed development is at a sufficient distance and has a suitable orientation relative to the properties at Nos 125 and 127 Corrib Road. The

applicant has indicated proposals for installation of timber double gates and planting to the sides on the boundary which provides for security and positive visual impact.

Traffic Safety and Convenience.

- 7.3. Within the original layout for the development no designated visitor or on street parking was designed into the scheme. Partial use of the cul de sac and designated turning areas for visitor and surplus resident carparking is common in many residential areas. It obstructs manoeuvrability within the space so that it is not possible to enter and turn through a single forward turning movement and out again in forward gear. This would occur at Rathdown Court, but there would not appear to be a serious problem of obstruction or consequential adverse impact on residential amenity given the somewhat cut off location.
- 7.4. The scenario however is not comparable to many unsuccessful applications for permission creation of a vehicular entrance for front curtilage parking in that in most instances, a private vehicular entrance necessitates the removal of one or more designated on street parking spaces which reduces the parking supply for all road users relating to residential and commercial development. To this end, it is considered that the question of impact on street parking supply is irrelevant to the current proposal. There are no designated public carparking spaces within the cul de sac which was designed as an access and turning area only. It would be reasonable to conclude that the effect of the proposed development on parking supply for all road users is neutral.
- 7.5. The proposed development is also potentially positive in impact. If permission is granted for the proposed development, the space on the cul de sac to the front of the proposed entrance will no longer be available for use for carparking but it will remain available for circulation and turning within the cul de sac. It is also agreed that demand for parking on the cul de sac can be reduced in that one of the applicant's vehicles can be parked in the proposed space instead of on the cul de sac.

Appropriate Assessment.

- 7.6. Having regard to the location of the proposed development which is adjacent to existing residential development on zoned lands in an area it is considered that 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

It is considered that the proposed development would not give rise to traffic hazard or public safety concerns for other road users and would not have negative impact on the visual or resident area of the area. The proposed development is therefore considered acceptable. In view of the foregoing, it is recommended that the appeal be rejected and the planning authority decision be upheld. Draft reasons and considerations and conditions are set out below.

9.0 Reasons and Considerations

Having regard to the site location within an area subject to the zoning objective Z1: *to protect provide for and improves residential amenities* in the Dublin City Development Plan, 2017-2022, to the position for the proposed vehicular entrance within Rathdown Court, and to the existing pattern and character of the development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard or obstruction of other road users, would be acceptable in terms of traffic safety and convenience and would not seriously injure the visual and residential amenities of the area. The proposed development 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 and completed in accordance with the plans and 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.

2. A drop kerb shall be provided along the entirety of the proposed front entrance in accordance with the requirements of the planning authority at the applicant's own expense. Entrance gates shall be inward opening only.

Reason: In the interest of public safety and amenity.

Jane Dennehy
Senior Planning Inspector
25th September, 2017.