



An  
Bord  
Pleanála

## Inspector's Report 29S.249054.

---

### Development

Repair to front boundary wall of house, new vehicular entrance, removal of railings and section of wall, relocation of masonry pier, parking and associated site works at a Protected Structure.

### Location

63 Wellington Road, Ballsbridge, D4.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3056/17.

### Applicant(s)

Tim O' Hanlon and Karen Mc Court.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party

### Appellant(s)

Tim O' Hanlon and Karen Mc Court.

### Observer(s)

None.

### Date of Site Inspection

13<sup>th</sup> of November 2017.

### Inspector

Karen Hamilton.

## 1.0 Site Location and Description

1.1. The subject site includes a mid-terrace, 2 storey over basement dwelling located along the eastern side of Wellington Road, Dublin 4. There is pedestrian access from the main road with stone piers and a gate, and there is low stone wall with iron railings over along the front of the site. A grass verge separates the pedestrian footpath along the front of the site and the main road and there is pay and display parking along both sides of Wellington Road.

## 2.0 Proposed Development

2.1. The proposed development is for works to the entrance of the site and includes:

- Repair of the front boundary wall,
- Removal of a section of the existing boundary wall and railings for new vehicular entrance,
- Relocation of masonry pier,
- Provision of inward opening gates for the new entrance,
- Gravel parking area with charging point for 2 no. cars,
- Landscaping and all associated ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse permission for reasons of removal of on-street car parking provision to accommodate the new access as it would set an undesirable precedent for the loss of on-street parking and would be contrary to Policy MT14 which seeks to retain on-street parking as a resource for the city.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- Planning history on the site and surrounding area with regard to the precedent for refusing proposals for off-street parking
- Development plan policy provision in both the previous development plan (Dublin City Development Plan 2011-2017) and the existing development plan (2016-2022) regarding the loss of on-street parking.

### 3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

Roads and Traffic Division- Recommended refusal for the loss on on-street parking.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

### **2190/15**

Permission granted for removal of conservatory to the rear, new rear extension and internal alterations to a protected structure.

### **3498/14**

Permission refused for the creation of a vehicular parking space as it would set an undesirable precedent for the removal of on-street parking as a recourse for the city.

In the vicinity

### **PL29S.243088 (Reg. Ref 3662/13)**

Permission refused at No 30 and No 32 Wellington Road for the creation of a vehicular entrance for reason of impact on the protected structure and removal of on-street car parking space.

**PL 29S.221368 (Reg. Ref 5556/06)**

Permission refused for a new off-street vehicular entrance at No 32 Wellington Road for reasons of impact on the protected structure and loss of an on-street parking space.

**2711/12**

Permission refused at No 10 and No 12 Wellington Road for a new vehicular entrance for reasons of impact on the protected structure and loss of on-street car parking space.

## 5.0 Policy Context

5.1. Architectural Heritage Guidelines for Planning Authorities, 2004. Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Dublin City Development Plan 2016-2022.**

The site is zoned in Z2 "*To protect and/or improve the amenities of residential conservation areas*".

The subject site is located within an **area zoned Z2**, for residential conservation, therefore the following policies apply:

**CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

**CHC8:** 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 16.10.18: Car parking in Conservation Areas.**

Proposals for off-street parking in the front gardens of protected structures and within conservation areas will not be permitted where there is a rear option, insufficient area for parking, removal of the front boundary treatment, the subdivision of communal areas and the negative impact on the

conservation area through removal of railings or where there is no precedent for vehicular entrances.

The proposed development involves the alteration and loss of an area for on-street parking, therefore the following policy applies:

**Section 16.38.9** On street parking:

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.

**Section 8.5.6** Car parking

**Policy MT14**

To minimise loss of on street 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 improvement.

**5.3. Natural Heritage Designations**

None relevant.

**6.0 The Appeal**

**6.1. Grounds of Appeal**

The grounds of appeal are submitted by the owners of the dwelling and the issues raised may be summarised as follows:

- A previous refusal on the site (3498/14) was for reasons of removal of on-street parking which have been specifically addressed in this application.
- A full analysis of the planning history along Wellington Road, relating to off-street parking. The analysis concludes that 76% of dwellings have private car parking spaces. Other refusals for similar types of development along Wellington Road are different as they require greater removal of parking area, therefore there is a significant measureable impact.

- The development plan policy has prevented the granting of spaces over the last 10-20 years.
- Part of the application is for the essential repair of the front boundary wall which is in a poor state.
- Section 3.4 of the submitted conservation report indicates there will be no loss of parking capacity as there is continuous parallel parking along the front (41.75m) and based on national traffic management guidelines this space can accommodate 6 parking spaces. The removal of 2.4m at the end of allocated area will not significantly alter the capacity of the parking area to accommodate 6 or even 7 spaces.
- The proposed development will remove two residents parking spaces by the removal of only 2.4m, therefore there will be more available on-street parking spaces available.
- There will be no precedent for other entrances, as all four properties to the south, which do not have off-street parking, would require the removal of a full on-street parking space, which is not the case for this proposal.
- The construction and reuse of the gates and piers will have a positive impact on the protected structure.
- The residents are unable to get on-street parking on many occasions and the markings are poor and a financial contribution to upgrading these may be accepted by the applicant.

## 6.2. **Planning Authority Response**

None received.

## 6.3. **Observations**

None received.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Planning History
- Development Plan Compliance
- Built Heritage
- Appropriate Assessment

### **Planning History**

- 7.2. The subject site includes a mid-terrace dwelling located on a site zoned as Z2, where it is an objective to protect or improve the amenities of residential conservation areas. Permission has been refused previously on the site (3498/14) for a similar type of development for reasons relating to the removal of an on-street car parking space. The grounds of appeal argue the proposed development specifically addresses those reasons for refusal.
- 7.3. An analysis of the planning history, in relation to proposed off street parking spaces along the east and west of Wellington Road, has been submitted with the grounds of appeal. This analysis illustrates a significant amount of refused permissions by both the planning authority (8) and the Board (6) along the east of Wellington Road, on the opposite side from subject site, and four refusals by the planning authority along the west, two of which were upheld by the Board. In addition to the refusals, the analysis illustrates 17 granted permissions, between the period 1991 and 2007, of which 15 are along the same side as the subject site. The grounds of appeal acknowledge that the refusals along Wellington Road are based on a change of development plan policy in 2011, which I have discussed below.
- 7.4. I note the most recent Board decision (29S.243088) at No 30 and No 32 Wellington Road, along the east, related to the removal of an on-street parking space and the impact on the protected structure. In addition, other refusals along Wellington Road relate to the loss of on-street parking. The grounds of appeal consider the proposed development differs to other proposals along the road as it does not require the loss of a full parking space, only 2.4m from the end of a car parking area which runs parallel to the road. I consider the loss of 2.4m will have a considerable impact on the parking capacity along Wellington Road and the proposal is of a similar nature to the other planning history in the vicinity. I have assessed the previous grant of

permission on the subject site (3498/14) and I do not consider there is a significant deviation to that proposal currently submitted, in relation to the vehicular entrance.

- 7.5. Having regard to the planning history on the location and design of the proposed development, I consider the proposal is of a similar nature to the previous refusal on the site and other refused permissions in the vicinity, therefore I consider the planning history relevant.

### **Development Plan Compliance**

- 7.6. The proposed development is for a new vehicular entrance and off-street parking which requires the removal of 2.4m from an area currently used for on-street parking along Wellington Road. As previously stated, the grounds of appeal argue that the proposal will not alter the capacity of the existing parallel on street parking at this location and therefore will not have a significant impact on the provision of car parking along Wellington Road.
- 7.7. The report of the Roads and Traffic Section states that the provision of a driveway would result in the removal of pay and display parking and although it is acknowledged that there are currently a number of existing driveways the approach to the provision of off-street parking changed in the Dublin City Development Plan 2011-2017, and the current plan, whereby policies were introduced to safeguard on-street parking as a resource for the city.
- 7.8. Section 8.5.9, 16.38.9 and Policy MT14 of the current development plan includes guidance on car parking and requires the retention of on-street parking spaces. The reason for refusal relates to the contravention of Policy MT14 which seeks to minimise the loss of on-street parking. Whilst I note the proposed development includes the removal of 2.4m, which is not a full car-parking space, I consider it would still have a negative impact on the capacity of the existing parking area to accommodate on-street parking. In addition, it should be noted there are currently four properties in the immediate vicinity which do not have off- street parking and any grant of permission would set an undesirable precedent which would cumulatively lead to a significant impact and further remove parking for the residents along Wellington Road.
- 7.9. Therefore, based on the location of the development, the precedent from other similar type of developments and the policies of the development plan, namely MT14,



it is considered the proposed development would have a negative impact on the provision of on-street car parking spaces in the city and the residential amenity of those residents along Wellington Road.

### **Built Heritage**

- 7.10. The subject site is located within an area zoned as Z2, residential conservation, and the dwelling is a protected structure. The proposed development is for repair of the front boundary wall and includes the removal of the existing pier and railings for the purposes of widening the entrance and upgrading the wall.
- 7.11. An Architectural Conservation Report was submitted with the application which provides an analysis of the poor state of the existing wall, states that the works will be supervised by a conservation specialist and includes an analysis of the impact of the proposed development on the protected structure and surrounding area. The report concludes that the addition of the two off-street parking spaces will not set a new precedence for entrances or reduce the capacity of on-street parking.
- 7.12. Section 13.7.7 of the Architectural Heritage Guidelines provides guidance for car parking in protected structures and states that careful consideration is required in order to protect the character of the structure and attendant grounds, also section 13.7.8 states that where car parking is provided effort shall be made to minimise the impact through careful design and materials. Policy CHC8 of the development plan states that off-street parking will be facilitated where the site conditions allow and the proposed development does not have a negative impact on the protected structure or conservation area. The proposed development includes the retention and repair of the existing iron gates and piers and integration into the overall scheme. In addition, I note the landscaping for the front garden between the dwelling and the parking area, the inclusion of the gravel drive and the design to match the adjoining entrance at No 61.
- 7.13. Having regard to the high standard of the design and materials for the entrance and the significant amount of landscaping I do not consider the proposed development would have a significant negative impact on the character and setting of the protected structure or the surrounding area.

### **Appropriate Assessment**

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

## 8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

The proposed vehicular access onto Wellington Road would result in the removal of on-street parking to accommodate a private vehicular access which would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city for both residents and the public. In addition, the proposed development would set an undesirable precedent for similar sites throughout the road and as such would seriously injure the amenity of the property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Karen Hamilton  
Planning Inspector

17<sup>th</sup> of November 2017.