



An  
Bord  
Pleanála

## Inspector's Report PL03.249125

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<b>Development</b>	To construct a vehicular entrance to the front of the existing dwelling, with all associated site works.
<b>Location</b>	No.25, Limerick Road, Ennis, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	Clare County Council
<b>Applicant(s)</b>	Ethna Murphy
<b>Type of Application</b>	Application for permission
<b>Planning Authority Decision</b>	REFUSE for 2no. reasons.
<b>Type of Appeal</b>	First Party against decision
<b>Appellant(s)</b>	Ethna Murphy.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29/11/17
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application relates to the site of a suburban bungalow to the southwest of Ennis town centre. The dwelling is one of a row of similar detached dwellings (in terms of height and set back) fronting onto the eastern side of the street, with the adjacent 2-storey dwelling on the site to the south oriented to face towards a crossroad junction. The development on the western side of the street is more varied but is also limited to single storey development.
- 1.2. The site has a stated area of 0.02ha and the dwelling c.86-sq.m. The front garden measures no more than 4800mm from façade to public footpath, but this includes the front boundary wall (c.300mm) and the private footpath (c.850mm) adjacent the dwelling. The property currently only has a pedestrian entrance, within a roadside boundary demarcated by a wall of c.1.2m height. I estimate that the front garden is c.800mm higher than the public footpath at the boundary, but the floor level of the dwelling is maybe another 400mm higher again.
- 1.3. The site fronts onto a single-carriageway street. From the drawings the vehicular carriageway measures c.7m in width and the adjacent pedestrian pavement c.1.5m apiece. The pavement has been dished in the vicinity of the proposed entrance, but not to the extent necessary to accommodate the proposed development.
- 1.4. There are no parking restrictions along the public road, except within the immediate vicinity of the junction to the south. Only the northernmost bungalow has a narrow vehicular access with a very constricted parking space aligned perpendicular to the road. The dwelling on that property would appear to be set back further from the public road, with a front garden of c.6.5m (estimated).
- 1.5. There is a significant signal-controlled crossroad junction between the Limerick Road (local road), the R485 (Clare Road, the main road into Ennis from south the M18) and Clonmor Road.

## 2.0 Proposed Development

- 2.1. It is proposed to open a 4.5m wide vehicular entrance to the public road.
- 2.2. No amendments made in further information submission.

## 3.0 Planning Authority Decision

### 3.1. Decision

**REFUSE** permission for 2no. reasons.

Reason no.1 – Traffic hazard

Reason no.2 – Serious injure to residential amenities due to visual impact on the streetscape.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The first report of the Planning Officer (17/07/17) recommended **FURTHER INFORMATION** be sought concerning provision of auto-track details to demonstrate parking and turning movements, and inviting the applicant to comment on visual impact and undesirable precedent.

The second report of the Planning Officer (17/08/17) recommended permission be **REFUSED** for two reasons consistent with the decision of the Planning Authority.

#### 3.2.2. Other Technical Reports

Ennis Municipal District Senior Executive Engineer (19/07/17) – Raised road safety concerns regarding access / egress due to shallow dimensions of the parking area.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Councillor Clare Colleran noted as making a representation (19/06/17). No points made.

## 4.0 Planning History

**Reg.Ref.13/21008** – Permission **REFUSED** by the Planning Authority (03/05/13) for the widening of existing pedestrian gateway to accommodate a car entrance at St. Ann's Terrace, Clon Road, Ennis, on grounds of a traffic hazard and serious injure to residential amenities due to visual impact on the streetscape.

## 5.0 Policy Context

### 5.1. Development Plan

Clare County Development Plan 2017-2023

*Objective CDP8.8 – It is an objective of the development plan: To implement the requirements and recommendations contained in DMURS in the assessment of development proposals, the preparation of design schemes and their implementation in the development of streets, roads and public realm improvement schemes in the county.*

Vol.3 Ennis Municipal District – land use zoning objection '*existing residential*'.

### 5.2. Natural Heritage Designations

Lower River Shannon SAC 002165 – C.900m to the north of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of the appeal may be summarised as follows:

Disputing traffic safety issue -

- Southbound traffic, adjacent the house, slows as it approaches the busy signalised traffic junction to the south. Northbound traffic travels much faster, onto which lane there are many vehicular entrances.
- Map appended to appeal shows properties with vehicular entrances in vicinity, including one onto the busier R485 closer to the busy junction, and the

Applegreen Station which has ingress/egress directly under the traffic lights to the said junction, also onto the busier main road (R485).

- Drawings submitted as further information showed that the applicant would reverse into the proposed driveway, in the interest of safety pedestrians and traffic, as well as her own safety.
- The applicant indicates that she was going so far as to sign a written undertaking to always reverse into her driveway and would comply with any restrictions the Council sought to impose.
- The Planning Authority has granted permission for similar development on similar roads throughout Ennis.
- The local road is the least busy road of the four at the junction, receiving only 20 seconds of green time (red for 90% of time).
- Providing parking on site frees up space on the road from on-street parking and the proposed entrance would prevent other cars from parking at that point on the road, increasing visibility for drivers without pedestrians (school nearby) appearing from behind parked cars.
- There is no record of any accidents involving a car coming out of the driveway onto this road.

Visual aesthetics -

- Cannot see how the proposed entrance could detract from the visual aspect of the property when about 1/3 of the bungalows within this triangle of land have vehicular entrances.
- Photographs of similar development within the vicinity are appended to the appeal.

## 6.2. Planning Authority Response

The main points of the response (08/09/17) may be summarised as follows:

- It is not possible to condition the means of access the proposed parking space – this is reliant on driver behaviour.

- Unlike other properties where there is space to turn a vehicle on site without reversing onto the public road, the subject site has no such space, therefore the examples identified by the applicant are not the same.
- The pattern of development consists of a row of detached houses with a front wall. The creation of the entrance would punctuate this pattern and set precedent for the removal of front walls in favour of entrances.

## 7.0 Assessment

The main issues arising in this case can be addressed under the following headings:

- 7.1. Policy / principle
- 7.2. Traffic issues
- 7.3. Visual impact
- 7.4. Appropriate Assessment

### 7.1. Policy / principle

- 7.1.1. The Planning Authority raised no issue with the principle of the development in terms of the local policy context and the planner's report cites no relevant policies, objectives or standards in considering the proposed development. I could find no policy in the County Development Plan (or the Ennis Municipal Plan in Vol.3 thereof) pertaining to new entrances other than onto National Roads (primary and secondary), which is not relevant to the proposed widening of an existing entrance onto this local road. It is an objective (CDP8.8) of the Plan to implement the DMURS in its assessment of development proposals. The site is located within the urban area of Ennis where the 50kph speed limit applies, therefore DMURS is the appropriate design standard.

### 7.2. Traffic issues

- 7.2.1. The Council's first reason for refusal was on grounds that the proposed development would endanger public safety by reason of a traffic hazard due to the design and

layout of the parking and access which would result in haphazard turning movements in proximity to a busy junction.

- 7.2.2. I do not consider the proximity of the proposed entrance to the junction to the south (c.35m) to be a significant traffic safety concern and I note the Area Engineer did not raise it as an issue and did not object to the development or recommend refusal. The Area Engineer indicated that this is not a busy road, except for a short duration at school collection / drop off times for 8 months of the year, which would support the position of the appellant.
- 7.2.3. The relatively short front garden is a significant impediment to accommodating off-street parking on this site – it measures no more than 4800mm on the ground, inclusive of recently install private footpath adjacent the dwelling (c.850mm) and the front boundary wall (c.300mm). The unfavourable dimensions necessitates onsite parking in an arrangement parallel to the carriageway. Accessing the parking would entail awkward reversing manoeuvres from the public road in an S-shape movement, in order to enter the site, as indicated in FI drawing submitted by the applicant. The said drawing is not an auto-track drawing and cannot be relied upon to accurately show the positioning a vehicle would take in carrying out such a manoeuvre and I would therefore caution the Board in relying on same.
- 7.2.4. The Area Engineer's report that issued in advance of the receipt of further information noted that access would require the driver to reverse into the site in order to facilitate egress in a forward gear, as the alternative, accessing the site in a forward gear, would entail egress in a reserve gear into the near lane against traffic, which he considered not to be safe. He did not object to the proposed development or recommend refusal.
- 7.2.5. As submitted by the Planning Authority in its response to the appeal, it would not be feasible for the Local Authority to ensure that a vehicle accessing the site would do so in reverse gear into the future, even if it was to be required by condition (note the AE did not recommend that such a condition be attached). The avoidance of the traffic safety conflict arising due to the design of the proposed development, which would endanger the safety of other road users, would therefore be dependent on the good will of the person parking on this site. The proposed vehicular entrance and parking layout would result in a traffic hazard by reason of access and / or egress



movements from the site by reason of the particular design of the entrance and parking layout dictated by the shallow depth of the front garden area. Whilst I note the appellant's submission of photographs demonstrating precedent for vehicular entrances to properties on this road and within the vicinity, none have the same limitations evident on this site, and none result in the same access / egress conflicts, and therefore I do not consider them to support the appellant's case.

7.2.6. There is unrestricted on-street public parking to the front of the house on this local street, which is easily and apparently safely accessible and open to use by the general public. The proposed 4.5m wide entrance would result in the loss of at least one whole on-street public parking space. I therefore consider that permission should be refused.

7.3. Visual impact:

7.3.1. I am satisfied that the proposed development would not have a significant visual impact within its context.

7.4. Appropriate Assessment:

7.4.1. Having regard to the small scale and nature of the proposed development and the distance (c.900m) 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 a European site.

## 8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations set out under section 9.0.

## 9.0 Reasons and Considerations

- 1 The proposed development, by reason of the access and / or egress movements to / from the site likely to arise due to the design and layout of the proposed vehicular entrance and parking layout, which it is not feasible to control by redesign or by condition and which movements would conflict with traffic movements on the public

road, would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise result in a traffic hazard

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John Desmond  
Senior Planning Inspector

12<sup>th</sup> December 2017