



An
Bord
Pleanála

Inspector's Report 27N.249193

Development	Develop front driveway and create front vehicular entrance to front garden of house consisting of relocation of existing rendered pillars to a new location to form a 4 metre wide entrance and provide new paving decorative stone surface.
Location	5 Avondale Park, Raheny, Dublin 5.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB 1314/17
Applicant	Una Mann
Type of Application	Retention
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party
Appellant	
Date of Site Inspection	9/11/2017
Inspector	Dolores McCague

1.1. **Site Location and Description**

- 1.2. The subject site is located at Avondale Park, Raheny, Dublin 5.
- 1.3. The site is occupied by a two storey terraced dwelling. The front boundary formerly had a pedestrian entrance with a blockwork wall with landscaped garden behind. This has been replaced with a vehicle entrance and hard surfacing.
- 1.4. The general boundary treatment in the area comprises rendered and capped walls with pedestrian gates and rendered block gate piers. Houses are set back behind fairly generous front gardens.
- 1.5. On the date of inspection there did not appear to be any pressure for on road parking at this location.
- 1.6. The site is given as 253m².

2.0 **Proposed Development**

- 2.1. The proposed development is the retention of the developed front driveway and front vehicular entrance to front garden of house which consisted of the relocation of rendered pillars to a new location to form a 4 metre wide entrance and provide new decorative stone surface paving.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.2. The planning authority decided to grant permission subject to conditions including no. 2

The development hereby approved shall incorporate the following amendments:

- a) The vehicle entrance shall be reduced to have a maximum width of 3.6m only. This shall be achieved by moving the western gate pillar inward.

- b) One parking space only shall be provided on site and the amount of hard surfacing shall be reduced by the provision of soft landscaping/planting along the site boundaries to a minimum width of 500mm and by provision of planting immediately to the front of the ground window and immediately behind the front boundary wall. This landscaping / planting may take the form of planter boxes or raised beds.

Works to carry out these amendments shall be undertaken no later than eight weeks following the issuing of the final grant of permission.

Reason: To comply with relevant Dublin City Development Plan requirements, in particular Appendix 5 and Dublin City Guidance document 'Parking Cars in Front Gardens' and in the interests of the visual amenity of the streetscape.

3.3. The decision to was in accordance with the planning recommendation.

3.4. **Planning Authority Reports**

3.4.1. Planning Report:

3.4.2. The planning report includes that:

3.4.3. The works carried out have created a four metre wide vehicle entrance with the removal of almost the entire front boundary. The site measures 6.616m in width and the front garden has been fully laid out in hard landscaping with gravel to the parking area and cobbles immediately at the interface between the public pavement and the site as well as forming an entrance pathway to the front door.

3.4.4. The principle of a vehicle entrance is reasonable and can be seen elsewhere in the vicinity. The issue concerns the scale of the vehicle entrance and extent of hard surfacing. Notwithstanding the position of RTPD (Roads & Traffic Planning Division) the four metre width exceeds the maximum permitted domestic vehicle entrance width of 3.6m and so would be unacceptable in its current configuration and would set an undesirable precedent for over wide entrances. The applicant references No 3 adjacent as a precedent but there appears to be no planning history for that site. That site contains significant areas of retained soft planting. In addition to the excessive width there is concern with regard to the extent of the hard surfacing, with no soft landscaping /planting retained.

3.4.5. To be consistent with the Development Plan the entrance should be no wider than 3.6m, in addition planting should be provided along both site boundaries immediately to the front of the dwelling and behind the increased front boundary wall.

3.5. Other Technical Reports

3.5.1. Engineering Department – Drainage Division – conditions.

3.5.2. Roads & Traffic Planning Division – conditions:

- Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.
- All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- The developer shall be obliged to comply with the requirements set out in the Code of Practice.

4.0 Planning History

PI 238922 Board decision to modify the planning authority's decision on WEB 1048/11 - 2 Avondale Park – permission for provision of vehicle entrance to the front garden relocation of one of the rendered pillars to a new location to form a wider opening etc.; such that in lieu of condition no. 2 (a) limiting the vehicle entrance width to 3m incorporating the existing pedestrian entrance and western gate pillar, the width was limited to 3.5m

Omission of condition no. 2 (b): one car parking space only shall be provided on site of a maximum area of 5m x 3m with the remainder of the front garden permanently retained in soft landscaping,

and addition of the following condition:

The front garden shall be landscaped within three months of the date of this order in accordance with a plan submitted to the planning authority and agreed in writing with the planning authority.

Reason: In the interest of the visual amenity of the area.

3218/07 - 63 Avondale Park - permission granted to widen existing pedestrian entrance to allow for vehicular entrance and ramped footpath.

3024/07 - 64 Avondale Park – permission granted to widen existing pedestrian access in front boundary wall and provide vehicular access to front garden together with partial dishing of kerb.

5.0 Policy Context

5.1. **Dublin City Development Plan 2016-2022** is the operative plan. Relevant provisions include:

There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces

In relation to general parking - Dublin City Council will continue to implement a policy on car parking in the city that seeks to manage and provide car parking as part of the overall sustainable transport needs of the city.

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.

Appendix 5 - Road Standards for Various Classes of Development - Where driveways are provided, they shall be at least 2.5 m or at most 3.6 m 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.

Parking Cars in Front Gardens – guidance leaflet, includes - the front garden shall still give the impression of being a front garden.

5.2. Natural Heritage Designations

North Bull Island SPA is the nearest Natura sites c900m from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The appeal by the first party refers to condition 2 a).

6.2.1. The grounds of appeal includes:

6.2.2. Responding to the planner's assessment that the scale of the entrance and the extent of hard surfacing is problematic the first party states that she currently cares for her elderly mother who is dependent on the use of a wheelchair and the wider access is requested to provide access for 2 cars and unobstructed wheelchair access along the level access created to the east of the site. The reduction of 00mm would have a significant effect on the ease of access for her mother when 2 cars are in the driveway.

6.2.3. With reference to condition 2 b).

6.2.4. The first party currently cases for her elderly mother who is dependent on the use of a wheelchair and the 500mm planter to the east of the site will obstruct wheelchair access along the level access created to the east of the site as indicated by the red line in a photograph provided. The 500mm planter to the west will restrict the useable width of the drive and mean only one car can be accommodated in the drive.

6.2.5. The planner's report refers to four history files, three are on the online planning portal:

- 3024/07 – 64 Avondale Park is not conditioned for one car only. This property currently has a front garden with full hard landscaping and able to accept two cars.
- 3218/07 – 63 Avondale Park is not conditioned for one car only. This property currently has a front garden with a mixture of full hard landscaping and decorative stone and is able to accept two cars.
- 1048/11 - 2 Avondale Park – was conditioned to have only 1 parking space and the condition was amended on appeal PL 238922 to allow two cars.

6.2.6. Photographs of these driveways are attached to the grounds.

- 6.2.7. Stone chippings have been used for the majority of the surface area. This permeable surface provides sufficient natural drainage and negated the need for permanent planters.
- 6.2.8. Planning permissions have been granted to identical properties without these conditions. Having two car parking spaces for this property will enhance the public's pedestrian and vehicle safety by having more vehicles off the road.

7.0 **Assessment**

7.1. Further to my examination of the file and the grounds of the first party appeal that relate only to Condition No 2 of the notification of decision of the planning authority and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

7.2. Condition No. 2 of the notification of decision to grant permission states as follows:

The development hereby approved shall incorporate the following amendments:

- a) The vehicle entrance shall be reduced to have a maximum width of 3.6m only. This shall be achieved by moving the western gate pillar inward.
- b) One parking space only shall be provided on site and the amount of hard surfacing shall be reduced by the provision of soft landscaping/planting along the site boundaries to a minimum width of 500mm and by provision of planting immediately to the front of the ground window and immediately behind the front boundary wall. This landscaping / planting may take the form of planter boxes or raised beds.

Works to carry out these amendments shall be undertaken no later than eight weeks following the issuing of the final grant of permission.

Reason: To comply with relevant Dublin City Development Plan requirements, in particular Appendix 5 and Dublin City Guidance document 'Parking Cars in Front Gardens' and in the interests of the visual amenity of the streetscape.

- 7.3. Dublin City Development Plan 2016-2022 is the operative plan; provisions of relevance include that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces. Driveways should be at least 2.5 m or at most 3.6 m in width.
- 7.3.1. The division between the street and dwelling curtilage is part of the design of this estate. The removal of the entire front boundary and provision of hard surfacing over the entire front garden is an erosion of the character of the area, increases the pressure on road drainage and constitutes an encroachment onto the public realm.
- 7.3.2. However consider that the loss of roadside parking is acceptable in this instance since there is no apparent pressure for on road parking in this location and having regard to the particular circumstances of the household, notwithstanding that on-site parking is less efficient than the unallocated roadside parking which it removes.

8.0 Recommendation

Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No 2 so that it shall be as follows for the reason and considerations set out.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2016 - 2022, the established pattern of development in the area, and the nature, scale and design of the proposed development to be retained and particularly to the circumstances pertaining to the household, it is considered that, subject to compliance with the amended condition, the proposed development would not detract from the character or visual amenity of this residential area, would be acceptable in terms of traffic safety and would not unduly diminish the availability of on-street car parking such as to inconvenience other motorists. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition no 2

The development hereby approved shall incorporate the following amendments:

- (a) The vehicle entrance shall be a maximum of 3.6 metres in width. This shall be achieved by moving the western gate pillar inward.
- (b) Within three months of the date of this order a landscaping plan shall be agreed in writing with the planning authority including a schedule for its implementation and the development shall be carried out and completed not later than six months from the date of this order.

Reason: In the interest of the visual amenity and to ensure compliance with the requirements of the City Development Plan.

Planning Inspector

27th November 2017

Appendices

- 1 Photographs
- 2 Extracts from Dublin City Development Plan 2016-2022
- 3 Copy of leaflet - Parking Cars in Front Gardens