



An
Bord
Pleanála

Inspector's Report ABP – 300018-17

Development	New vehicular gate and entrance to the front.
Location	48 St. Peters Road, Walkinstown, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17B/0268
Applicant(s)	Paul Byrne
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Paul Byrne
Observer(s)	No observers
Date of Site Inspection	14 th December 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located on St. Peter's Road within an established suburban housing estate in close proximity to the Walkinstown roundabout. It currently accommodates an end of terrace 2 storey dwelling. The house has a front garden which is accessed via a pedestrian gate. The back garden is accessed via a lane way to the side. There is no vehicular access at present.
- 1.2. The general character of development in the vicinity comprises similar low density housing. There is on street car parking and a cycle lane along St. Peter's Road. A number of dwellings in the vicinity have removed the front boundary treatment to create off street parking.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The removal of the existing pedestrian gate, one pier and part of the front boundary wall.
 - The development of a new vehicular entrance 3.6 metres in width including new double leaf gates.
 - The replacement of the existing grass margin to the front with a dished concrete apron.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To refuse permission for the following reasons:
 1. *The proposed development would set an undesirable precedent for other similar developments which would in themselves and cumulatively be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.*
 2. *The proposed development would create unacceptable additional hazards and inconvenience to vulnerable road users including pedestrians and cyclists due*

to the necessity of vehicles crossing the footpath and cycle path, both in forward gear and reverse. Thus, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3. *The proposed development would result in the loss of an on-street parking space, in contravention of stated policy in the South Dublin County Development Plan 2016-2022 and the DMURS guidance.*
4. *The loss of the enclosure to the garden, the loss of the green verge and the associated tree, and the use of the front garden for parking, would, by itself and by serving as a precedent, have negative impacts on the character and visual amenity of the street. Thus, the proposed development would seriously injure the amenities of property in the vicinity.*

3.2. Planning Authority Reports

3.2.1. Planning Report (25.09.2017)

- The loss of the enclosure to the front garden would have a negative impact on the visual amenity and character of the street.
- The proposal would create additional inconvenience and hazard for people using the footpath and cycle path.
- The file was discussed with the Parks and Landscape Department who noted that street tree would suffer root damage, would likely deteriorate and die back over a number of years.

3.2.2. Other Technical Reports

- **Roads Department Planning Report (14.09.2017):** No objection subject to conditions.
- No further reports on file. It is noted in the Planner's Report (25.09.2017) that the Water Services Section had no objection subject to condition.

3.3. Prescribed Bodies

- No further reports on file. It is noted in the Planner's Report (25.09.2017) that Irish Water had no objection subject to condition.

3.4. Third Party Observations

- No third party observations.

4.0 Planning History

Subject Site

- 4.1 No relevant planning history pertinent to the subject site.

Environs

SD17B/0128

- 4.2 Permission refused by South Dublin County Council in June 2017 for a new front vehicular entrance. The reasons for refusal were similar to the current application and it was considered that the development would create an undesirable precedent, would create a traffic hazard, would have a negative visual impact and would result in the loss of an on street parking space.

SD17B/0195/Appeal Reference PL06S.249032

- 4.3 Permission refused by the Board in November 2017 for a development that included a new vehicular entrance from St. Peters Road. The reason for refusal stated:

“Having regard to the location of the proposed entrance immediately adjacent to the signalised junction at Saint Peter’s Road and Saint James’s Road and the existing cycle lane, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the South Dublin County Development Plan 2016-2022. The subject site is zoned RES '*To protect and/or improve residential amenity*'.

5.1.2 **Policy 6 Road Design:** *It is the policy of the Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic calmed street environment, particularly in sensitive areas and where vulnerable users are present.*

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- Due to the proximity of the dwelling to Walkinstown Roundabout and use of existing on street car parking spaces by commuters, the applicant often cannot avail of car parking close to their house.
- The vast majority of houses on St. Peters Road have vehicular access. A survey included with the appeal indicates that out of a total of 222 houses on the street, only 54 have no vehicular access – less than 25%. This demonstrates that the precedent of vehicular accesses to dwellings along this road is already established.
- The Roads Department had no objection to the proposed development.
- The potential loss of existing tree could be addressed by way of condition.
- No evidence to suggest that development would create an unacceptable traffic hazard. On street parking causes a hazard to cyclist from the opening of car doors.

- The estate was constructed in the 1960's and new guidelines should not be applied retrospectively to long established areas.
- It is unfair to penalise the applicant when numerous other entrances have been created without the benefit of planning. It is preferable to grant permission for a standard width of 3.6 metres to encourage orderly development and improve the visual amenity of the street.

6.2. Planning Authority Response

South Dublin County Council (09.11.2017): The planning authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

6.3. Observations

- No observations.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings.

- Principle of Development
- Traffic Hazard
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The proposed development comprises the development of a new vehicular entrance to serve the existing dwelling house. As has been detailed by the applicant and observed on site, the vast majority of dwellings in the vicinity of the subject site have developed vehicular entrances. Whilst it is likely that many of the entrances may be unauthorised, they are nonetheless in situ and likely to remain so. The established pattern is, therefore, of vehicular entrances and in this regard I would not concur with the planning authority that the development would set an undesirable precedent. The precedent is already clearly established.

- 7.2.2 Concerns have also been raised regarding the impact of the development on the visual amenities of the area due to the loss of the enclosure to the garden and loss of green verge and associated tree. Having regard to the established pattern of development in the vicinity, I would not concur with the assessment of the Planning Authority that the creation of the vehicular entrance would result in an adverse visual impact due to the loss of the front garden. I do not consider the site to be in a visually sensitive area. Many other properties adjacent to the site have carried out similar works and in this regard the original character of the street has long been lost. The proposed development will not materially change the appearance of the streetscape.
- 7.2.3 In terms of the grass verge and tree, it is noted that part of the verge and tree will be retained. Given the nature of the works, which primarily relate to the demolition of the front boundary wall, there is unlikely to be extensive excavation works. The proposed entrance is well set back from the existing tree. In this regard, I am not convinced that the development will result in the demise of the existing tree.
- 7.2.4 Having regard to the foregoing and the established pattern of dwellings with vehicular entrances in the vicinity, I am satisfied that the principle of the development is acceptable.

7.3 Traffic Hazard

- 7.3.1 St. Peter's Road comprises a two-way carriageway, on street parking and a dedicated cycle path. There is an on street parking space directly to the front of the dwelling. The Planning Authority have refused the development on the basis that it would cause a traffic hazard. Concerns are raised regarding potential conflict with pedestrians and cyclists.
- 7.3.2 It is noted that the Board recently refused permission for a new vehicular entrance at 99 St. Peter Road on the basis of a traffic hazard. It is noted however, in that instance, the entrance was immediately adjacent to a pedestrian crossing and a busy junction with St. James Road. The Roads Department of South Dublin County Council raised significant concerns regarding potential traffic safety.
- 7.3.3 It is noted however, in this instance, the site is not located in close proximity to any existing pedestrian crossing. Whilst there is a cycle lane running along St. Peters Road, having regard to the multiple vehicular entrances along this route, I do not consider that the proposal will significantly alter the status quo. It is also noted that

the Roads Department of South Dublin County Council raised no objection to the proposal from a traffic safety perspective. In this regard, I am satisfied that the development will not give rise to any undue traffic hazards. With regard to the loss of an on street parking space, it is noted that numerous on street parking still remain and the development will provide for 2 no. off street spaces in lieu.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, comprising a vehicular entrance to an existing dwelling house within an established urban area, and the 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 a European site.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the established pattern of vehicular entrances in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would 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 particulars 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

4. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

5. The proposed gates shall open inwards and not out over the public domain.

Reason: In the interest of pedestrian safety.

Erika Casey
Senior Planning Inspector
19th December 2017