



An
Bord
Pleanála

Inspector's Report

ABP-300100-17

Development	Retention permission is being sought for an existing double leaf access gate to the rear of the existing dwelling house (accessing Madden's Lane) and associated site works.
Location	3, Meadow Court, Wyattville Road, Killiney, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0729
Applicant(s)	James Friel
Type of Application	Permission
Planning Authority Decision	Refuse Permission for Retention
Type of Appeal	First Party
Appellant(s)	James Friel
Observer(s)	No observers
Date of Site Inspection	16 th January 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject access gate is located to the rear of no. 3 Meadow Court, a three bedroom semi-detached house in an established residential estate in Killiney. The gate is located on the western side of Madden's Lane which is a vehicular route that runs to the rear of the property.
- 1.2. Madden's Lane has a narrow width. There is a pedestrian footpath on the eastern side of the road. The western boundary comprises the rear stone boundary walls of no. 1 to 16 Meadow Court. The wall is c. 2 metres in height and there are also a number of mature trees along this boundary. With the exception of 1 entrance at the start of the lane, there are no other existing access gates on the western side of the lane. Nor is there any pedestrian path on this side of the road.

2.0 Proposed Development

- 2.1. The proposed development seeks retention of a double leaf access gate located to the rear of No. 34 Meadow Court which provides for vehicular access from Madden's Lane. The gate is c. 2.36 metres in height, set back from the edge of the road and flanked by side walls. It is approximately 3.6 metres in width. The rear boundary wall of the site is 2.26 metres in height.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 Refuse Permission for Retention for 1 no. reason:

"The sightlines for vehicles exiting the vehicular entrance for which retention permission is sought are substandard and would therefore endanger public safety by reason of a traffic hazard or obstruction of road users, and if permitted, would also set an undesirable precedent for similar development on adjoining sites in the area, and would therefore adversely affect the use of Madden's Lane by existing vehicular traffic."

3.2. Planning Authority Reports

3.2.1. Planning Report (06.10.2017)

- No. 3 Meadow Court currently benefits from 2 off street car parking spaces.

- It is considered that the development would endanger public safety by reason of a traffic hazard and set an undesirable precedent.
- It would be contrary to Section 8.2.49 of the County Development Plan.

3.2.2. **Other Technical Reports**

Transportation Planning (05.10.2017)

- Madden's Lane, which is an urban road, currently has a 50km/hr speed limit, and there is no centreline to the north or south of the vehicular entrance for which permission for retention is sought.
- Drawings showing achievable sightlines in accordance with DMURS have not been submitted.
- Recommends refusal on the grounds that due to the substandard sightlines, the entrance would endanger public safety by reason of a traffic hazard or obstruction of road users.
- Notes that development may lead to other similar developments on adjoining sites which would adversely affect the use of Madden's Lane for existing vehicles.
- The report states that under DMURS a sightline of 45 metres is required in either direction. A reduced sightline may be acceptable if the applicant can demonstrate that the existing traffic speeds are low by submitting a speed survey. It is also stated that that hedging, high boundary walls/high gates and other objects should not impact on sightlines and may need to be removed/relocated/reduced in height so that they do not exceed 1.1 metres in height.

3.3. **Prescribed Bodies**

- No submissions.

3.4. **Third Party Observations**

- No observations.

4.0 **Planning History**

- No relevant planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A: *To protect and/or improve residential amenity of adjoining properties and the area.*

5.1.2 **Section 8.2.4.9: Vehicular Entrances and Hardstanding Areas** sets out relevant guidance. Key points to note include:

- *Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5m.*
- *Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.*
- *In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted.*
- *Proposals for off street parking need to be balanced against loss of amenity (visual and physical) and will be considered in light of overall traffic flows and car parking in the vicinity.*

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- Accept that under normal circumstances that the addition of off street parking to the rear of the property would be excessive, however, consider that the refusal should be reassessed de novo due to the unique nature and extenuating circumstances pertaining to the applicant.

- The applicants are motor enthusiasts and members of the Dublin Sports and Classic Car Club. They own 2 classic cars in addition to their 2 day to day vehicles. Their son who resides with them, also has a car.
- 4 vehicles are stored in the off street parking area to the front of the house. The current access gate was installed for the purpose of storing their second classic car, as there is no more room available to the front of the property.
- The storage of the additional vehicle on the road to the front of their property would increase traffic hazards to the existing pedestrian footpath and to road traffic merging onto Wyatville Road.
- Due to the seasonal nature of car rallies, the gate sought for retention is used infrequently – once every 6 to 8 weeks during March to September. Rallies do not run in Winter and are only at the weekend.
- As there is no pedestrian footpath on the western side of Madden’s Lane, the development does not impact on pedestrians.
- Precedence set in the local vicinity of a development is not reasoning alone for grant of permission for future local developments.
- There are existing gates similar in design and construction to the applicants that currently access Madden’s Lane.

6.2. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

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:

- Access and Traffic.

- Appropriate Assessment.

7.2. Access and Traffic

- 7.2.1 The proposed development relates to the retention of an existing vehicular access and gate onto Madden's Lane. It is contended by the applicant, that notwithstanding the fact that the property has sufficient parking for 2 no. off street parking spaces to the front of the property, that an additional parking space and vehicular access is required to the rear of the dwelling to accommodate their classic car. It is stated that due to these particular unique circumstances that the access should be considered.
- 7.2.2 Madden's Lane comprises a narrow vehicular route located to the rear of the dwellings on Meadow Court. The Lane provides access to a number of dwellings including two narrow cul de sacs that serve houses in the Dale View Park development.
- 7.2.3 The carriageway of the lane is narrow with no centre line. There is only one pedestrian footpath located on the eastern side of the street. Double yellow lines are located at the southern end of the laneway. During the site visit, on street parking was observed on the eastern side of the lane.
- 7.2.4 The western boundary is characterised by a high stone wall c. 2 metres in height that forms the rear boundary of the dwellings along Meadow Court. With the exception of 1 entrance and gate to the very south of the lane, there are no other vehicular entrances on the western side of the lane. It is noted that it is council policy to generally resist new entrances in areas where such accesses are not prevalent.
- 7.2.5 Concerns have been raised by the Planning Authority that the entrance to be retained is substandard in that sufficient sightlines cannot be achieved. It is noted that no further evidence regarding adequate sightlines has been submitted with the application or appeal submission. There is evidently an issue with visibility at the access and it is noted that it is stated in the appeal documentation:
- "The vehicle is stored at the rear of the property when being prepared for a rally is prep'd by both James and his wife. They act as spotters for one another when entering/exiting the gateway during the rally season."*

This would appear to suggest that a third party is required to guide a car when entering or exiting the driveway.

- 7.2.6 The report from the Transportation Department suggests that the boundary treatment north and south of the entrance would need to be reduced to 1.1 metres in order to achieve adequate sightlines. This is likely to entail the reduction in height of the existing boundary wall serving adjacent residences which is outside the control of the applicant. From observations on site, information on file and the report from the Transportation Planning Department, I am not satisfied that adequate sightlines can be achieved to ensure the safe egress of vehicles.
- 7.2.7 It is also noted that with the exception of 1 entrance, there are no other vehicular access points on the western side of Madden's Lane. It is stated by the applicant that the entrance will be infrequently used due to the fact that it is intended to only park a classic car to the rear of the property and thus it will only be used occasionally when the car is in a classic car rally. Whilst the applicants point is noted, in reality it would be difficult to control the use and frequency of such an entrance if it were permitted. If the property for example were to be sold in the future, there is potential that the access could be used far more intensively than that currently.
- 7.2.8 I also note that the applicants dwelling has 2 no. off street parking spaces to the front of their dwelling as well as on street parking to the front of their house. This is considered sufficient.
- 7.2.9 I note the concerns of the Planning Authority that the subject entrance would set an undesirable precedent. This concern is noted and I would concur that the further proliferation of entrances along this narrow laneway would likely cause congestion and conflicting traffic movements, particularly as there is on street parking on the eastern side of the laneway.

7.3 **Appropriate Assessment**

- 7.3.1 Having regard to the nature and scale of the proposed development for retention, a vehicular access and gate, 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 retention permission be refused permission for the reasons set out below.

9.0 Reasons

1. *It is considered that the gate and vehicular access for which retention permission is sought would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in a north south direction. The development if permitted would set and undesirable precedent for similar development on adjoining sites which would adversely affect the use of Madden's Lane by existing vehicular traffic due to potential traffic congestion and conflicting traffic movements.*

Erika Casey

Senior Planning Inspector

17th January 2018