



An
Bord
Pleanála

Inspector's Report ABP-300814-18

Development

Construction of a new vehicular access to the front of the existing dwelling and charging point to facilitate the parking and charging of a private electrical vehicle and to include for the modification and re-use of the existing boundary railings as gates and all associated site and development works

Location

20, Bloomfield Avenue, Portobello, Dublin 8

Planning Authority

Dublin City Council Sth

Planning Authority Reg. Ref.

4220/17

Applicant(s)

Conor Moynihan.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Conor Moynihan.

Observer(s)

Cathy O'Brien & others.

Date of Site Inspection

23rd of April 2018.

Inspector

Karen Hamilton

1.0 Site Location and Description

1.1. The site contains a two storey mid terrace dwelling which fronts onto Bloomfield Avenue, Portabello, Dublin 8. The site contains private front and rear gardens and there is pedestrian access to the front of the site. The rear is accessed via a narrow laneway, Bloomfield Park, and there is a garage along the rear of the site. There is currently on street parking along the full length of both sides of Bloomfield Avenue and the property to the north, No 19 and one property along the east of the Avenue both have off street parking within the front of the site.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- Construction of a new vehicular access to the front of the dwelling and a charging point to facilitate the parking and charging of private electrical vehicle and;
- modification and re-use of the existing boundary railings as gates and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for the following reason:

The proposal, which is for the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking available to residents on the street. The proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city, as far as practicable. In addition it would set an undesirable precedent for similar sites throughout 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:

- The third party objections on the proposed development.
- Policies and objectives in the development plan in relation to parking off-street and the loss of on street parking spaces.
- The report of the Roads Department recommending refusal in relation to Policy MT14 of the development plan.

3.2.2. Other Technical Reports

Road and Traffic Division- Recommend a refusal of permission.

Drainage Division- No objection

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

Three third party observations were submitted from residents of properties in the vicinity of the site who have all signed the observation submitted on the grounds of appeal. The issues raised have been summarised below and also include the following:

- It can be very difficult to find parking spaces and the removal of a space will increase pressure.
- The Avenue provides good examples of early Dublin Housing and there are historic links to the Jewish community.
- There will be a loss of two spaces.

4.0 Planning History

None on the site.

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:

CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas.

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 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.

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.

5.3. Natural Heritage Designations

The site is located c. 4km to the west of both the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the refusal and the issues raised are summarised below:

- The proposed development is acceptable in principle in the Z2 zoning.
- Section 16.10.18 of the development plan relates to parking in the curtilage of protected structures or in conservation areas, which the site is neither.
- The development plan also states that “where site conditions exist which facilitate parking provision without significant loss of visual amenity and historic fabric, proposal for limited off- street parking will be considered” which the proposal complies with.
- The proposal complies with the guidance “Parking in Front Gardens” (leaflet attached).

- Policies in the development plan discourage commuter parking (MT15, MT027), encourage new ways of parking for residents (MT18) and control the supply and price of parking in the City (MT16).
- Policy MTO44 and MT046 promote electric transport and low carbon fuels.
- The proposed development is for the charging facility for an electric car and it is not practical to pull the lead across the public street.
- The proposed development will not result in the loss of any trees.
- The proposed development would lead to the loss of one on street parking space and the applicant currently parks on the street and they will be able to park on site.
- There is already a precedent for off street parking in the adjoining streets which have been carried out to a high standard, are visually discreet and do not detract from the character of the area.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

An observation was received from a number of residents in the vicinity of the site and the issues raised are summarised below:

- There is already access at the rear of the property.
- Vehicle access to the front of the site would remove on street parking and those with off street parking where there before 1963.
- If granted, the proposed development would set an undesirable precedent for further developments.

- The alteration to the railings would detract from the architectural character of the house and terrace.
- The small gardens to the front are important for the environment and to filter noise, protect wildlife and reduce the risk of flooding.

6.5. Further Responses

None received.

7.0 Assessment

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

- Principle of development
- Development Plan Compliance
- Built Heritage
- Appropriate Assessment

Principle of development

7.2. The subject site includes alterations to a mid-terrace dwelling for the provision of one off street car parking space in the front garden of the site, which is located on a site zoned as Z2, where it is an objective to protect or improve the amenities of residential conservation areas. Therefore, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Development Plan Compliance

7.3. The proposed development is for a new vehicular entrance and off-street parking space which requires the removal of c. 2.6m from an area currently used for on-street parking along Bloomfield Avenue. The proposal was refused as it included the removal of an off-street car parking space which is contrary to Policy MT14 of the development plan which seeks to retain on-street parking as a resource for the city. The grounds of appeal argue the proposed development is acceptable in principle and the policies of the development plan in particular those policies supporting parking and promoting a low-carbon environment.

- 7.4. On Street Car parking: 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 Bloomfield Avenue. 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 which is contrary to section 16.38.9 and Policy MT14 where there is a presumption against the removal of an on-street car parking space. The grounds of appeal refer to leaflet provided by Dublin City Council "Parking cars in front gardens" which provides guidance on the appropriate development for parking in the front gardens, which the applicant states have been complied with. I note the leaflet references a previous development plan, Dublin City Development Plan 2011-2017. It is acknowledged that there are currently a number of existing driveways which do not have recent planning history's and policy in relation to the provision of off-street parking changed between 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.
- 7.5. 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. Policy MT14 seeks to minimise the loss of on-street parking. I consider these policies and objectives reasonable for the sustainable provision of parking spaces for both residents and the surrounding area.
- 7.6. Whilst I note the proposed development includes the removal of c. 2.6m, 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. I also consider that to permit the proposed access would set a precedent for future similar type development which would further erode on- street parking at this location.
- 7.7. Low Carbon environment: The grounds of appeal argue the off street parking is required for an electrical point for charging a car, which supports the policies in Chapter 8 of the development plan relating to the roll out of charging infrastructure for electrical vehicles and the greater use of low carbon fuels. Whilst these policies are supported it is noted that the applicant also refers to cables reaching the on-

street car parking space and it is of note that vehicular access is available to the rear via a laneway, Bloomfield Park, therefore I do not consider the off-street parking space is a necessity for serving an electric car.

- 7.8. Therefore, based on the location of the development, the precedent for other similar type of developments and the policies and objectives 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 Bloomfield Avenue.

Built Heritage

- 7.9. The subject site is located within an area zoned as Z2, residential conservation. The proposed development is for the removal of the front boundary plinth wall and iron railings for the purposes of widening the entrance for the parking space. In addition, the concrete edging of the footpath must be removed to allow vehicular access into the site.
- 7.10. The grounds of appeal argue the site is not a protected structure nor is it within a designated Architectural Conservation Area although Section 16.10.18 guidance on *“Parking in the Curtilage of Protected Structures in Conservation Areas”* is applicable. This guidance supports limited off street parking where there is no significant loss of visual amenity and historic fabric. I note the relevant information in the development plan which is applicable to development in conservation areas, within the Z2 zoning, is in Chapter 11 “Built Heritage and Culture”. Policy CHC1 and CHC4 require the streetscape and character of Dublin’s Conservation Areas to be protected and CHC 8 states that off-street parking will be facilitated where the site conditions exist and the proposed development does not have a negative impact on the protected structure or conservation area. In addition, Section 7.13.2 of the Architectural Heritage Guidelines refers to the need to restrict incremental damage to protected structures and within Architectural Conservation Areas (ACA) and states that careful consideration is required in order to protect the character of the area for example the loss of railings or gardens.
- 7.11. I note the two properties in the vicinity of the site with off- street parking have no gardens or boundary treatment to the front of the dwellings which I consider has a negative visual impact on the appearance of those dwellings. I note the proposed

development includes the retention and repair of the existing iron gates and piers and integration into the overall scheme which I consider reasonable although the loss of the garden and the removal of the footpath, which I consider is an attractive feature of interest of the street, will have a negative visual impact on both the dwelling and the surrounding area. Further similar developments in the vicinity would impact other front gardens and impact the character of the tree lined Avenue.

- 7.12. Therefore, having regard to the location and design of the proposed development, I consider the removal of the footpath and the front garden of the dwelling to accommodate the access would have a detrimental visual impact on the area and to permit the proposed development would set an undesirable precedent for similar development in the vicinity which would further erode the attractive features of the streetscape and have a negative impact on the public realm of the Avenue.

Appropriate Assessment

- 7.13. 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 Bloomfield Avenue would result in the removal of on-street parking to accommodate a private vehicular access which would be contrary to Policy MT14 and guidance on Section 16.38.9 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 along the road, a residential conservation area, 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

26th of April 2018