



An  
Bord  
Pleanála

## Inspector's Report ABP-301777-18

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<b>Development</b>	Widening of entrance & all associated site works in the curtilage of a Protected Structure.
<b>Location</b>	37 Mespil Road (a Protected Structure), Dublin 4.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	2526/18.
<b>Applicant(s)</b>	Roz Morrissey.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Roz Morrissey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> July 2018.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. No. 37 Mespil Road, is located in south Dublin City and fronts out onto the Grand Canal and Wilton Terrace. It contains an attractive mainly red brick 2-storey mid-terrace over raised basement level which appears to date to the first half of the 19<sup>th</sup> Century building that is a designated Protected Structure and forms part of a larger Conservation Area. The roadside boundary has an inwardly double railed gate that is flanked by a low plastered plinth wall with granite capping and railings over. At the time of my site inspection the mainly gravelled setback area was in use for off-street car parking.

## 2.0 Proposed Development

2.1. Planning permission is sought for: -

- Widening an existing inwardly opening gate by 650-mm, resulting in an increased width from 2.95-m to 3.6-m;
- Provision of a modified inwardly opening gate that re-uses part of the existing railings impacted by the proposal and where new built fabric is proposed this would match existing railings on site;
- Removal of part of the existing railings and plinth roadside boundary;
- Removal of an existing low brick wall; and,
- Landscaping; and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority refused planning permission for the following stated reason: *“The proposed widening of the existing vehicular entrance to a protected structure within an area zoned Z8 and within a designated Conservation Area, would not be in accordance with Policy CHC2 and Section 16.10.18 of the Dublin City Development Plan 2016-2022 as it would result in the loss of historic fabric and the integrity of the protected structure. It would also have an adverse impact on the character and*

*setting of the protected structure and would be seriously injurious to the amenities property in the vicinity.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Officer’s report forms the basis of the Planning Authority’s decision.

#### **3.2.2. Other Technical Reports**

**Conservation Officer’s Report** is summarised as follows:

- Planning permission was previously refused for the widening of this vehicular entrance. The proposed development puts forward the same intervention.
- The proposed widening of the entrance would adversely affect the streetscape.
- The existing vehicular opening is adequate.
- Wider entrance gates would alter the appearance, weight and proportions of the entrance serving this property. In turn resulting in the loss of character of the original gate proportions.
- Refusal is recommended for adverse built heritage and visual impacts reasons.

**3.2.3. Engineering Department – Drainage Division’s report:** No objection.

**3.2.4. Roads & Traffic Planning Division’s report:** No objection.

### **3.3. Prescribed Bodies**

**3.3.1.** None.

### **3.4. Third Party Observations**

**3.4.1.** None.

## 4.0 Planning History

- 4.1. **P.A. Ref. No. 4015/17:** Under this application planning permission was sought in part for widening the existing vehicular entrance to 3.6-meters alongside revisions to existing front boundary railings; landscaping; and, all associated site works but was refused by way of condition. Condition No.3 is the relevant condition and it states: *“the proposed widening of the vehicular entrance shall be permanently omitted from the scheme”*. The stated reason reads: *“in order to retain the integrity of the protected structure and in the interest of visual amenity”*.

## 5.0 Policy Context

### 5.1. Local Planning Context:

- 5.1.1. Under the Dublin City Development Plan, 2016, 2022, the site is zoned ‘Z8’ (Georgian Conservation Area). The stated land use objective is: *“to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”*.
- 5.1.2. Policies CHC2; CHC4 and CHC8 are relevant.
- 5.1.3. **Other**

#### **Parking Cars in Front Gardens – Dublin City Council Guidance Booklet**

Off-street car parking will not normally be acceptable in the curtilage of a Protected Structure where proposals would significantly impact on the character, setting or where the scale of intervention would be excessive. National Guidelines

### 5.2. **Architectural Heritage Protection Guidelines for Planning Authorities, 2011.**

- 5.2.1. Section 13.4.3; Section 13.7.8; and, Section 13.8 are relevant.

## 6.0 The Appeal

### 6.1. **First Party:**

The grounds of appeal are summarised as follows:

- The development would facilitate safer car movements.

- The design put forward is sensitive, visually complementary to its neighbours; is reversible; and, it would not materially affect the character of its streetscape setting.
- The Planning Authority prefer vehicular parking to the rear of protected structures. There is no capacity to make this provision.
- A photographic record of existing vehicular entrances serving adjoining and neighbouring properties within the terrace group is provided. This seeks to show that the development is like that already present in the area.

## 6.2. **Planning Authority Response:**

6.2.1. None.

## 6.3. **Observations:**

6.3.1. None.

## 6.4. **Prescribed Bodies:**

6.4.1. None.

## 7.0 **Assessment**

### 7.1. **Overview:**

7.1.1. The key issues in this appeal case are:

- Planning History
- Planning Context
- Built Heritage
- Traffic Hazard

The issue of appropriate assessment also needs to be addressed.

### 7.2. **Planning Authority's Decision & Planning History**

7.2.1. I note at the outset that the Planning Authority decided to omit the very same development that is now being sought by way of condition (P.A. Reg. Ref. No. 4015/17). The stated reason for its omission was in the interests of retaining the integrity of No. 37 Mespil Road, a Protected Structure, and in the interest of visual amenity. The Planning Authority made its decision under the Dublin City Development Plan, 2016-2022. As such this recently decided planning application was subject to the same local planning context as the current development now sought.

### 7.3. **Planning Context**

7.3.1. The appeal site is located on lands zoned 'Z8' under the current City Development Plan. The objective for such lands is to protect the existing architectural and civic design character. It also incorporates the main conservation areas in the city with the aim of protecting their architectural character, design and setting. The architectural and civic design character of the site and its setting is afforded further specific protection by way of it, and the terrace group it forms part of, being afforded Protected Structure designations.

7.3.2. The City Development Plan includes several policies and objectives which seek to protect and safeguard such built heritage sensitive properties and localities. In addition and having regard to the proposed development which I note seeks permission to widen an existing entrance within the curtilage of a Protected Structure, the City Development Plan, also includes Policy CHC8 which indicates that off-street parking for residential owners/occupiers may be permitted where appropriate site conditions exist but it must be demonstrated that the special interest and character of protected structures as well as the conservation areas are safeguarded.

7.3.3. Further guidance under Section 16.10.18 of the City Development Plan which indicates that this type of development will not normally be deemed acceptable where the width of such entrances exceeds 2.6-meters and where the entrance is greater than half of the width of the roadside boundary. Moreover, I note that this maximum width, in the context of Protected Structure and its curtilage, is also indicated in the City Council's Booklet: "*Parking in Front Garden Areas*" guidance for such developments.

- 7.3.4. The existing entrance to No. 37 Mespil Road measures 2.95m in width and the roadside boundary measures 7.0m in length. Therefore, in relation to the entrance in its current form, it already exceeds the 2.6m maximum width set out under Section 16.10.18 of the City Development Plan by 0.35m. When the existing width of 2.95m and the proposed widening by 0.65-m are added together they result in a width of 3.6m which exceeds the 2.6m width set out under Section 16.10.18 of the City Development Plan by 1.0m. This is a significant increase to the maximum width permitted in the context of the Protected Structures curtilage and the length of its roadside boundary. On this latter point, if permitted, it would result in an entrance that is greater than half of the width of the roadside boundary and this would be contrary to the guidance set out under Section 16.10.18 of the City Development Plan.
- 7.3.5. In terms of the setback area, the landscaping proposed is essentially the same as the existing situation with no significant qualitative and quantitative 'soft landscaping' improvements put forward to achieve some visual appearance of a front garden area being present. This approach is contrary to the guidance set out in the City Councils booklet: "*Parking in Front Garden Areas*" which indicates that where off-street parking is provided that the appearance of the front garden appearance is also maintained. Under the proposed development the setback area, would as viewed from the public domain, retain its hard landscaped and functional off-street parking area appearance. This is not a sympathetic approach to the treatment of the setback area within the curtilage of a Protected Structure.
- 7.3.6. Having regard to the local planning context I consider that the proposed development is not consistent with the zoning objective of the appeal site and its setting.

#### 7.4. **Built Heritage**

- 7.4.1. Section 13.4.3 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, in relation to proposals to remove or alter boundary features indicates that they could potentially adversely affect the character of the Protected Structure and the designed landscape around it. In addition, Section 13.8 of the Guidelines raises further concerns that such alterations because of their cumulative



effect can have a disproportionately negative effect on the character of a group of Protected Structures.

7.4.2. From my site inspection I observed that the group of Protected Structures No. 37 Mespil Road forms part of have been subject to incremental changes that have diminished their integrity and intrinsic character as observed from the public domain. The most notable changes that have been made are to the roadside boundaries and setback areas. Their alterations show no consistent approach and are of variable quality. As a result, they have contributed to a significant loss of original built fabric and have eroded the quantity of soft landscaping in the setback. Further they have blurred the boundaries between the public road and the semi-private domain by way of the setback areas functionally accommodating off-street parking as well as easy access and egress arrangements.

7.4.3. In conclusion, to permit the proposed development would result in further diminishment of the visual, functional and physical integrity of No. 37 Mespil Road, a Protected Structure, and its curtilage. It would also add to the incremental changes that have to date in the case of the terrace group No. 37 Mespil Road forms part of. As such it would further diminish their character and integrity as appreciated from the public domain of Mespil Road, a streetscape scene that forms part of a Conservation Area. For these reasons the proposed development would be contrary to Policy CHC2 and CHC4 of the City Development Plan. These specific policies seek to protect and enhance the curtilage of Protected Structures alongside ensuring that development within conservation areas contribute positively to their character and appearance wherever possible. Moreover, the proposed development would also be contrary to Policy CHC8 which only allows for off-street car parking where appropriate site conditions exist and where the special interest; the character of protected structures; and, conservation areas are protected.

## 7.5. **Traffic Hazard**

7.5.1. The existing entrance's 2.6-meter width is sufficient to accommodate safely vehicles accessing and egressing from the site. In addition the roadside boundaries consist mainly of railings; the existing entrance opens onto a wide footpath; and, there is ample space to manoeuvre a car within the existing setback area so that the car egresses onto the road in a forward position. In relation to the opening of the gates

outwardly onto the footpath this is something that can be easily be reversed. I do not consider the existing arrangement represents a traffic hazard to the appellants use of this property and that the proposed development offers a greater level of safety for public road users.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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 planning permission be **refused** for the following stated reasons and considerations.

## 9.0 **Reasons and Considerations**

- 9.1. No. 37 Mespil Road is a Protected Structure that forms part of a terrace group of similarly Protected Structures within an area subject to the land use zoning 'Z8' under the Dublin City Development Plan, 2016-2022. This land use zoning seeks to protect the existing architectural and civic design character as well as to only allow development that is consistent with the zoning objective. Development in such locations have to also demonstrate compliance with Section 16.10.18 and Policies CHC2, CHC4, CHC8 of the City Development Plan which seek to protect the intrinsic character and special attributes of Protected Structures and Conservation Areas. These policies are considered reasonable. The proposed development, if permitted, would visually detract and diminish the integrity of No. 37 Mespil Road, a Protected Structure; the period terrace group of similarly protected structures it forms part of; and, the wider Z8 zoned setting. It would also adversely add to the incremental and cumulative diminishment of integrity that have occurred to the streetscape scene in which No. 37 Mespil Road forms part of. The proposed development, would, therefore seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young

Planning Inspector  
15<sup>th</sup> October 2018.