



An  
Bord  
Pleanála

## Inspector's Report ABP-301900-18

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<b>Development</b>	Alteration/extension of house, conversion of attic to include 2 dormer windows to the rear roof slope, provision of new vehicular entrance and associated site works.
<b>Location</b>	89 Lindsay Road, Glasnevin, Dublin 9
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2645/18
<b>Applicant(s)</b>	Fionnuala McHugh & Kieran Brennan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Fionnuala McHugh & Kieran Brennan
<b>Observer(s)</b>	1. Iona & District Residents' Association 2. Dr. M. Frances Maguire
<b>Date of Site Inspection</b>	10 <sup>th</sup> September 2018
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Lindsay Road in Glasnevin approximately 1.5km north of Dublin City Centre. Lindsay Avenue and adjoining streets to the north comprise mostly of semi-detached redbrick Edwardian dwellings with double height bay windows to the front.
- 1.2. No. 89 is located towards the eastern end of Lindsay Road on its northern side. The eastern boundary of the property is shared with the rear boundaries of No's. 2-10 Gartan Avenue. To the north are the rear boundaries of properties on Iona Road.
- 1.3. The site has a stated area of 262 sq.m. and the dwelling has a floor area of 157 sq.m. There is a 2-storey return to the rear of the dwelling with a single storey flat roof extension to the rear thereof. A single storey flat roof garage occupies the western side of the dwelling and now appears to be in the ownership of the adjoining neighbour at No. 10 Gartan Avenue.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for alterations/ extension to the dwelling to include the following:
  - Conversion of attic to include 2 no. dormer windows to rear roof slope;
  - Alterations to existing fenestration to include provision of 1 no. Velux roof-light to front roof slope;
  - Provision of a new vehicular entrance and hardstanding to front garden with associated site development.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission for the proposed development subject to seven conditions. Condition 2 the subject of this appeal states as follows:

*“The proposed 2.6m wide driveway onto Lindsay Road shall be omitted from the Development.*

*Reason: To minimise the loss of on-street car parking spaces in accordance with Policy MT14 of the Dublin City Development Plan 2016-2022.”*

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

3.2.1. The recommendation to grant permission in the Planner’s Report reflects the decision of the Planning Authority. The following are the main relevant points raised under the assessment of the application:

- Location of proposed dormer serving stairs will not result in an overbearing impact on No. 91;
- Scale and layout of main dormer does not impinge on residential or visual amenities of the area;
- No objection to front Velux having regard to the overall scale of the roof and the size and location of the proposed roof-light;
- Proposed vehicular access would result in the removal of part of the front boundary railings and granite plinth wall and the loss of at least 1 no. parking space;
- Having regard to Policy MT14, it is recommended that the driveway be omitted.

### **3.3. Third Party Observations**

3.3.1. Three observations were received on the Planning Application. The main issues are largely repeated within observations on the appeal.

## **4.0 Planning History**

Dublin City Council Reg. Ref: 0458/98

4.1. Permission granted on the subject site in June 1998 for a vehicular access and footpath ramp.

- 4.2. The Board upheld the Council's decision and refused permission for the creation of off-street parking, replacement of pedestrian gate with replica gates and art paving to front garden at No. 26 Iona Road.
- 4.3. The reason for refusal stated that the removal of part of the existing front boundary railings and granite plinth walls, would seriously injure the visual amenities and undermine the integrity of this residential conservation area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site is zoned "Z2" where the objective is "protect and/ or improve the amenities of residential conservation areas."
- 5.1.2. Policy MT14 seeks *"to minimise loss of on-street car 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 improvements."*
- 5.1.3. Policy CHC8: seeks *"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."*
- 5.1.4. Section 16.10.18 sets out advise for parking in the curtilage of protected structures and in conservation areas.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted on behalf of the applicant against Condition 2 of the Council's decision only. The grounds of appeal and main points raised in this submission are summarised as follows:
  - Property has previously been granted permission for off-street car parking in the front garden and original garage was sold following this permission.

- Applicants have a particular requirement for off-street parking to charge their electric car.
- Applicants are prepared to surrender their residents' parking permits if granted permission.
- Width of driveway can be reduced to 2.2m for an electric car.
- There are numerous precedents on the road of sensitive off-street parking provision, in particular at No's. 61 & 72. There are 29 dwellings on Lindsay Road with off-street parking.
- Location of appeal site at end of a 'terrace' and end of a parking bay is unlikely to set a precedent for centre-terrace dwellings.
- Location of house in proximity to Lindsay Road National School puts particular pressure on on-street parking.
- Proposal would meet the standards set out in Section 16.10.18.
- There will be no loss of on-street parking as a result of the proposed off-street parking. Proposal would reduce the length of the parking bay by 1.8m to 54.15m, which effectively reduces the length available per car to 5.415m – this is well within established practical norms for on-street parking.

## 6.2. Planning Authority Response

- 6.2.1. In response, the Planning Authority states that it upholds the recommendation to attach a condition to omit the driveway.

## 6.3. Observations

- 6.3.1. Two observations on the appeal were received by a local resident and a local residents' association. The main points raised in these submissions are as follows:

### Iona & District Residents' Association

- Proposed parking space and alterations to the railings at the front would compromise the established building line and one of the key design features of this and other properties in the area.

- Errors in judgement were made to grant other permissions along this road in the past – welcome changed and current approach to refuse such applications to preserve the streetscape.
- Similar applications in recent years have been refused permission.
- Permitted Velux window should be refused as it fundamentally alters the appearance of these properties.

Dr. M. Frances Maguire, 56 Lindsay Road

- Wrought iron railings to front of house have been in situ since the early 1900's.
- There is a pleasing uniformity about the front of the houses including the gardens and railings.
- The front gardens are small and barely accommodate one small car comfortably.
- Proposal will remove on-street car parking space which puts further pressure on available parking.
- Proposal would not accord with the Development Plan and would set a precedent.

## 7.0 Assessment

7.1. This is a first party appeal against Condition 2 only attached to Dublin City Council's decision to grant permission for alteration/ extension of an existing 2-storey semi-detached house to include attic conversion with rear dormer and front roof-light, together with the provision of a new vehicular entrance and hardstanding to the front garden.

7.1.1. Under Condition 2, the applicant is required to omit the proposed 2.6m driveway onto Lindsay Road to minimise the loss of on-street car parking spaces in accordance with Policy MT14 of the Dublin City Development Plan, 2016-2022. Policy MT4 seeks *“to minimise loss of on-street car 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 improvements.”*

- 7.1.2. I concur with the Planning Authority that the principle of extending the dwelling into the attic to include rear dormer and a front roof-light is acceptable having regard to the precedent set by similar developments along Lindsay Road. I would also be satisfied that the roof-light to the front will not appear overly obtrusive or alter the appearance of these properties as submitted by an Observer on the appeal. In this regard, it should be noted that a person who makes submissions or observations to the Board in accordance with Section 130 of the Planning and Development Act, 2000 (as amended) shall not be entitled to elaborate in writing upon the submissions or observations or make further submissions or observations in writing in relation to the appeal or other matter and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.
- 7.1.3. Having regard to the above, I am satisfied that an assessment of the case *de novo* would not be warranted in this instance, and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000 (as amended).
- 7.1.4. The first party appellant has appealed the decision firstly on the grounds that permission was previously granted for off-street parking in the front garden of this property under Reg. Ref: 0458/98 in 1998. The second reason for appeal is that there are numerous precedents on Lindsay Road, with approximately 29 of the 134 properties having off-street parking. Finally, it is contended that there will be no loss of on-street car parking as a result of the new vehicular access. In this regard, it is submitted that the proposal would only reduce the length of the entire parking bay by 1.8m to 54.15m.
- 7.1.5. It is recognised under Section 16.10.18 of the Development Plan that poorly designed off-street parking in front gardens within conservation areas can have an adverse effect on the special interest and character of these sensitive areas. In particular, it is noted that such proposals will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant and can lead to the erosion of the character and amenity of the area. A number of criteria are set out where off-street car parking may be acceptable and without significant loss to visual amenity and historic fabric. Sufficient depth to accommodate a private parking car should be available and the remaining soft landscaped area should generally be in excess of

half the total area of the front garden, exclusive of car parking, footpaths and hard surfacing. It is also stated that proposals will be examined on their own merits where off-street car parking is proposed in terraces or streets characterised largely by pedestrian entrances with few vehicular access openings.

7.1.6. In terms of the merits or otherwise of the proposal, I note that there are no other off-street car parking spaces along this side of Lindsay Road (No's. 89 – 103) between Gartan Avenue and St. Columba's Road Upper. Furthermore, the overall character of Lindsay Road consists largely of intact front gardens comprising of railings and plinth walls or low boundary walls to the front. There are cases where driveways access garages to the side of dwellings and other historic examples of inappropriate off-street car parking dominating the front garden of properties.

7.1.7. In my opinion, the location of the proposed driveway adjoining an existing driveway to a garage that was previously associated with the subject property would create a situation of vehicular dominance to the front of this property. Essentially, this is a small front garden and I would be in agreement that the scale of intervention would adversely impact on the character and setting of the dwelling and conservation area, whilst setting an undesirable precedent for further such proposals. I also note that the proposal could conceivably allow for the parking of two cars within the front garden through the removal of the majority of soft landscaping, which would lead to further erosion of the established character to the front of this row of dwellings. I agree with the observer on the appeal that there is a pleasing uniformity about the front of the houses along this row, which includes the gardens and railings.

7.2. Finally, I note the applicant's calculations regard parking capacity and the proposal to remove only 1.8m from one end of the parking bay. I consider that a reduction in the length of the bay of this order may still reduce the availability of on-street car parking. I do consider, however, that this is a secondary issue in the assessment of this case and that the reason for attaching Condition 2 should be amended to reflect same.

#### Appropriate Assessment

7.3. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.



## 8.0 Recommendation

- 8.1. Having regard to the nature of Condition 2 the subject of the appeal, the Board is 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 directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to AMEND Condition 2 for the reasons and considerations hereunder.

## 9.0 Reasons and Considerations

Having regard to the provisions of the current development plan for the area in relation to car parking in conservation areas and to the proposal to remove part of the existing front boundary railings and plinth wall of the residential property, it is considered that the reason for attaching Condition 2 should be AMENDED to reflect that the proposed driveway would seriously injure the visual amenities and undermine the integrity of this residential conservation area, and would set an undesirable precedent for further such developments in the area.

## 10.0 Condition

2. The proposed 2.6m wide driveway onto Lindsay Road shall be omitted from the development.

**Reason:** To maintain the character and integrity of the residential conservation area and to minimise the loss of on-street car parking.

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Donal Donnelly  
Planning Inspector

12<sup>th</sup> September 2018