



An
Bord
Pleanála

Inspector's Report ABP-301942-18

Development	Permission for relocation of existing offset vehicular site entrance
Location	23, Marlborough Road, Glenageary, County Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0324
Applicant(s)	Simon & Fiona Cantrell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Simon & Fiona Cantrell
Observer(s)	n/a
Date of Site Inspection	21 st August 2018
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan	7
5.2. Natural Heritage Designations	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.3. Planning Authority Response	9
6.4. Observations	9
6.5. Further Responses	9
7.0 Assessment.....	9
8.0 Principle.....	10
9.0 Conservation Impact.....	10
10.0 Traffic Safety	11
11.0 Other Issues.....	11
12.0 Recommendation	12
13.0 Reasons and Considerations	12
14.0 Conditions	12

1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.1338 ha is located at No. 23 Marlborough Road, Glenageary, Co. Dublin on the western side of the road. It is situated to the south-east of Dun Laoghaire and to the west of Dalkey. Marlborough Road is a residential street characterised by a mix of large detached and semi-detached properties sited on generous plots. Glenageary Dart Station is located at the junction of Marlborough Road and Station Road. The appeal property comprises two semi-detached dwellings with a shared entrance on the north eastern corner of the site and to the front of house No 23A. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

2.1. Permission is sought for the relocation of the existing offset vehicular site entrance presently located to north of the existing eastern roadside boundary to a more central position. Works include the removal of existing capped brick piers, alterations to the existing railings and associated stone plinth and the construction of new capped brick piers with gates to match existing to form a 3.2m wide vehicular entrance together with all associated landscaping and site development works. The application was accompanied by a detailed cover letter and an Architectural Heritage Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason:

It is considered that the proposed development for a relocated vehicular entrance (and replacement gates), would not preserve the established character of the Marlborough Road Candidate Architectural Conservation Area (cACA), would negatively and materially impact and alter its character and its streetscape, and would therefore contravene Policy AR17, of Section

6.1.4 of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. It is considered that the proposed development would also help set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity, would adversely affect the Marlborough Road Candidate Architectural Conservation Area, and would be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their report concludes that the proposed relocated vehicular entrance (and replacement gates) is not acceptable, and would be contrary to Policy AR17 of the 2016-2022 Dun Laoghaire Rathdown County Development Plan in relation to impacts on and preserving the established character of the buildings and the streetscape and in this instance, negative impacts on the character and streetscape of the Marlborough Road cACA. The Case Planner recommended that permission be refused. The notification of decision to refuse permission issued by DLRCC reflects this recommendation

3.2.3. Other Technical Reports

3.2.4. **Surface Water Drainage** (14th May 2018) – No objection.

3.2.5. **Transportation Planning** (10th May 2018) – There is no stated objection to the proposed development subject to the following conditions as summarised:

- 1) The Applicants shall arrange (with DLRCC – Parking Control Section) for the removal of the “Pay and Display” parking bay / bays in front of No 23 Marlborough Road as a result of the proposed new vehicular entrance.
- 2) The footpath in front of the proposed new vehicular entrance shall be dished and strengthened at the Applicants own expense.
- 3) The new footpath dishing shall not interfere with the roots of the existing tree.
- 4) The proposed redesigned driveway / parking area shall be constructed with sustainable urban drainage systems (SUDS)

- 5) The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s)

3.2.6. **Conservation Division Architecture & Culture Department** (26th April 2018) – Stated that the proposed development does not preserve the established character of the Marlborough Road cACA and is therefore contrary to Policy AR17 of the County Development Plan 2016 – 2022.

3.3. **Prescribed Bodies**

3.3.1. There are no reports from any Prescribed Bodies recorded on the planning file.

3.4. **Third Party Observations**

3.4.1. There are no third party observations recorded on the planning file.

4.0 **Planning History**

4.1. **PL06D.244888 (Reg Ref D15A/0139)** – DLRCC refused permission for the subdivision of an existing detached dwelling to provide for 2 no. dwellings with alterations to the existing house to provide for new site access, alterations to fenestrations and new vehicular access for the following reason as summarised:

- Development would represent an inappropriate and uncharacteristic change of use and density
- Would alter the established morphology of the surrounding group of twentieth century dwellings on Marlborough Road which are characterised by large detached dwellings
- Seriously injure the amenities and depreciate the value of property in the vicinity
- Adversely affect the Marlborough Road Candidate Architectural Conservation Area

4.2. The decision was appealed by the applicant. The Board granted permission subject to 7 no conditions. Condition No 2 omitted the additional vehicular access from Marlborough Road in the interest of protecting the architectural character of the area.

- 4.3. **Reg Ref D17A/1138** – DLRCC granted permission for the retention of amendments to development as approved under PL06D.244888 (Reg Ref D15A/0139). Amendments comprise inter alia alterations to permitted gross floor areas, reorganising of semi-detached dwelling sites, alterations to height and extent of side site boundary walls and omission of approved ridge type roof lights to side elevations of each dwelling.
- 4.4. The Case Planner noted that *an increase in the width of the vehicular entrance (from the c3.18m shown in the parent permission (PL06D.244888 (Reg Ref D15A/0139)) to 4.25m width is also shown.* DLRCC granted permission subject to 4 no conditions. Condition No 3 states that *this permission does not relate to the widening entrance indicated in the submitted “Proposed Site Plan” Drwg. No. 1442 PL-R 003* in the interest of clarity, orderly development, visual amenity and harmony and the conservation of architectural heritage.

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** where the objective is *to protect and/or improve residential amenity*.
- 5.1.2. It is noted that the building subject to this application is not a designated Protected Structure, but is however within Marlborough Road candidate Architectural Conservation Area (Appendix C Schedule 4). **Policy AR17: Candidate Architectural Conservation Areas** (cACA) states that *“it is Council Policy that development proposals within a Candidate Architectural Conservation Area will be assessed having regard to the impact on the character of an area in which it is to be placed”*.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The first party appeal has been prepared and submitted by Cantrell & Crowley Architects on behalf of the applicant and may be summarised as follows. The appeal was accompanied by an Architectural Heritage Report.

- This is a minor proposal and has no or a very minor effect on the character and appearance of the cACA. There is no cohesive pattern of entrances on the roadway.
- The Boards decision for one entrance is appropriate and this appeal acknowledges the Boards decision.
- From a Health and Safety point of view installing a central entrance to allow cars to park separately on either side of the open plan garden area is far safer and easier to use than the proposed existing entrance. The central entrance will facilitate turning and therefore safer existing form the 2 houses.
- The scheme is to provide equal garden amenity to the residents of the sub divided dwelling, will enhance the residential amenity and reduce the level of car parking outside one property.
- There is no cohesive design, plan, layout or consistency of vehicular entrance pattern on the road. Photographic survey refers. A central location would have no detrimental impact on the architectural character of the area or the streetscape and will only have a positive impact.
- To refuse permission for a centralised gated entrance would in fact complicate and cause detrimental effect to the coherent design of the adapted dwelling, to the residents and residential and garden amenity and it is submitted that applying a conservation policy to a boundary wall, not a protected structure, is contrary to proper planning and sustainable development.
- The aim of a cACA designation is not to prevent development, rather to guide sensitive, good quality development, which will enhance both the historical character of the area and improve the residential amenity.

6.3. **Planning Authority Response**

- 6.3.1. DLRCC refers to the previous planners report and state 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.

6.4. **Observations**

- 6.4.1. There are no observations recorded on the appeal file.

6.5. **Further Responses**

- 6.5.1. There are no further responses recorded on the appeal file.

7.0 **Assessment**

- 7.1. Permission is sought for the relocation of the existing offset vehicular site entrance presently located to north of the existing eastern roadside boundary to a more central position. DLRCC refused permission for this scheme as it would not preserve the established character of the Marlborough Road Candidate Architectural Conservation Area (cACA), would negatively and materially impact and alter its character and its streetscape, would contravene Policy AR17, would also help set a poor precedent for similar type development in the area and would seriously injure the amenities and depreciate the value of property in the vicinity. This decision has been appealed by the applicant.

- 7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Conservation Impact
- Traffic Safety
- Other Issues

8.0 Principle

- 8.1. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective A which seeks *to protect and / or improve residential amenity* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.
- 8.2. Having regard to the planning history of this site (Section 4 of this report refers) it is evident that a single entrance only to the site was considered acceptable and that the widening of the existing entrance was unacceptable. The scheme now before the Board is for the relocation of the existing offset vehicular site entrance to a more central position to form a single 3.2m wide entrance. Together with the zoning objective for the site I am satisfied that the principle of the proposed development is acceptable at this location subject to compliance, with the relevant policies, standards and requirements set out in plan and in particular the impact of the scheme on the Marlborough Road candidate Architectural Conservation Area.

9.0 Conservation Impact

- 9.1. In my view the pertinent issue in this appeal is the impact of the proposed scheme on the character of Marlborough Road. The appeal site is not a Protected Structure however Marlborough Road is a candidate Architectural Conservation Area.
- 9.2. Marlborough Road comprises a mix of dwellings from various periods. There is a varied entrance character on Marlborough Road comprising some central entrances, electronic gates, timber and metal gates. I consider the entrance design is sympathetic to its surroundings and conforms to the architectural character of the area. The central entrance does not in my view constitute a departure from any specific pattern on Marlborough Road. Overall I agree with the applicant that the movement of a gated entrance from right to centre of a boundary wall, replicating the pattern and structure of existing pillars and materials would not negatively impact the character and streetscape of Marlborough Road a candidate Architectural Conservation Area.

9.3. Accordingly, I am satisfied that the proposed new vehicular entrance would not materially or adversely affect the character of the surrounding streetscape which is a Candidate Architectural Conservation Area.

10.0 Traffic Safety

10.1. DLRCC Transportation Planning have no stated objection to the proposed development subject to conditions as set out in their report. I am satisfied given the location of the appeal site together with the layout of the proposed scheme that the relocation of the existing offset vehicular site entrance presently located to north of the existing eastern roadside boundary to a more central position would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area subject to conditions as recommended by DLRCC Transportation Section and in particular the requirement for the removal of the “Pay and Display” parking bay / bays in front of No 23 Marlborough Road in consultation with DLRCC – Parking Control Section. Overall I consider the proposal to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

11.0 Other Issues

11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, within an established urban area, and its 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.

11.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the relocation of an existing offset vehicular site entrance in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

11.3. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and

Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

12.0 Recommendation

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

13.0 Reasons and Considerations

13.1. Having regard to the land use zoning of the site for residential development in the Dún Laoghaire Rathdown County Development Plan 2016-2022, to the established pattern and character of development in the area, it is considered that, subject to compliance with the condition set out below, the proposed relocation of existing offset vehicular site entrance to a more central position, would not affect the character of the surrounding streetscape on Marlborough Road, would not materially contravene the Development Plan with regard to the development in Candidate Architectural Conservation Areas and twentieth century architecture, would not seriously injure the amenities of the area or of properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 property in the vicinity.

3.
 - a) Prior to commencement of the proposed development, the Developer shall arrange (with DLRCC – Parking Control Section) for the removal of the “Pay and Display” parking bay / bays in front of No 23 Marlborough Road as a result of the proposed new vehicular entrance. Please note that these works shall be arranged at the Developers own expense and in accordance with the terms and conditions of the Planning Authority (Transportation & Water Services Department)
 - b) The footpath in front of the proposed new vehicular entrance shall be dished and strengthened at the Developers own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath the Developer shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.
 - c) The Developer shall ensure that the new footpath dishing shall not interfere with the roots of the existing tree, which is located in close proximity to the proposed new vehicular entrance.
 - d) The Developer shall ensure that the proposed redesigned driveway / parking area shall be constructed with sustainable urban drainage

systems (SUDS) and to the satisfaction of the Planning Authority. The Developer shall ensure that drainage from the proposed redesigned driveway / parking area will not enter onto Marlborough Road.

- e) The Developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of public safety.

- 4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Mary Crowley

Senior Planning Inspector

26th September 2018