



An
Bord
Pleanála

Inspector's Report ABP-302119-18

Development	Planning permission for a vehicular access and one on-site car parking space in the front garden of the two storey house.
Location	4, St. Mary's Road, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2898/18
Applicant(s)	John Farrington & Michael McHale
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Farrington & Michael McHale
Observer(s)	Pembroke Road Association
Date of Site Inspection	17 th September 2018
Inspector	Ronan O'Connor

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1.0 Site Location and Description

1.1. The site is located on the north side of Saint Mary's Road. On site is a detached structure currently undergoing refurbishment.

2.0 Proposed Development

2.1. Planning permission for a vehicular access and one on-site car parking space in the front garden of the two storey house.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Refuse permission for one reason relating to a loss of an on-street parking space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Notes that vehicular entrance was previously applied for under Web1082/14 and was omitted from the proposal – proposal is contrary to previous conditions of an existing permission.
- Proposal is contrary to Policy MT14 of the Development Plan.
- Recommendation was to refuse permission.

3.2.2. Other Technical Reports

Roads and Traffic Planning – Recommend refusal.

Drainage – No objection.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. One observation was received from the Pembroke Road Association. The issues raised are covered in their observations on the appeal.

4.0 **Planning History**

246774 (2581/16) – **Grant** - amendments to previously granted ref Web1082/14.

Condition 6 of the planning permission states:

Condition 6 states:

Prior to commencement of development, a scheme shall be submitted to and agreed in writing with the planning authority pertaining to site access arrangements during the construction phase. Insofar as these arrangements may necessitate the removal of a portion of the railings to the front boundary, including their corresponding granite plinths, this scheme shall address the following:

- (a) The exact portion of railings and plinths that would be removed.
- (b) Where this portion of railings and plinths would be stored.
- (c) Means of ensuring the protection of railings and plinths that remain insitu.
- (d) A timetable for the reinstatement of the said portion of railings and plinths following substantial completion of the construction phase and prior to first occupation of the extended dwellinghouse, whichever is the sooner.

Reason: In order to ensure that the front boundary treatment is safeguarded, in the interest of visual amenity.

Web 1082/14- **Grant** – Extensions and other works. Condition No. 2 states:

Condition 2 states:

The proposed vehicular entrance and associated off-street parking spaces shall be omitted from the proposed development.

Reason: In the interests of visual and residential amenities of the area.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022.

The site is located in an area that is zoned Objective Z15 – To protect and provide for institutional and community uses.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy MT14 - To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal, as submitted by the First Party Appellants, are as follows:

Need for the development

- Neither of the two previous permissions made by the applicants included on site car parking.
- Change in family circumstances now necessities car parking on site – specifically the needs of Mr Mc Hales mother who is 83 and the sole carer for Mr. Mc Hales disabled sister. – on site car parking space will allow Mr Mc Hales mother to access their home easily – without this visits may become impossible.
- A disabled car parking space on street would not suit as it may not be available when needed/This would take up one and a half spaces/Current proposal would only take one.

- Planning Authority failed to take these needs into account.
- Loss of one car parking space would not lead to loss of amenity.
- Would not establish a precedent for further development in other areas due to special circumstances.

Design/Character of the area

- Would not detract from the architectural character of the area/Planning Authority have taken no issue with the design of the proposal.
- Only removes approximately 10% of the length of the boundary/cannot reasonably be considered to have a significant impact on historic fabric or on the architectural amenities of St. Mary's Road.
- There is on-site parking in adjoining houses – entrances reflect the character of the area/do not detract from amenities.
- Decision to refuse is unfair and contrary to the established pattern of development in the area.

Traffic Safety

- Excellent visibility in both directions on St. Mary's Road – proposal does not pose a threat to pedestrian or vehicular traffic.
- Planning Authority expressed no concerns in relation to traffic safety.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. One observation has been received from the Pembroke Road Association. The issues raised are as follows:

- Development would result in the removal of significant section of the historic fabric/adverse impact on streetscape/impact on character of area and visual amenity.
- Loss of on-street car parking space.

- Road safety concerns/car would need to reverse out/700 pupil school has been approved nearby.
- Previous refusals in the area are cited.
- Increase flooding risk.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows: -

- Principle of the proposed development/Need for the development
- Design/Impact on the Character of the Area
- Traffic Safety
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development/Need for the development

- 7.2.1. Policy MT14 of the Dublin City Council Development Plan is clear on the need to minimise loss of on-street parking and sets out only a limited number of circumstances where the loss may be acceptable i.e. sustainable transport provision, access to new developments, or public realm improvements. While the circumstances of the applicant are understood, the personal circumstances of individual applicants is not a criterion that can be taken into consideration when assessing proposals such as this one, which result in a loss of on street parking.
- 7.2.2. While the appeal submission has stated that previous permissions did not include off-street parking, I note that the drawings as submitted under planning ref WEB1082/14 indicate 2 no. off street spaces. These were omitted by way of condition 2 of the grant of permission. The justification in the planner's report was that the provision of a vehicular entrance would lead to a loss of on-street parking spaces and would be unfavourable in terms of its visual impact.

7.2.3. As such the proposal to provide a vehicular entrance to facilitate one off-street parking space would be contrary to Policy MT14 and would also contravene a previous condition relating to the site, without adequate justification. As such the proposal is not considered to be acceptable in principle.

7.3. Design/Impact on the Character of the Area

7.3.1. Previous permissions on the site have allowed for development but the retention of the historic boundary treatment has previously been sought by An Bord Pleanála. I note this issue did not constitute a reason for refusal on the decision notice of the planning authority. I have considered the issue having regard to the elevations drawings provided under this most recent application. In my view, there is only a minor loss of boundary fabric and the proposed access gates are in keeping with the remainder of the boundary treatment. I do not consider an adverse impact on the character of the area would result from the access gates.

7.4. Traffic Safety

7.4.1. The observer on the appeal has raised the issue of road safety. This was not a matter of concern for the local authority. The appellant notes the excellent visibility in both directions along St. Mary's Road.

7.4.2. I concur with the appellant in this regard and I note the straight nature of the road with good sightlines in either direction. I do not consider that the reversal of a car onto the road would constitute a road safety hazard or would constitute a hazard to pedestrians.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development within a serviced 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.

7.6. Environmental Impact Assessment

7.6.1. Having regard to the nature and scale of the proposed development, a vehicular entrance to serve one off-street parking space, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant

effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. Refuse permission.

9.0 Reasons and Considerations

The proposal would result in a loss of an on-street parking space and as such would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022. The proposal, therefore, would be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

4th October 2018