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Bord  
Pleanála

## Inspector's Report ABP-302219-18

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<b>Development</b>	Retention of removal of front pillar, partial removal of front boundary wall and partial dishing of kerb.
<b>Location</b>	41, Carrigmore Drive, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18B/0210
<b>Applicant(s)</b>	Emma Casey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Emma Casey
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> of November 2018
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

1.1. No. 41 Carrigmore Drive is a semi-detached two storey dwelling in a suburban estate in Tallaght. It consists of back to back semidetached units with a front and rear private amenity area. The front area is hard surfaced to provide an off-street parking area to the front of the dwelling. Similar developments have taken place along Carrigmore Drive street.

## 2.0 Development

2.1. The application is retention of the removal of front pillar, partial removal of front boundary wall and partial dishing of kerb to the front of the dwelling house.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused the development for four (4) reasons:

1. The development would create unacceptable hazards and inconvenience to vulnerable road users including pedestrians and cyclists because of the extra traffic crossing the footpath
2. The proposal results in the loss of an on-street parking space
3. The development would set a negative precedent and have a negative impact the character and visual amenity of the street and surface water drainage.
4. It would be harmful to the residential amenities of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Report dated 6<sup>th</sup> of July 2018 stated:

- The site is zoned **RES** '*to protect and/or improve residential amenity*'. The maximum permitted carparking spaces per dwelling is two spaces. The

house is within walking distance of bus stops. The maximum provision is 1.5spaces per dwelling.

- There are many other properties in the area that have carried out similar developments. The works do not appear to have the benefit of planning permission. The majority of dwellings along the street maintain their front boundary walls and garden areas.
- There were no Roads objections to the proposals. The proposal would create inconvenience and a hazard to vulnerable road users. It would lead to the loss of an on street carparking space which is contrary to section 11.4.4 of the development plan and DMURS.
- The loss of soft landscaping to the front of the dwelling would have a negative impact on the front of the dwelling house and is contrary to Best Practice of Great Dublin Strategic Drainage Study.

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

Roads Department: No objection to the development

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

There were none received.

## 4.0 **Planning History**

There is no relevant planning history.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### ***South Dublin County Council Development Plan 2016-2022***

The subject site is zoned **RES** – *To protect and/or improve residential amenity.*

#### ***Policy 6 Roads and Street Design***

It is the policy of the Council to ensure that the streets and roads within the County are designed to balance needs of place and movement, to provide safe traffic-

calmed street environment, particularly in sensitive areas and where vulnerable users are present.

**TM6 Objective 2:**

To ensure that all streets and street networks are designed to passively calm traffic through the creation of a self-regulating street environment

**5.2. Natural Heritage Designations**

To the south of the site outside of the Dublin / Tallaght suburban area:

Glenasmole Valley SAC Site No. 001209

Wicklow Mountain SAC Site No. 002122

Wicklow Mountain SPA Site No. 004040

**6.0 The Appeal**

**6.1. Grounds of Appeal**

The relevant planning grounds of the first party appeal can be summarised as follows:

- The applicant moved into the subject house last year, and her mother fell on the loose gravel in the front garden and broke her ankle. The driveway was extremely steep, and the loose gravel made it dangerous.
- The applicant was concerned a third party may get injured similar to her mother and she could be liable.
- Prior to the development been carried out there was no garden/ green area. The front area consisted of gravel as per attached photograph.
- The opening has not removed additional cars from the road. The estate road has cars parked everywhere. When the wall was in place it was a struggle to get into and out of the driveway with cars parked along the street.
- There is no loss of on street parking. The parking space outside of the house still exists and cars park there all the time. The opening of the front just enables the applicant to get in and out of the dwelling with greater ease.

- Nearly everyone second house in the estate has removed their front wall, therefore the issue of precedent is not relevant. Most have widened their front driveway due to multiple cars.
- The changes to the driveway were made for health and safety reasons, no parking on the road, the previous driveway was extremely narrow, and she was unable to safely swing in and out of the driveway.

## 6.2. Planning Authority Response

The planning authority confirms its decision.

## 7.0 Assessment

- 7.1. The subject site is a semi-detached dwelling, which has a front curtilage 6.5metres by 6.1metres. The applicant removed the front boundary wall and surfaced the front curtilage with tarmacadam. Before the development, according to the appeal documents/ photographs, there was a 2.2metre driveway and a gravelled front area, not a grassed area as suggested in the reasons for refusal.
- 7.2. In the current development plan for the area the site is zoned **Residential**. Carrigmore Drive is a long established residential street in Tallaght. The houses along the southern side of the street are positioned above the level of the estate road. Therefore the front curtilages are sloped. A large number of dwellings along Carrigmore Drive have removed the front boundary wall to provide widened access to the front curtilage and carparking occurs off street within the front curtilage of the dwellings hard surfaced the area.
- 7.3. Aesthetically, the removal of the front boundary wall and the provision of a tarmacadam surface is acceptable along the streetscape. The streetscape is not of a high architectural quality. Carrigmore Drive is a standard suburban street consisting of back to back semi-detached dwellings with low boundary front walls. As stated, there are many the dwellings along the street which have carried out similar changes to the front of their dwellings. According to the planning report on file, these works are not authorised.

7.4. In terms of the reasons for refusal, I consider all four reasons cannot be upheld by the Board.

- Due to the slope in front of the dwelling, the openness of the front drive enables safer movement of cars parking or exiting the driveway. The Road Design section of the local authority had no objection to the proposal.
- There is no loss carparking space along the streetscape. A grass verge still exists between the subject site and the neighbouring dwelling at No. 43. I parked my car at this location during the inspection.
- The development does not set an undesirable precedent, as there are a plethora of houses along Carrigmore Drive that have similar front curtilages to the subject site.
- The development will not impact negatively on the residential or visual amenities of the area.

#### 7.5 Appropriate Assessment.

The following Natura 2000 sites:

<b>Name</b>	<b>Designation</b>	<b>Site Code</b>	<b>Distance from Site</b>
Glenasmole Valley	SAC	001209	4km
Wicklow Mountains	SAC	002122	6.3km
Wicklow Mountains	SPA	004040	8.3km

The appeal site forms part of the urban lands identified in the county development plan as Residential. The site itself is a suburban housing estate There are no streams or water channels on the site.

Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the development would not be likely to have a

significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 Recommendation

I recommend the planning authority's decision to refuse the development be overturned by the Board.

## 9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2016-2022 regarding residential developments, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The development proposed for retention and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained 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 recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

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Caryn Coogan

Planning Inspector

21<sup>st</sup> November 2018