



An  
Bord  
Pleanála

## Inspector's Report ABP 302303-18

---

<b>Development</b>	Permission for new 3.5m wide vehicular access with 1.9m high gates to south boundary wall, accessing onto Stillorgan Park.
<b>Location</b>	1 Elm Grove, Carysfort Avenue, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D18A/0520.
<b>Applicants</b>	B&C Murphy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party V. Condition No. 2(b).
<b>Appellants</b>	B&C Murphy.
<b>Observers</b>	John Hunt.
<b>Date of Site Inspection</b>	17 <sup>th</sup> October 2018.
<b>Inspector</b>	Dáire McDevitt.

## 1.0 Site Location and Description

- 1.1. The appeal site, No. 1 Elm Grove, is on the western side of Carysfort Avenue in Blackrock, Co. Dublin. Elm Grove is a row of 7 detached houses dating from the 1980s, with individual accesses onto the road. No. 1 occupies a corner site, fronting onto Carysfort Avenue and bounded to the south by Stillorgan Park.
- 1.2. No. 1 is a two storey gable fronted house which is in the process of being renovated and extended. The site's Carysfort Avenue (eastern) boundary consists a block wall and hedging with an existing vehicular access and parking to the front of the house. To the west (rear) the site is bounded by No.26 Stillorgan Park and to the north (side) by No. 3 Elm Grove. A stone wall forms the southern boundary along Stillorgan Park, is a cul-de-sac with no vehicular access onto Carysfort Avenue at this point. The two roads are separated by bollards, planting and paving.
- 1.3. There are footpaths and grass verges along the western side of Carysfort Avenue with a bus stop to the north. There are double yellow road markings at the end of Stillorgan Park. At the time of inspection extensive kerbside parking was noted along Stillorgan Park.

## 2.0 Proposed Development

- 2.1. The proposed development consists of a new 3.5m wide vehicular access with 1.9m high gates to the southern boundary wall, accessing onto Stillorgan Park

## 3.0 Planning Authority Decision

Permission granted subject to 6 conditions, these included:

**Condition No. 2 (b):** *The removal/closing of the existing site vehicular access (onto Carysfort Avenue) and provision of a pedestrian gate only, maintaining the height of the existing front boundary treatments.*

*Reason: In the interest of pedestrian safety and road safety.*

### **3.1. Planning Authority Reports**

#### **3.1.1. Planning Reports (16<sup>th</sup> July 2018)**

The main issues are summarised as follows:

- The principle of the development is considered generally acceptable in terms of impact on residential amenity and traffic safety.
- The Area Planner recommended a grant of permission subject to 6 conditions which included condition no. 2(b) requiring the removal/closing of the existing site vehicular access (onto Carysfort Avenue) and provision of a pedestrian gate only, maintaining the height of the existing front boundary treatments.

#### **3.1.2. Other Technical Reports**

**Drainage Division (28<sup>th</sup> June 2018).** No objection.

**Transportation Planning Division (3<sup>rd</sup> July 2018).** Noted that the applicants would be requested to close off the existing vehicular entrance to Carysfort Avenue and provide a pedestrian gate in its place.

Recommended details relating to the proposed access be clarified. In the event permission is granted, conditions attached relating to footpath, SuDS, mud/debris on road.

The Planners Report referred to verbal comments (13<sup>th</sup> July 2018), no details provided on file.

### **3.2. Third Party Observations**

Two Submissions were received by the Planning Authority. The main issues raised are summarised as follows:

- Existing congestion and parking issues in the immediate vicinity.
- Loss of amenity.
- Visual Impact.
- There is no necessity for an additional site entrance.

## 4.0 Planning History

**Planning Authority Reference No. D17B/0449** refers to a 2017 application for alterations and extension to No. 1 Elm Grove.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

- The site is located within an area zoned under Land Use Objective 'A'  
*To protect or improve residential amenity.*

### General Development Management Standards

**Section 8.2.4.9** refers to the criteria for vehicular entrances and hardstanding areas.

### 5.2 Natural Heritage Designations

None of relevance.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal relating to condition No. 2 (b) can be summarised as follows:

- The entrance off Caryfort Avenue is the established, safe, vehicular access to No. 1 Elm Grove. All the houses along the row have individual vehicular entrances off Carysfort Avenue.
- A condition requiring the closure of an established vehicular entrance and its replacement with a pedestrian access is not reasonable or necessary.
- The closure of this entrance is not relevant to the proposed development which consist of a second entrance to the rear of No. 1 Elm Grove to

accommodate trailers and access to the rear of the house where a garage has been permitted.

- Numerous new entrances has been granted onto Carysfort Avenue in recent years. A list of planning applications have been referenced.
- Reference is also made to An Bord Pleanala Appeal (PL. 06D.243477 for a mews house to the rear of No. 1 Proby Square. This referred to the need to access the site off Carysfort Avenue. A separate planning application was subsequently lodged and granted permission (PA Ref. D15A/0106).

## **6.2. Planning Authority Response**

The Board is referred to the previous Planner's Report as it is considered that the grounds of appeal do not raise any new matters which would justify a change of attitude towards the proposed development.

## **6.3. Observations**

An observation has been received from John Hunt of Lyndon, No. 30 Stillorgan Park, Blackrock, Co. Dublin and is summarised below:

- Request that the decision of the Planning Authority to grant permission for a new entrance off Stillorgan Park be refused as it would exacerbate traffic congestion along this road.
- It would set an undesirable precedent and open to door to creating a second dwelling on site.
- The entrance off Carysfort Avenue should be retained as it is suitable and safe for vehicular access.

## **7.0 Assessment**

Having regard to the nature and scale of the development and the specific issues arising, that being a first party appeal against condition number 2(b) of the Planning Authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not

warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of condition number 2(b) of the Planning Authority decision. The issue of appropriate assessment screening and environmental impact assessment also needs to be addressed.

The issues can be dealt with under the following headings:

- Traffic.
- Appropriate Assessment.
- Environmental Impact Assessment.

## **7.1 Traffic**

7.1.1 Section 8.2.4.9 of the County Development Plan sets out the Councils policy for vehicular entrances and hardstanding areas. The Planning Authority, on the basis of the Transportation Planning Divisions recommendation, attached condition No. 2(b) requiring the removal/closure of the existing site vehicular access (onto Carysfort Avenue) and provision of a pedestrian gate only, maintaining the height of the existing front boundary treatments.

7.1.2 The observer raised concerns in relation to the opening of the new entrance off Stillorgan Park and requested that this be refused permission. And that the entrance off Carysfort Avenue be retained and used as the main access to the site as it is suitable and safe for vehicular access. I note that no third party appeal was lodged in relation to the Planning Authority's decision to grant permission for a new entrance onto Stillorgan Park. This report is confined to the specific appeal of condition number 2(b) of the Planning Authority decision.

7.1.3 Carysfort Avenue is characterised by detached houses with individual vehicular accesses onto Carysfort Avenue. The recommendation from the Transportation Planning Division report noted that the provision of a new entrance off

Stillorgan Park would require the closure of the existing one off Carysfort Avenue. The Planning Authority granted permission for a new vehicular access off Stillorgan Park, the closure of the existing access was not included in the application.

7.1.4 While I recognise that Carysfort Avenue is a busy road within a suburban setting, in my view, given the levels of traffic associated with a single residential unit and the location of the existing entrance which has adequate sightlines. I consider that the closure of the existing vehicular access onto Carysfort Avenue and its replacement with a pedestrian one is not warranted. Furthermore, the proposed development would not result in an intensification of the use of this entrance. I am satisfied that condition No. 2(b) is not required in the interest of traffic and pedestrian safety.

## **7.2 Appropriate Assessment**

7.2.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **7.3 Environmental Impact Assessment**

7.3.1 Having regard to the nature and scale the development which consists of new vehicular entrance in a built up suburban 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**

I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the Planning Authority to remove No.2 (b).

## **9.0 Reasons and Considerations**

Having regard to the levels of traffic associated with an existing single residential unit and the location of the existing entrance, off Carysfort Avenue, which is not considered a traffic hazard, there is no requirement for its closure and replacement with a pedestrian access. Furthermore, the proposed development would not result in an intensification of the use of this entrance and therefore, would not create a-traffic hazard at this location and would be in accordance with the proper planning and sustainable development of the area.

---

Dáire McDevitt  
Planning Inspector

18<sup>th</sup> October 2018