



An
Bord
Pleanála

Inspector's Report ABP-302424-18

Development	Permission for the demolition of a 0.5m wall to create new 3.5m driveway exit
Location	5 Shandon Park, Monkstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0550
Applicant(s)	Maeve & Roger Turner
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Maeve & Roger Turner
Observer(s)	None
Date of Site Inspection	8 th November 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site relates to a semi-detached dwelling house located at Shandon Park in Monkstown. Shandon Park is a short cul de sac of houses constructed around the 1950s. The street is of sufficient width to allow parking on both sides and the majority of houses also have parking within the curtilage of the house. The appeal site is located approximately mid-way along a short cul-de-sac and comprises a semi-detached dormer bungalow. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file.

2.0 Proposed Development

The application submitted to DLRCC on 8th June 2018 sought permission for the demolition of a 0.5m wall to create a second new 3.5m driveway exit.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to refuse permission for the following two reasons (traffic safety and visual amenity):

- 1) *Having regard to the location and layout of the site and the proposal, it is considered that the proposed development, in respect of the additional vehicular entrance, by itself or by the precedent which the grant of permission for it would set for other developments on adjoining sites, would adversely affect the use of the existing road by traffic, and would endanger public safety by reason of traffic hazard of obstruction of road users or otherwise.*
- 2) *Having regard to the extent and location of the proposed additional vehicular entrance and parking area, it is considered that the proposed development would dominate the frontage, also impacting on available on-street car parking, and would be contrary to the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 with regard to Section 8.2.4.9*

‘Vehicular Entrances and Hardstanding Areas’ (ii) visual and physical impacts, and would 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 and 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** refers to the Transportation Planning Report and recommends 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. **Drainage Planning** – No objection

3.2.5. **Transportation Planning** – Recommended refusal for the following reason:

In respect of the additional vehicular entrance, the proposed development, by itself, or by the precedent, which the grant of permission for it would set for other relevant development, would adversely affect the use of the road by traffic i.e. Clause 7 of the Fourth Schedule (reasons for the Refusal of Permission which exclude Compensation of the Planning and Development Act 2000.

3.3. Prescribed Bodies

3.3.1. No reports recorded on file.

3.4. Third Party Observations

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

4.0 Planning History

4.1. There was a previous planning application on this site that may be summarised as follows:

Reg Ref D08A/0580 – DLRCC granted permission for a residential extension in 2008 subject to 15 conditions. As part of the application it was also proposed to widen the existing entrance to 3.5m wide and form an additional new 3.5m wide exit onto the public road. Condition No 4 required that *the applicant shall submit for the written agreement of the Planning Authority revised drawings showing one vehicular entrance for the development in order to reduce the number of access points onto Shandon Park.*

- 4.2. It is noted that there was an application for a “similar scheme” on a property across the road from the appeal site that may be summarised as follows:

Reg Ref D16A/0219 – DLRCC granted permission for the retention of attic conversion and a new vehicular access, patio area and associated site works to existing dwelling house No 18, Shandon Park, Monkstown, Co. Dublin subject to 7 generally standard conditions. I have considered the plans and particulars available on the DLRCC planning website and I note that the scheme comprised the widening of the existing vehicular entrance by approximately 1m to a width of 3.5m. A new or additional entrance was not proposed. Therefore this is not a “similar scheme” to that now before the Board.

5.0 Policy Context

5.1. Development Plan

- 5.2. 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*. Chapter 8 deal with the **Principles of Development** including vehicular entrances and hardstanding areas. **Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas** sets out the following:

(ii) Visual and Physical Impacts

Vehicular entrances and on-curtilage parking should not normally dominate a property’s frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and

on-curtilage parking will be assessed on their own merits but should be resisted. Applications for double-width entrances will normally be resisted.

Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.

There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications.

Proposals for off street parking need to be balanced against loss of amenity (visual and physical) and will be considered in light of overall traffic flows and car parking in the vicinity.

5.3. Natural Heritage Designations

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by the applicants, Maeve & Roger Turner against the decision to refuse permission issued by DLRCC and may be summarised as follows:
- **Precedent** – A precedent already exists for the granting of a second opening at the neighbours property. The second entrance would add balance and enhance the visual appearance of the property as well as being a practical solution for the applicants and the residents of Shandon Park.
 - **Traffic Impact** – This impact is not applicable to this residential cul de sac where traffic is for access to residential properties only. The scheme will have a positive impact on the available parking on the road.

- **Public Safety** – The scheme would allow users to enter the driveway one way and exit by the other opening thus removing the need to blind reverse onto the road (required with a single opening) and thus reduce the hazard element for both driver and pedestrian alike in line with the Development Plan.
- **Loss of Public Amenity** – The loss of on street parking space would allow for two/three off street parking spaces and thus improve the on street parking situation for all road users. The parking amenities would be enhanced as a result.
- **Dominant Frontage** – The Case Planner has acknowledged the existence of a similar vehicular arrangement on the nearby property.
- **Injure Amenities** – The planners are denying the applicant the residential amenity they are seeking in the acquisition of a second opening to create an in-out driveway.
- **Depreciate Value of Property** – The value of property is determined by many factors however exterior home improvements would generally be considered to have a positive impact on streetscape and subsequently be beneficial for other neighbourhood properties.
- **Contrary to Proper Planning / Visual Impact** – The decision fails to take into account the variety of openings that currently exist on the street, some properties have original openings, others no wall frontage and the most notable, the property immediately adjacent has an in out driveway in situ.

6.2. Planning Authority Response

- 6.2.1. 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.

6.3. Observations

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

6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal 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
- Traffic Impact
- Visual Amenity
- Property Values
- Other Issues

8.0 Principle

8.1. Under the provision of the Dun Laoghaire Rathdown County Council 2016 – 2022 the site is zoned Objective A which seeks to protect and / or improve residential amenity. Having regard to the zoning objective for the site I am satisfied that the principle of the proposed development comprising a second vehicular opening serving an existing residential dwelling is acceptable at this location subject to compliance, with the relevant policies, standards and requirements set out in plan.

9.0 Traffic Impact

9.1. The proposed scheme provides for a second vehicular opening to facilitate an “in-out driveway”. DLRCC in their first reason for refusal stated that the additional vehicular entrance would endanger public safety by reason of traffic hazard of obstruction of road users. While I also note the report of DLRCC Transportation Planning who recommended refusal as the entrance would adversely affect the use of the road by traffic I consider that regard has to be had to the sites location and the character of the existing road network in determining the suitability of a second entrance at this site.

- 9.2. As set out in the Development Plan vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic and that where a new entrance onto a public road is proposed, regard shall be had to the road and footway layout, the traffic conditions on the road and available sightlines. In this case the appeal site is located towards the end of Shandon Park, a quiet cul de sac characterised by low density residential dwellings with off street car parking. Generally cul de sacs are most travelled by people who live there resulting in a familiarity of context and conditions by users. Secondly because of the horizontal alignment of this public road at this location together with significant on street car parking as observed on day of site inspection users require greater attention to navigate through the narrower road due in part to the unpredictable parking pattern. These features make drivers slow down and traffic move more slowly than one would expect to find on a typical public “through” road.
- 9.3. On balance I am satisfied given the location of the appeal site together with the existing traffic conditions that the opening of a second entrance would not conflict with traffic or pedestrian movements in the immediate area or have a significant material impact on the current capacity of the road network in the vicinity of the site. The proposed development would not in my view endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate having regard to the character of the road that already forces vehicles to proceed in a slow and cautious manner. Further I do not consider that the loss of available on-street car parking would be so significant as to warrant a refusal in this case.
- 9.4. In these circumstances, I do not share the Planning Authority’s conclusion in relation to the creation of a traffic hazard. I consider the proposal to be acceptable and I am satisfied that the additional vehicular entrance would not endanger public safety by reason of traffic hazard of obstruction of road users.

10.0 Visual Amenity

- 10.1. To facilitate the proposed second new 3.5m driveway exit it is necessary to demolish a section of the 0.5m high roadside wall. DLRCC in their second reason for refusal stated that the proposed development would dominate the frontage and would be

contrary to the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 with regard to Section 8.2.4.9 'Vehicular Entrances and Hardstanding Areas' (ii) visual and physical impacts. I refer to Section 5.1 of this report where Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas is set out in full. Further I have noted the precedent that already exists on the neighbouring property to the west where there are two vehicular entrances. No planning history has been made available for this adjoining property.

- 10.2. Having regard to the plans and particulars submitted with the application together with my site inspection I do not consider that the proposed entrance would dominate the properties frontage particularly as the works proposed are limited to the removal of a portion of the front wall between to existing piers. No other physical intervention such as gates etc is proposed. The proposal is not incongruous and could not reasonably be construed as being visually intrusive. I do not consider that proposed second entrance to be out of character with the area.
- 10.3. In these circumstances, I do not share the Planning Authority's conclusion in relation to visual impact. I consider the proposal to be acceptable and I am satisfied that the additional vehicular entrance would not dominate the frontage or set a poor precedent for similar type development in the area.

11.0 Property Values

- 11.1. DLRCC in their second reason for refusal state that the proposed development would, depreciate the value of property in the vicinity. The proposal before the Board is for a new 3.5m driveway exit serving an existing dwelling on lands zoned for residential use where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. Therefore the proposed scheme is not considered to be a bad neighbour in this context and I do not therefore consider that to permit this development would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal.

12.0 Other Issues

- 12.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, the demolition of a 0.5m wall and the creation of a new 3.5m driveway exit, 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.
- 12.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the demolition of a 0.5m wall and the creation of a new 3.5m driveway exit 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.
- 12.3. **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.

13.0 Recommendation

- 13.1. It is recommended that permission be **GRANTED** for the reasons and considerations set out below.

14.0 Reasons and Considerations

- 14.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed vehicular entrance it is considered that, the proposed development would not seriously injure

public safety or the visual the amenities of the area and would therefore be generally in accordance with the proper planning and sustainable development of the area.

15.0 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. 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 of Dun Laoghaire Rathdown County Council to ascertain the required specifications for such works and any required permits.

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

13th November 2018