



An
Bord
Pleanála

Inspector's Report ABP-302734-18

Development	Removal of 2 no. pedestrian gates to form shared vehicular entrance from Leinster Road and off-street car parking to both houses. Protected Structure.
Location	100 and 101, Leinster Road, Rathmines, Dublin 6.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3597/18
Applicant(s)	Robin Maxwell & Patrick O'Flynn
Type of Application	Permission
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	Robin Maxwell & Patrick O'Flynn
Observer(s)	Philip O'Reilly
Date of Site Inspection	15/11/18.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site, which comprises of a pair of semi-detached Victorian villa style dwellings is located at no. 100 & 101 Leinster Road. The site lies to the south of Leinster Road circa 74 metres to the east of the junction with Harolds Cross Road.
- 1.2. The two adjoining houses are Protected Structures with large front and rear gardens. Front gardens are divided by iron railings of circa 1.2 metres in height. Neither of the two subject properties has on-site car parking.
- 1.3. On-street parking is present along this street and appears to be the only form of parking available to a considerable number of dwellings within the immediate vicinity. Both properties are set within mature gardens accessed from Leinster Road via decorative iron pedestrian gates.
- 1.4. The dwellings are bounded to the public road by a stone rendered wall and large stone piers. The dwellings are set back circa 20 metres from the front boundary wall the front garden is at a higher level giving the appearance of a spilt level structure with large stone staircases leading up to the front door.

2.0 Proposed Development

- 2.1. The proposed development involves the creation of a shared vehicle entrance front of 2 dwellings including:
 - Removal of 2 no. pedestrian gates;
 - Partial removal of shared boundary fence;
 - Construction of shared vehicular entrance from Leinster Road and off-street parking to both houses.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission as follows:

1. The proposed development will result in the loss of on-street car parking spaces which would reduce the supply available to residents on the street and the wider area and would therefore contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city. The proposal would conflict with Section 16.10.18 Parking in the Curtilage of Protected Structures and in Conservation Areas which seeks to resist off street parking within the curtilage of Protected Structures and as the proposal would likely injure the residential amenities of surrounding properties and set an undesirable precedent for similar sites throughout the city, 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. Planners report reflects the decision of the planning authority.

3.2.3. Other Technical Reports

- Roads Department - The removal of on-street pay and display/permit parking is contrary Policy MT14.
- Drainage Division - No objection
- Conservation Officer - No Conservation Officer review of this file was undertaken.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A third-party observation was received. The issues raised are covered in the observation to the appeal.

4.0 Planning History

100 Leinster Road

2168/13 – Split decision, extension and refurbishment of dwelling **granted**. Vehicular access **refused**. Reason of refusal similar to current appeal.

Adjacent Sites:

104 Leinster Road

2452/04 Retention Permission was **refused** for the retention of modifications to boundary wall and provision for off street car parking and permission for gates, driveway surfacing and planting.

106 Leinster Road

2504/04 Permission was **refused** to construct a new vehicular entrance at the front boundary, erect new gates, and car parking to the front garden.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022.

The site is zoned Z2 which seeks to *'To protect and/or improve the amenities of residential conservation areas'*.

5.1.1 Relevant policy

- Policy MT14 - *'To minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements'*.
- Section 11.1.5.3 Protected Structures

- Policy CHC8 - provision of off-street parking where appropriate conditions exist.
- Section 16.10.18 Parking in the Curtilage of Protected Structures and in Conservation Areas

5.2. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by the applicant in relation to the refusal and are as follows:

- Permission was sought for off street car parking by the owners of no. 100 Leinster Road in 2013. It is stated that since this time the occupants are experiencing increasing difficulty in parking conveniently to their homes. This is attributed to the opening of a nail & brow shop at the Harold's Cross junction which, it is stated to be placing increased pressure on the availability of spaces particularly in evenings and weekends.
- The proposal will result in the removal of at least two spaces, one of which is a disc space.
- The proposed entrance will be shared to reduce any impact on the historic fabric of the Protected Structures, railings and boundary wall,
- It is proposed to reuse the wrought iron railings between the existing gates.
- Both residents would like the possibility of having an electric vehicle with the charge point to be located to the front of their dwellings. This is not possible at present.

6.2. **Planning Authority Response**

- None received

6.3. Observations

One observation has been received as follows:

- Permission was refused by both Dublin City Council and An Bord Pleanála for a similar development at the application site in 2013.
- Development Plan would have awareness of the need to protect and maintain the existing residential amenities in such conservation areas, including the established community parking.
- Loss of front garden open amenity space associated with such developments.
- Loss of mature trees, hedges, historic gates and stone and rubble rendered walls.
- Area is defined as a conservation area which should mean it is conserved and protected.
- The original features – gate piers, gates and walls etc should be retained.
- The Dublin City Development Plan remains consistent in its policy approach to retain on-street car parking in conservation areas.

7.0 Assessment

7.1. I consider that the relevant issues in determining the current appeal before the Board relates to the impact of the proposed development on the Protected Structures and the removal of on-street carparking.

Impact on Protected Structure

7.2. Section 16.10.18 of the Dublin City Council states the development of new vehicular entrances in Residential Conservation Areas may be permitted only in areas where appropriate site conditions exist. Suitable conditions include sufficient depth of garden, retention of 50% of soft landscaping, parking should be set back from the front of the dwelling and the new vehicle arrangements should not give rise to a traffic hazard. In addition, where the proposed entrance necessitates the removal of existing iron railings, gates or piers these features shall be reused and integrated into the new parking arrangements.

- 7.3. The development as proposed largely complies with all of these requirements, in that the existing gardens are of a sufficient area to accommodate the proposed car parking whilst retaining circa 50% of the landscaped area. In addition, the applicants propose to set the car parking back from the front of the dwelling and reuse the existing pedestrian gates within the site at the top of the shared driveway.
- 7.4. Having regard to the foregoing it is considered that the proposed development is in accordance with Section 16.10.18 of the Dublin City Development Plan 2016-2022 in that the applicants have demonstrated that the suitable site conditions are present within the subject site. I am likewise satisfied that the proposed development would not affect the integrity or setting of the existing Protected Structures. However, Section 16.38 and 16.38.9 as outlined above restrict the requirements of Section 16.10.18 in areas where residents are largely reliant on on-street parking.

Impact on On-street parking

- 7.5. Objective MT14 seeks to minimise the loss of on-street parking, this sentiment is further reiterated under Sections 16.38 and 16.38.9 of the Plan in which it is stated that *'proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are largely reliant on on-street car parking and there is a strong demand for such parking'*.
- 7.6. The proposed development is located in an area zoned Z2 'Residential Conservation Area' and is characterised by largely residential properties bounded with ornate pedestrian access gates and iron railings with on-street car parking lining the public road. The dwellings within the immediate vicinity of the subject site are reliant on on-street parking as are many along Leinster Road. A number of dwellings to the west of the subject site have removed the pedestrian gates /access and instated vehicular entrances, a history search has shown that a number of these are unauthorised and have either been refused retention permission by the Local Authority or have no recent planning history available.
- 7.7. It has been an ongoing policy of Dublin City Council to retain on-street parking in areas where there is a strong demand for this facility. The demand for such parking in the area directly adjacent to and surrounding the subject site was evident at the time of inspection where cars lined the street. The demand for on-street car parking has also been outlined clearly within both the appellants submission and that of the

observer. It is for this reason that the removal of at least 2 no. on-street car parking spaces in this residential area is considered to be unacceptable.

Appropriate Assessment Screening

- 7.8. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

Environmental Impact Assessment

- 7.9. The proposed development is not of a class for the purposes of EIA.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The proposed development would result in the loss of at least two car parking spaces in an area heavily reliant on the provision of on-street parking. Objective MT14 of the Dublin City Development Plan 2016-2022 seeks to minimise loss of on-street car parking. This objective is supported by Section 16.38 which seeks to resist proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking and there is a strong demand for such parking. These objectives are considered reasonable. It is considered that the loss of on street parking as a result of the proposed development would have a negative and unacceptable impact upon existing residential amenities of the area contrary to the provisions of the Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

20th of November 2018