



An
Bord
Pleanála

Inspector's Report ABP 303449-19

Development	External Repairs: essential repair and refurbishment of wall finishes, repointing to front with lime mortar, cleaning and repointing to granite detailing, re-rendering to side with lime render, repairs to rear elevation, roof. to House, Retention of 3.6 metres wide vehicular entrance with off-street parking.
Location	No 42 Morehampton Road, Dublin 4 (Protected Structure.)
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4191/18
Applicant	Michael and Tina Moran.
Type of Application	Permission for Retention.
. Decision	Grant and Refuse Permission for Retention
Type of Appeal	First Party
Appellant.	Michael and Tina Moran.
Date of Site Inspection	30 th March, 2019
Inspector	Jane Dennehy.

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1.0 Site Location and Description

1.1. The site is on the east side of Morehampton Road and is that of a nineteenth century, end of terrace Victorian two bay, two storey over garden level house with a granite staircase and railings on plinth at the front entrance. The front garden area which has a gravelled surface has provision for on site carparking. On the frontage, a vehicular entrance has replaced the original pedestrian entrance. Newly constructed cast iron gates, (which appear to have a mechanised operating system) have been erected between two pillars at each side of the opening on the outer side of which “No Parking” signs are displayed. The remaining original cast iron railings erected on granite plinth walling on the site frontage have been retained.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for:

Permission for:

- External repairs and remedial works for the purposes of essential repair and refurbishment to external finishes to include repointing of the front brick elevation with lime mortar, associated cleaning and repointing of granite detailing, re-rendering to the side elevation with lime render, minor repairs to the rear elevation and roof.
- Permission for retention of the new six metres wide vehicular entrance and off street carparking to the front and, associated works.

The application includes a conservation method statement prepared by the applicant’s architect which incorporates a specification and methodology for plastering with non-hydraulic lime and, sand selection and mortar mixing prepared by by Stoneware Studios.

3.0 Planning Authority Decision

3.1. Decision

3.2. By order dated, 11th December, 2018, the planning authority issued a Split Decision:

It decided to grant permission for the proposed external repairs and remedial works for the purposes of essential repair and refurbishment to external finishes to include repointing of the front brick elevation with lime mortar, associated cleaning and repointing of granite detailing, re-rendering to the side elevation with lime render, minor repairs to the rear elevation and roof.

It decided to Refuse Permission for Retention of the new six metres wide vehicular entrance and off street carparking to the front and, associated works.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The planning officer, having considered the recommendation on the Transportation Planning Division's report, concludes that the proposed vehicular entrance is in material contravention of Policy MT 14 of the CDP. Reference is also made to the comments of the Conservation Officer in her report indicating that replacement of pedestrian entrances with vehicular entrances is not generally supported but that the current proposal could be accepted due to the location of the bus corridor along the site frontage on Morehampton Road.

3.3.2. Technical Reports

The report of the **Conservation officer** indicates acceptance of the proposed development because on street parking in front of the property is not available due to the presence of bus lane. It is stated that development of vehicular entrances at period properties results in significant loss of historic fabric and affects the character of original boundaries and the streetscape, that insertion of vehicular entrances. gates that are appropriate can be difficult to achieve and that the involvement of an experienced conservation practitioner is essential.

Conditions of a standard nature are recommended for attachment if permission is granted.

The report of the **Transportation Planning Division** indicates a recommendation for refusal of permission. It is stated that the use of the vehicular access

necessitates routing across existing on street, pay and display parking spaces in front of the property and it is stated that the proposed development, which involves removal of on street parking is not supported and is contrary to Policy MT 14 of the CDP (See section 5.1 below) It is recommended that the proposed vehicular entrance “be omitted” and that the boundary treatment should be reinstated and, that the proposed development sets undesirable precedent.

The report of the **Drainage Division** indicates no objection to the proposed development.

4.0 Planning History

According to the planning officer report there is no record of planning history for the site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 (CDP) according to which the site is subject to the zoning objective Z2: *“To protect and/or improve the amenities of residential conservation areas.”*

- No 42 Morehampton Road is included on the record of protected structures. (Ref. 5321)
- According to Policy MT 14 it is the policy of the planning authority to minimise loss of on street parking except for to allow for possible loss of spaces to sustainable transport provision, access to new development or for public realm improvements.
- According to section 16.38.9 there is a presumption against the removal of on street parking to facilitate vehicular entrances to single dwellings in predominantly residential areas where residents are reliant on parking spaces on the street.

- According to section 16.2.2.4 it is the policy of the planning authority to ensure that front boundary development will not result in loss or insensitive of alteration to boundary walls or railings and that new treatment should replicate an existing or traditional pattern which his characteristic of the immediate locality and that there is use of design and materials appropriate to the existing or proposed building and streetscape.
- According to section 16.10.18 provision for parking within the curtilage of protected structures are not acceptable where there are inappropriate site conditions such as small gardens and, where terraces and streets are characterised by railings of unique significance or are of a type not found largely on the city the planning authority may seek their retention.

5.2. **Strategic Guidance.**

Architectural Heritage Protection – Guidelines for Planning Authorities, DOEHLG 2005. (The Guidelines)

- According to section 13.4.3 and 13.4.4, removal or alteration of boundary features can adversely affect the character of the protected structure and the designed and landscape. Widening or alteration can alter the scale and visual impact of the gate and gate piers. Relocation of a gateway can destroy a carefully designed relationship between the entrance and main building. The cumulative impact of a series of incremental changes may not be acceptable in terms of cumulative effect on the character of a street or area.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

An appeal against the decision to refuse permission for the new six metres wide vehicular entrance providing for off street carparking to the front of the house and, associated works was received from Jong Kim of AKM Design on 15th January, 2019. Attached is an Assessment report prepared by NRB Consulting Engineers incorporating accompanying drawings and photographs.

The submission includes an account of the site location, planning background and context and of the assessment of application. An outline summary follows:

- The proposed entrance has no impact on operational capacity and traffic safety on Morehampton Road. Residents are not using the on-street parking due to the availability of off-street parking in their front garden areas.
- Off street parking is essential for the applicants needs for reasons of safety security and convenience. There is no rear access so there are no alternative options for provision of on-site parking for the property. The off-street parking is to be used for domestic purposes relating to the occupancy of the house. A condition to this effect would be acceptable to the applicant. The applicant is a family with a requirement for off street parking for the two to three cars. If permission is refused an application will be made for residential parking permits for use of the on-street parking.
- There is an abundance of on street parking in the area and the loss of one space would be insignificant and parking demand would be reduced by the availability of off-street parking for the applicant. Up to four permits can be issued and the continuous use of four on street spaces would adversely impact on parking supply in the area.
- There is precedent by way of existing vehicular entrances to the majority of the properties which include multiple occupancy houses. A list of eight properties is provided. A positive precedent would be created given the policy of encouragement of renovation of protected structures and residential use in the city centre and there are no operational capacity or safety issues arising along this section of Morehampton Road as indicated in the report of NRB Consulting Engineers.

According to the accompanying statement from NRB Consulting Engineers

- Only one of the thirty-nine houses on the section of Morehampton Road does not have vehicular access, thirty-four have access to the front, three of Morehampton Lane and one-off Herbert Park. Paid parking spaces have been removed where entrances cross pay and display spaces. Several properties have had grants of planning permission for vehicular entrances. Reference is made to favourable comments in a report of the Transportation Planning Division on a successful application for creation of a vehicular

entrance at No 14 Morehampton Road under A. Reg. Ref. 4387/16 and it is submitted that this precedence should extend to the current proposal.

- The proposed entrance accords with the standards in Appendix 5 of the CDP and a leaflet published by the Council on Parking in Front Gardens.
- There is predisposition to consider residential off street parking, subject to design and safety criteria along Quality Bus Corridors (QBC) and to facilitate traffic management proposals according the planning officer and section 16.38 of the CDP. Morehampton Road is a QBC and there is established precedent for off street parking on this section of the road.
- The removal of one on street parking to facilitate off street parking at No 42 will reduce demand for on street parking at this location.
- The works providing for the vehicular entrance gate was carried out some years ago and the applicant wishes to regularise the situation. The front garden and entrance are necessary for uses by vehicles required for access to the roof and for works providing for maintenance of the historic property.

6.2. Planning Authority Response

There is no submission from the planning authority on file

7.0 Assessment

- 7.1. There is no objection to the grant of permission for the proposed repairs and remedial works for the purposes of essential repair and refurbishment to external finishes to include repointing of the front brick elevation with lime mortar, associated cleaning and repointing of granite detailing, re-rendering to the side elevation with lime render, minor repairs to the rear elevation and roof. Further to review of the application submission, and in particular to the submitted conservation method statement, the planning authority decision to grant permission subject to the conditions attached to its decision is supported. These elements of the proposed development are considered acceptable subject to appropriate conditions of a standard nature.

- 7.2. The appeal which is against the decision to refuse permission for retention of interventions to the front boundary treatment providing for the vehicular entrance and off-street parking facilities within the front curtilage is considered below:
- 7.3. Owing to the mews development along Morehampton Lane there is no direct access off it to most of the properties on Morehampton Road suitable for vehicular access. The front curtilages were laid out as front gardens with access for occupants and visitors via a footpath between the granite staircases at the front entrances to the houses and the pedestrian gates in the front boundaries denoted by of cast iron railings mounted on plinth walls. Private off-street parking for individual properties has been provided for vehicular access and parking in the front curtilages by removal of part or all of part of the historic railings, gates and plinths on the front boundaries. Except for the property at No 14 Morehampton Road the grants of permission proposed to support a case for precedent were determined prior to the bringing into effect of the current extant CDP.
- 7.4. The proposed development to be retained has resulted in loss of historic fabric and interventions. These works have interfered with the established proportions by the of removal the original cast iron pedestrian gate along with a section of the original cast iron railings on the granite capped brick faced front boundary wall and the setting back the gate piers between which the pedestrian gate was positioned to accommodate the 3.6 metres wide vehicular entrance. Historically the narrow opening and pedestrian gate between piers opening onto a footpath as far as the entrance in relatively densely planted front gardens emphasised and reflected both the historic characteristics of vertical emphasis and narrow plot widths. To this end, the concerns indicated in the conservation officer's report which are acknowledged and appreciated by the planning officer are of note.
- 7.5. It is considered that the proposed development for retention is unacceptable because it is both in contravention of the CDP having regard to Section 16.2.2.4 and section 16 10.18 and in contravention of the provisions set out in "*Architectural heritage protection: Guidelines for planning authorities*" (DEHLG 2005) where it is stated that removal, widening, relocation and/or alteration of boundary features can adversely affect the character of the protected structure in that it can destroy a carefully designed relationship between the entrance and main building.

- 7.6. With regard to the issue as to impact on safety and operational capacity of Morehampton Road and as to the impact on demand for and supply of on street public parking facilities the reasoning for the planning authority decision to refuse permission is supported. There is no doubt, given the importance in strategic transportation terms of the QBC along Morehampton Road that priority should be given to prevention of obstruction to operational capacity caused by vehicles turning into and out of the on-site parking serving an individual residential property and it is therefore considered that there is no justification for setting aside policy MRT 14 to this end.
- 7.7. The claim that the provision of on-site parking would result in increased supply and reduced demand for on street parking is not accepted. The removal of an on-street space which is available both in connection with residential use and commercial use reduces the supply facilitating all road users.
- 7.8. It appears that the lack of vehicular access and on-site parking to the front or rear of the property has been well established and this would have been apparent to prospective residents/owner occupiers. It is of note that in addition to the public parking supply available on Morehampton Road itself, there is ample supply on the public road network within a short distance of the property which would be available for use to residents who have obtained residential parking permits. It is considered that this scenario is not unreasonable for an inner urban location within Dublin where there are roads in residential areas where residents are reliant on public on street parking.
- 7.9. Given the foregoing, it is recommended that the planning authority decision to refuse permission for retention be upheld. A second reason for refusal of permission on grounds relating to conflict with policies set out in *Architectural Heritage Protection: Guidelines for Planning Authorities* (DOEHLG 2005) and as provided for in the CDP which is considered warranted can also be included. Draft reasons and considerations to support the decision to refuse permission follow:
- 7.10. **Environmental Impact Assessment Screening.**
- Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.11. **Appropriate Assessment Screening.**

Having regard to the small-scale nature of the proposed development and, to the serviced inner suburban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld.

9.0 **Reasons and Considerations**

1. It is the policy of the planning authority to retain on street parking facilities as far as is practicable, with scope for some loss to facilitate public transportation, public realm and new development requirements according to Policy MT 14 of the Dublin City Development Plan, 2016-2022. Removal of on-street parking spaces available for use by all residents and other road users to construct a vehicular entrance for a private dwelling to facilitate an owner/occupiers' requirements for private parking in the front garden is contrary to this policy objective and would set undesirable precedent for further similar development. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development has resulted in significant loss of historic fabric and interferes with the carefully designed relationship between site frontage and entrance and the main building which adversely affects the integrity and character of the protected structure and the streetscape. It is therefore contrary to sections 13.4.3 and 13.4.4 of *Architectural Heritage Protection: Guidelines for Planning Authorities*,

(DOEHLG, 2005); to sections 16.2.2.4 and section 16 10.18 the Dublin City Development Plan, 2016-2022 and, to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
5th April, 2019.