



An
Bord
Pleanála

Inspector's Report ABP 303686-19

Development	Vehicular Entrance
Location	96 Crumlin Road
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4417/18
Applicant(s)	Mr. Billy Crowley
Type of Application	Permssion
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mr. Billy Crowley
Observer(s)	None
Date of Site Inspection	3 rd May 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located on Crumlin Road, 4km southwest of the City Centre. The site is a mid-terrace red brick house ca. 1900 located on the west side of Crumlin Road.
- 1.2. Crumlin Road is busy four lane regional road with two lanes of traffic and a bus lane running in both directions. The area is characterised by mixed uses including residential, commercial and educational uses

2.0 Proposed Development

- 2.1. The proposed development will comprise the modification to the existing front boundary wall and railings to provide a new vehicular entrance, new entrance gates and railings, an electric home charge point, and all associated site works.
- 2.2. The roadside boundary is 5.9 wide. The proposed vehicular entrance is 3.675m wide. It is proposed to install bi fold gates.

3.0 Planning Authority Decision

3.1. Decision

REFUSED for the following two reasons:

1. The minimum size requirements for parking a car within a driveway as set out in the planning authority's leaflet 'Parking cars in Front Gardens' are 3 x 5m. The front garden, of no. 96 Crumlin Road, is not of adequate size to accommodate a parked car and may result in the overhanging of a parked car on the public footpath. This would cause obstruction of the footpath, forcing pedestrians onto the carriageway and would therefore endanger public safety by reason of traffic hazard.
2. The proposed development, in itself and by the precedent a decision to grant permission would set for similar substandard hazardous development in the vicinity, would be seriously injurious to residential and visual amenity and contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer's reports notes the zoning objectives relating to the proposed development. The report sets out that it is the policy of Dublin City Council to retain front boundary gardens as amenity spaces and permit parking in front gardens that are large enough to provide safe access and egress. The report outlines the availability of rear access for parking and sets out that the proposed development would set a precedent and be contrary to the standards as set out in the Development Plan.

3.2.2. **Other Technical Report**

Transportation Planning Division report in their report dated 4th January 2019 sets out that the Development Plan policy identified that driveways need to be 5m deep to accommodate vehicle parking. The 4.3m depth may lead to a vehicle being partially obstructing the pedestrian footpath. The report references that the Crumlin Road has been identified at the location of a Bus Connects route and this may impact future land acquisitions. The report states that details are as yet unclear.

3.2.3. **The Engineering Department Drainage Division** in their report set out no objection to the proposed development subject to compliance with Greater Dublin Regional Code of Practice for Development works.

4.0 **Planning History**

None

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.

The zoning objective relating to the site is land use zoning objective Z1 "*to protect, provide and improve residential amenities*".

Parking Car in Front Gardens

Dublin City Council have produced a guidance leaflet with regards to the provision of car parking in front gardens. The information leaflet sets out:

Basic Dimensions and Surfacing

Generally, the vehicular opening proposed shall be at least 2.5metres or at most 3.6 metres in width and shall not have outward opening gates. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist.

The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden, and to provide safe access and egress from the proposed parking space, for example near a very busy road or a junction with restricted visibility.

Summary Principles

1. The front garden shall still give the impression of being a front garden.
2. New work to the front boundary should be sympathetic to that existing and to the street.
3. Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.
4. Considerable care should be taken with the design and layout and qualified professional advice is desirable.
5. The Planning Department and Roads & Traffic Department of Dublin City Council should be consulted at an early stage and before a planning application is Submitted.

5.3. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The applicant's grounds of appeal can be summarised as follows:

- The proposal is to park and charge a 100% electric vehicle and not a standard car.
- No rear car parking is available as the access lane reduces in width to 2.3m to the rear of no 94,96 and 98 Crumlin Road.
- The applicant is willing to accept a condition of any car being parking being 100% electric
- The site has been surveyed and is suitable for the installation of a 22kW standard EV charger.
- Development is in line with emissions reduction policies
- The planning authority standards are not applicable in this instance as the standard electric car is small vehicle and less than 5.0m long.
- The development will not set an undesirable precedent and will be completed to a high standard.
- There are some existing vehicular entrances along Crumlin Road.
- Revised drawings reducing the opening width to 3.5m accompanied the appeal submission. In addition to s section drawing demonstrating a Renault Zoe ELV parked on site.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Design, Layout and Traffic Hazard
- Appropriate Assessment

7.1.1. The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.” As such the proposal is acceptable in principle, subject to the detailed considerations below.

7.2. Design, Layout and Traffic Hazard

Crumlin Road is busy four lane regional road with two lanes of traffic and a bus lane running in both directions. The area is characterised by mixed uses including residential, commercial and educational uses. No. 96 is part of a linear row of two storey residential houses within a uniform layout with defined boundary walls, railings and standard pedestrian access gates. The layout provides for the modification of the existing entrance by removing the existing front boundary wall and railing to provide a new vehicular entrance and driveway, the erection of new entrance gates and railings and the installation of an electric home charging point. The site is 5.9m wide with a front garden depth of 4.3m. As part of the applicants appeal submission it is proposed to reduce the proposed new opening from 5.9m to 3.5m wide to comply with the requirements of the local authority as set out in the guidance leaflet - *Parking Car in Front Gardens*.

7.2.1. The Planning Authority’s decision to refuse permission for the proposed development was partially based on the inadequate depth of the site to accommodate the parking of a car on site and the potential for a car to overhang the public footpath. The grounds of appeal assert that the standards do not apply in this instance as it is proposed to park an electric vehicle on site and the site depth can accommodate certain types of electric vehicles. The applicant has indicated that he will accept a condition with respect to the type of vehicle that can be parked on site.

- 7.2.2. I note the planning authority's guidance sets out the basic dimensions to accommodate the footprint of a car within a front garden as 3 metres by 5 metres. These minimum requirements are considered essential to ensure that there is adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building and to provide safe access and egress from the proposed parking space.
- 7.2.3. Whilst, I note the appellants intention to use the site for the parking of an electric vehicle, a planning condition controlling the size and type of car that can be parked on site is not an enforceable planning condition and therefore such as condition cannot be applied. I am satisfied that there is insufficient depth on site to accommodate the parking of a vehicle on site. The layout does not provide reasonable access to the vehicle and the residential property no. 96 in so far as you would not be able to walk around the car once parked on site. You would have to round the car onto the public footpath to access the front door. It would also appear that the gate cannot be closed when there is a car parked on site. Any vehicle larger than the 4.084m identified by the appellant on the drawings submitted would overhang the site and onto the footpath causing an obstruction to the public.
- 7.2.4. The appeal submission sets out that there are a number of existing properties on Crumlin Road with onsite parking. Site inspection indicated that no properties within the immediate vicinity of the site have onsite parking, I note only one residential property to the northeast of the site with onsite parking. This would appear to have been there for some time. Car parking in the general area is provided to the rear of Crumlin Road along the rear lane. The appellant contends that car parking is not available to him at the rear as the laneway reduces in width to the rear of his property and it is impossible to manoeuvre and park a car. Site inspection indicated that this is the case. However, a turning area for vehicles is located to the rear of no. 88 and no. 90 Crumlin Road and vehicles appear to park in linear pattern along the northern side of the lane. This parking would appear to be at random with no assigned spaces and available on a first come first served basis.
- 7.2.5. In conclusion, I consider that there is insufficient depth of site to accommodate car parking within the driveway. The front garden, of no. 96 Crumlin Road, is not of adequate size to accommodate a parked car and may result in the overhanging of a parked car on the public footpath. This would cause obstruction of the footpath,

forcing pedestrians onto the carriageway and would interfere with pedestrian safety and represent a hazard for pedestrian movement. The proposed development should be refused for this reason.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the minor nature and small scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission for the proposed development should be refused for the reason and considerations, as set out below.

9.0 Reasons and Considerations

1. The front garden, of no. 96 Crumlin Road, is not of adequate size to accommodate a parked car so that the proposed development could result in a parking car overhanging onto the public footpath. This would interfere with pedestrian safety on a heavily trafficked route and, thereby endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Irené McCormack
Planning Inspector

14th May 2019

