



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304298-19**

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| <b>Development</b>                  | PROTECTED STRUCTURE: New entrance to provide off street parking. |
| <b>Location</b>                     | 43 Palmerston Road, Dublin 6.                                    |
| <b>Planning Authority</b>           | Dublin City Council South  |
| <b>Planning Authority Reg. Ref.</b> | 2159/19  |
| <b>Applicant(s)</b>                 | Sarah Murphy   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse   |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Sarah Murphy   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 22 <sup>nd</sup> July 2019                                       |
| <b>Inspector</b>                    | Ronan O'Connor   |

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## 1.0 Site Location and Description

- 1.1. The site is located on the eastern side of Palmerston Road and contains a two-storey over garden level mid-terrace house, a Protected Structure. The site is bounded to the front by cast iron railings on a plinth with hedging. There is rear access gate via a laneway accessed off Cowper Road.

## 2.0 Proposed Development

- 2.1. PROTECTED STRUCTURE: New entrance to provide off street parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Refuse permission for three reasons relating to (i) loss of an on-street parking space (ii) parking within the curtilage of a Protected Structure where satisfactory rear access exists (iii) impact on the streetscape and setting of the Protected Structure.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority.

Points of note are as follows:

- Notes that the Transportation Planning Division would support the removal of pay and display parking.
- Proposal would not be acceptable with regard to Policy MT14 and Section 16.38.9 of the City Development Plan 2016-2022.
- Notes concerns of the Conservation Officer in relation to the alteration of the existing railings and stone plinth as well as the removal of the lawn.
- Negative impact in terms of sustainability.
- Impact on the setting and curtilage of the Protected Structure.
- Not supported from a conservation point of view.
- Understood that there is vehicular access to the property available from the rear.

- Permission previously granted and implemented for a vehicular entrance to the rear of the subject site.
- Proposal would not accord with the relevant provisions of Section 16.10.18 and as such would not be acceptable.
- Existing wider entrance gate has resulted in an incremental loss of in both the fabric and character of the boundaries of the road.
- Houses from 42 to 48 have retained their original front railings and gates.
- Sightlines may be obstructed by on-street parking.
- Car should be able to exit the site in forward motion.

### 3.2.2. Other Technical Reports

Roads and Traffic Planning – Additional Information Requested.

Drainage – No objection subject to conditions.

Conservation – Recommends refusal.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. One objection received. Issues raised are as follows:

- Proposed entrance is too close to a major junction.
- Would impact on the narrow frontage of the Protected Structure.
- Would impact on-street car parking.
- Would require further removal of car parking in order to achieve visibility.
- Is already served by off-street parking to the rear.

## 4.0 Planning History

4.1.1. 0585/02 – Planning Permission granted for a vehicular access to the rear of the Protected Structure.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022.

5.1.1. The site is located in an area that is zoned Z2 “To protect and/or improve the amenities of residential conservation areas”.

5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC4 & CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Appendix 24: Protected Structures and Buildings in Conservation Areas.
- Section 16.10.18 Parking in the Curtilage of Protected Structures and in Conservation Areas.
- Policy MT14 - To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

5.1.3. The following Section 28 Ministerial Guidelines are of relevance to the proposed development.

‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).

### 5.2. Natural Heritage Designations

5.2.1. None.

### 5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, a vehicular entrance to serve one off-street parking space, and having regard to the separation distance to the nearest sensitive 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The First Party Ground of appeal, as submitted by John Spain Associates on behalf of the applicants, are as follows:

#### General

- Refers the Board to the Conservation Report submitted with the application.
- Refers to other 14 other similar applications granted in the area – provide a strong precedent for the provision of off-street parking and vehicular entrances to front gardens of protected structures.
- Development has been carefully considered to reuse the existing fabric of the railings on the site
- Would not have a negative impact on the conservation area zoning.

#### Reason No. 1 – Loss of On-Street Parking

- Loss of existing on street parking space should not be of concern – is invariably used by the residents of No. 43 Palmerston Road/would have a negligible impact on parking availability.
- Houses are not reliant on on-street parking/majority of houses on Palmerston Road have off-street parking.
- Would be possible for the City Council to introduce at least one more space on the opposite side of Palmerston Road, as indicated in the appeal submission.
- There is an abundance of off-street parking in the area.
- Existing space is not fit for purpose having regard to its location less than 15m from a busy four-way junction.

#### Reason No. 2 – Existing vehicular entrance to the rear

- Narrowness of the rear lane/dimensions of the gateway do not provide for sufficient ease of access for everyday use.

- Proposed development would allow for safer, more practical parking arrangements.
- Parking on street is hazardous due to high vehicle speeds and proximity to junction.

### Reason No. 3 - Character of Streetscape and Setting of Protected Structure

- Proposed gateway will see the re-use and preservation of the existing historic fabric of the gateway.
- Wide range of entrance types to dwellings located on the street.
- Will not harm curtilage of the protected structure and will enhance the residential amenity of the existing dwelling.
- Proposal complies with the criteria as set out in Section 16.10.8.

### Other

- Proposed entrance is 2.6m wide not 2.7m as stated in the Planner's Report.
- There would be sufficient sightlines remaining.

## 6.2. **Planning Authority Response**

6.2.1. None

## 6.3. **Observations**

6.3.1. None.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows: -

- Principle of the proposed development/Planning Precedent
- Impact on the Character of the Area/Setting of the Protected Structure
- Traffic Safety
- Appropriate Assessment

## **7.2. Principle of Development/Planning Precedent**

- 7.2.1. Policy MT14 of the Dublin City Council Development Plan is clear on the need to minimise loss of on-street parking and sets out only a limited number of circumstances where the loss may be acceptable i.e. sustainable transport provision, access to new developments, or public realm improvements. The application does not fulfil any of these criteria.
- 7.2.2. The proposal to provide a vehicular entrance to facilitate one off-street parking space would be contrary to Policy MT14. As such the proposal is not considered to be acceptable in principle.
- 7.2.3. The appeal submission refers to planning precedent and refers to a number of other similar developments granted permission. Only two these appear to have been granted under the current Development Plan, 3470/18 – 69 Palmerston Road and 2876/17 – 66 Palmerston Road.
- 7.2.4. Condition 5 of 3470/18 (No. 69 Palmerston Road) omitted the proposed vehicular entrance onto Palmerston Road, citing loss of on-street parking, and as such, does not serve to support this current proposal.
- 7.2.5. In relation to 2876/17 (No. 66 Palmerston Road – location at the junction of Palmerston Road and Ormond Road), this was granted by the Planning Authority and also granted on appeal by the Board (PL29S.248936). This proposal included *inter alia* the provision of a vehicular entrance onto Palmerston Road and the removal of a vehicular entrance onto Ormond Road. Both the Board and the Planning Authority imposed a condition that required the relocation of the pay and display space from the front of No. 66 Palmerston Road to Ormond Road. Furthermore, this permission followed from an earlier approval (5559/07) and subsequent extension of time (5559/07/x1) which allowed for new vehicular entrances at No. 66 and 67 Palmerston Road. As such the site circumstances and the planning history differ from the proposal under consideration here.

## **7.3. Impact on the Character of the Area/Setting of the Protected Structure**

- 7.3.1. Reason No. 3 refers to the impact on the streetscape and setting of the Protected Structure.
- 7.3.2. The appellant states that the proposal will see the re-use and preservation of the existing historic fabric of the gateway and points to a wide range of entrance types to dwellings located on the street. It is further stated that the proposal will not harm



curtilage of the protected structure and will enhance the residential amenity of the existing dwelling.

- 7.3.3. I note the report of the planning authority's Conservation Officer who expressed concern regarding loss of historic fabric and the impact on the setting of the Protected Structure, as well as the impact of the loss of the area of lawn to the front of the Protected Structure. The cumulative impact of relatively small developments on the character of the wider area is also of concern.
- 7.3.4. I share the view of the planning authority's Conservation Officer in this instance. The intact boundary treatment of this run of terrace properties, from No. 42 to No. 48 Palmerston Road, all of which are Protected Structures, contributes to the overall appearance and character of the residential conservation area, and to the setting of the Protected Structures. The cumulative loss of these boundary treatments would, over time, degrade and devalue the appearance and character of the area. The loss of the front lawn area would also result in a negative impact on the setting of the Protected Structure.
- 7.3.5. In conclusion, the proposal would result in the unacceptable loss of historic fabric, and would result in an adverse impact on the setting of the Protected Structure, and of surrounding Protected Structures, and would have a detrimental impact on the character and appearance of the residential conservation area.

#### **7.4. Existing Vehicular Entrance**

- 7.4.1. There is an existing entrance to the rear with an access gate. The appellant has stated that this is not easily utilised. However, while I acknowledge the lane is relatively narrow, no evidence has been submitted to demonstrate that this access point is so constrained as to be unusable. The Development Plan is clear that proposals for off-street parking to the front of Protected Structures will not be permitted where an existing vehicular entrance exists to the rear. As such the proposal is contrary to the provisions of 16.10.18 of the Development Plan.

#### **7.5. Traffic Safety**

- 7.5.1. I note the nature of the road with relatively good sightlines in either direction. I do not consider that the proposal would constitute a road safety hazard or would constitute a hazard to pedestrians.

#### **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development within a serviced area and separation 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 the conservation objectives of any European site.

## 8.0 Recommendation

- 8.1. Refuse permission.

## 9.0 Reasons and Considerations

1. The proposal would result in a loss of an on-street parking space and as such would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022. The proposal, therefore, would be contrary to the proper planning and sustainable development of the area.
2. The proposed interventions to the historic boundary treatment, and the resulting loss of historic fabric, would materially and adversely affect the character and setting of the Protected Structure and the architectural character of the existing streetscape. The proposal, therefore, would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the existing vehicular entrance to the rear, it is considered that the proposed development would not comply with Section 16.10.18 of the City Development Plan which states that Proposals for off-street parking in the front gardens of protected structures and within conservation areas will not be permitted where satisfactory vehicular access to the rear garden exists. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Rónán O'Connor  
Planning Inspector

24<sup>th</sup> July 2019

