



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304566-19**

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<b>Development</b>	Demolition and removal of existing front wall and provision of a new entrance for access to parking at the side garden
<b>Location</b>	30 Monkstown Road, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0175
<b>Applicant(s)</b>	Jasvant Shah
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jasvant Shah
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> July 2019
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.171 ha is located along Monkstown Road. The application relates to a detached two-storey building which accommodates a dwelling unit and a retail unit which appeared to be vacant on day of site inspection. The appeal site comprises a small rear and side yard with a high stone boundary wall surrounding the site to the rear / north and east site boundaries. There is an existing pedestrian entrance to the front to the site, which provides access to the site / rear of the site.
- 1.2. 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. These serve to describe the site and location in further detail

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition and removal of the existing front stone wall and the provision of new vehicular entrance to provide access to a new parking area in the side garden, including all associated site works all at the site of the existing house.
- 2.2. The application was accompanied by a cover letter that set out the following:
  - The applicant has sought to address the concerns of the Roads Department with regard to their reason for refusal
  - Applicant is proposing to open up the front elevation completely and will be installing remote controlled (inward opening only) gates and railings.
  - In addition a mechanically controlled vehicle rotating turntable will be installed to obviate the need to reverse onto the adjacent carriageway making access and egress from the site safer.
  - Development also includes proposals to lower and ramp the footpath along the boundary at the proposed entrance to the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason:

*It is considered that the proposed vehicular entrance onto Monkstown Road would cause an obstruction and traffic hazard to other road users by restricting traffic flow and visibility of vehicles and pedestrians, when vehicles are entering or exiting the proposed new vehicular entrance. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users and would thereby be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Case Planner** having considered the scheme together with the report of the Transportation Section considered that the proposed vehicular entrance would endanger public safety and recommended that permission be refused for one reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

#### 3.2.2. Other Technical Reports

- **Transportation** – Recommended that permission be refused for the following reason:

*Due to the Endangerment of Public Safety due to the obstruction and restricted visibility i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the Fourth Schedule (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.*

- **Surface Water Drainage** – No objection

### 3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies recorded on the planning file.

### 3.4. Third Party Observations

3.4.1. There is one observations recorded on the appeal file from Siobhan Moore & Nelius De Grout (property directly behind) raising concerns in relation to detrimental effect on the value of property, loss of security as a result of the removal of the existing wall, creation of a parking lot, mechanised vehicular turntable will have a significant impact on the peace and tranquillity of their garden, no time restrictions, noise, unable to ascertain the number of vehicles that will use the area, creates an eyesore, the proposal includes lands that may not in fact be owned by the applicant, proposal is a poor adaptation of its predecessor and an incomplete / unclear application.

## 4.0 Planning History

4.1. There is no evidence of any previous planning appeal at this site. It is noted that permission for an entrance was previously refused as part of a more extensive development at this site that may be summarised as follows:

4.2. **Reg Ref D12A/0432** – In 2012 DLRCC issued a split decision as follows:

- Permission granted for (a) demolition and removal of existing single storey extension to rear, (b) the construction of a new single storey extension to the rear, including all associated works subject to 7 no conditions. **Condition No 2** required *that the proposed vehicular entrance with gate and associated car parking space to side garden be omitted form the proposed development in the interest of traffic and pedestrian safety.*

- Permission refused for a new vehicular entrance with gate to be formed in the front wall to provide access to car parking space to side garden for the following reason;

*1) It is considered that the proposed vehicular entrance onto Monkstown Road would cause an obstruction and traffic hazard to other road users by restricting traffic flow and visibility of vehicles and pedestrians, when vehicles are entering or existing the proposed new vehicular entrance.*

*The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users or otherwise and would thereby be contrary to the proposed planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. 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.*

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

## 5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The first party appeal has been prepared and submitted by Patrick Shortall on behalf of the applicant Jasvant Shah and may be summarised as follows:

- Preplanning Consultation – A number of informal enquiries were made to the Transportation Department. The application was presented to and examined by two Planning Officers prior to lodgement to ensure its validity.
- Observations – Most of the commentary included was inaccurate, contentious and without substance.
- Departmental Reports – The Transportation Department rejected the proposed vehicle turntable without reason other to say that it would “create an unwanted / undesirable precedent”. Submitted that the turntable would obviate the need to reverse onto the road.
- Precedent – There are 10 other houses on the same side of Monkstown Road, between Temple Hill and Alma Road with vehicular entrances directly onto the road where reversing directly onto the roadway occurs. Further there are examples of such turntables being used elsewhere in the locality albeit in the administrative area of the adjacent local authority; Dublin City Council. Particular reference is made to No 85 Strand Road Sandymount (photos attached).

- Visibility – Proposed visibility is improved by removing the existing boundary wall giving some extra width to the footpath and an opening (4.0m overall) which is wider than a standard gateway (2.44m).
- Parking Space – Given the sites constraints there can only ever be one small family car at any time using the proposed parking space. There will be a very limited number of movements in any one day. Turntable installations are virtually noise free, are operated electronically and require minimal maintenance.
- Safety – To be able to drive out front first is much safer and providing a turntable would facilitate this. Such an approach could not be described as unwanted or undesirable. Submitted that such a proposal would be a safety enhancing measure. There is no threat to road users.
- Conclusion – The proposal would have a minimal negative effect environmentally and on traffic flows and is unlikely to be a dangerous hazard to other road users. This is a safer option than some of the existing examples.

## 6.2. Planning Authority Response

- 6.2.1. DLRCC refers to the previous Planners Report and states 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.

## 7.0 Assessment

Having regard to the information presented by the parties to the appeal and in the course of the planning application 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 Safety
- Visual Amenity
- Other Issues

## 8.0 Principle

- 8.1. The development comprises the removal of the existing pedestrian access gate and the existing 4m wide x 2.2m high stone wall to the front of the site and replacing it with a new vehicular entrance gate (3m wide x 1.2m high) and associated side railing (c.0.5m wide x 1.2m high). The applicant is also proposing to install a remote controlled (inward opening) gates and railings. In addition, a mechanically controlled vehicle rotating turntable will be installed to obviate the need to reverse onto the road. DLRCC issued a notification of decision to refuse permission on grounds of an obstruction and traffic hazard.
- 8.2. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective A which seeks *to protect and / or improve residential amenity* and where residential development is permitted in principle. The scheme now before the Board is for the introduction of a new vehicular entrance to the side of the existing residential house. Together with the zoning objective for the site I am satisfied that the principle of the proposed development is acceptable at this location subject to compliance, with the relevant policies, standards and requirements set out in plan.
- 8.3. As observed on day of site inspection there is a vacant retail unit on the ground floor of the associated house. In the interest of the clarity it is recommended that should the Board be minded to grant permission that a condition be attached restricting the use of the proposed vehicular entrance and associated off street car parking space to the residents of the house only.

## 9.0 Traffic Impact

- 9.1. DLRCC refused permission as the new entrance *would cause an obstruction and traffic hazard to other road users by restricting traffic flow and visibility of vehicles*

*and pedestrians, when vehicles are entering or exiting the proposed new vehicular entrance.*

- 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 on Monkstown Road (R119), a busy suburban road characterised by a designated cycle route and low density residential dwellings with off street car parking in the immediate area of the appeal site. No on street car parking was observed in the vicinity of the appeal site.
- 9.3. I share the concerns raised by the DLRCC Transportation Section that there is no visibility splay set back from the back of footpath and the proposed car parking space would require a vehicle to enter or exit by reversing onto / from the public road due to lack of manoeuvring space within the site. Notwithstanding the proposed installation of a mechanically controlled vehicle rotating turntable I agree with DLRCC that vehicles entering / exiting this proposed new vehicular entrance would cause an obstruction and traffic hazard to other road users by restricting traffic flow and visibility of vehicles and pedestrians and would therefore endanger public safety by reason of traffic hazard and obstruction of road users. Refusal is recommended.

## 10.0 Visual Amenity

- 10.1. While the building subject to this appeal is not a designated Protected Structure nor is it within a designated Architectural Conservation or Heritage Area I consider the existing stone wall and pedestrian entrance proposed to be demolished to have architectural merit that contributes to the visual amenity and character of the streetscape. I refer to Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas of the Development Plan where it states that *vehicular entrances and on-curtilage parking should not normally dominate a property's frontage and that 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.*

10.2. As observed on day of site inspection (site photos refer) the stone wall to be removed forms part of a longer stone wall that extends to the east and to a lesser degree to the west. I am concerned that the proposed development for the demolition and removal of the tall front stone wall that is characterised predominantly by its existing pedestrian entrance and the provision of new vehicular entrance would dominate the property's frontage, would not preserve the established character of this site and would negatively and materially impact on the character and streetscape of Monkstown Road. Further there would be a negative cumulative effect from the removal and creation of an inconsistent dominant front boundary treatment in terms of area character and appearance. Refusal is recommended.

## 11.0 Other Issues

11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the provision of a new vehicular entrance 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.

11.2. **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.

## 12.0 Recommendation

12.1. It is recommended that permission be **refused** subject to the reasons and considerations set out below.

## 13.0 Reasons and Considerations

1. It is considered that the proposed vehicular entrance onto Monkstown Road would cause an obstruction and traffic hazard to other road users by restricting traffic flow and visibility of vehicles and pedestrians, when vehicles are entering or exiting the proposed new vehicular entrance. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users and would thereby be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site, to the established built form and character of the existing stone wall and adjoining high walls which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of the demolition and removal of the entire front boundary of the site and the creation of a new vehicular entrance would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this area and which it is appropriate to preserve. Therefore to permit the proposed development would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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**Mary Crowley**

**Senior Planning Inspector**

**7<sup>th</sup> August 2019**