



An
Bord
Pleanála

Inspector's Report

ABP-305422-19

Development	New vehicular entrance in existing front wall and railings and the provision of parking space in front garden.
Location	129, Tritonville Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3363/19
Applicant(s)	Ken Fennell (Receiver over certain assets Con & Pamela Creedon)
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John McKay
Observer(s)	None
Date of Site Inspection	2 nd December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1.1. The subject site is located on Tritonville Road, Sandymount, 2.3km southwest of Saint Stephen's Green. The site is a mid-terrace house ca. 1900 located on the west side of Tritonville Road. The dwelling has retained the original railings and gate. There is a tree in the public footpath in front of the site.
- 1.2. Tritonville Road is a two-lane road with on street car parking located along the eastern carriageway. The area is characterised by residential development reflecting a mix of architectural styles.

2.0 Proposed Development

- 2.1.1. The proposed development will comprise a new vehicular entrance removing a portion of the existing front wall and railings and the provision of a parking space in the front garden
- 2.2. The roadside boundary is 6.980m wide. The proposed vehicular entrance is 2.7m wide. It is proposed to retain the existing pedestrian gate to the north of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of its decision to grant permission subject to eight conditions, the following of which are of note:

Condition no. 2 -

The development shall be revised as follows:

- a. The proposed vehicular entrance shall have a maximum width of 2.6m.
- b. The pedestrian entrance shall be omitted, and the vehicular entrance shall be relocated towards the northern boundary by approximately 1.4m.
- c. The street tree shall be retained.

Reason: In the interest of the character and visual amenity of the area

Condition no. 4 -

All areas in the front garden not utilised for one vehicular parking space and footpaths shall be grass/soft landscape.

Reason: In the interest of the character and visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's reports notes the zoning provisions of the area and that the proposed development would be in accordance with *Appendix 5 Section 5: Road and Footpath Standards for Residential Development* of the development plan which states that *'where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates'* and the design standards set out in the planning authority's leaflet *'Parking Cars in Front Gardens'*. It is noted that No.129 Tritonville Road has access to basement car parking (as granted under planning permission ref: 2970/18). It is also noted that a significant number of residences on Tritonville Road have off street parking. It is set out that the removal of a street tree on site would interfere with the character of the conservation area. This issue was addressed by way of condition.

3.2.2. Other Technical Reports

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.

Transportation Planning Division– no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1. One submission was made in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- Car parking already granted under 2970/18 (ABP 303283-18)

- Property is less than 5 min walk from Lansdowne Road DART.
- The entrance is close to busy junction.

4.0 Planning History

Site

ABP 303283-18 / DCC Reg Ref. 2970/18: Permission granted in 2019 for Permission & Retention for works to three two storey terraced mews structures and a conservatory extension to the rear.

DCC Reg. Ref. 2007/12 -Permission granted for new vehicular entrance in existing front wall and railings and the provision of parking space in front garden

ABP PL29S.232100/ DCC Reg. Ref. 4628/08 - Permission granted for three two storey over basement mews houses, basement level storage and cinemas and, permission for retention of an extended basement area to the basement permitted under P. A. Reg. Ref. 1717/07.

Surrounding

DCC Reg. Ref. 2803/14 - Permission granted for new vehicular entrance in existing front wall and railings and the provision of parking space in front garden at 131, Tritonville Road.

5.0 Policy 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 site is located in an area zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective; *'To protect and/or improve the amenities of residential conservation areas.'*

- 5.2.1. Section 14.8.2 of the Development Plan includes the following:

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale.

The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.2.2. Section 16.10.18 Parking in the Curtilage of Protected Structures and in Conservation Areas

Poorly designed off-street parking in the front gardens of protected structures and in conservation areas can have an adverse effect on the special interest and character of these sensitive buildings and areas. For this reason, proposals for off-street parking in the front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant – and can lead to the erosion of the character and amenity of the area.

However, where site conditions exist which facilitate parking provision without significant loss of visual amenity and historic fabric, proposals for limited off-street parking will be considered where the following criteria are met:

- Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area.
- There is sufficient depth available in the garden to accommodate a private parked car
- Access to and egress from the proposed parking space will not give rise to a traffic hazard
- The proposal accords with the design criteria set out in Chapter 16
- The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing
- Car parking shall be designed so that it is set-back from the house and front boundary wall to avoid excessive impact on the protected structure
- Car parking bays shall be no greater than 5 m x 3 m metres wide

- The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates shall not swing outwards so as to cause an obstruction on the public footpath.
- Where cast iron railings exist, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast-iron railings that require alterations shall be reused and integrated with all new parking
- Adaptations to the front boundary
- Special regard will be had to circumstances where on-street parking facilities are restricted as a consequence of the introduction of bus priority measures or other traffic management changes. In such situations, every reasonable effort will be made to facilitate proposals for off-street parking in the front gardens of protected structures and in conservation areas subject to the above criteria being met.

5.2.3. 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**

There are two designed sites within 800m of the site.

- South Dublin Bay SAC (site code 00210) is located 800mm east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 800m east of the site.

5.4. **EIA Screening**

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- It is set out that off-street car parking for the site was permitted under DCC Reg. Ref 2907/18 (ABP303283-18) and accordingly the proposed additional

off-street car parking is contrary to the development plan to promote sustainable use of public transport and reduce car dependency as set out in Section 8.5.1.

- It is set out that there is no need for additional parking.
- It is set out that the development is located in close proximity to the junction of Tritonville Road and Herbert Road and no consideration has been given to the impacts on pedestrians, cyclists and vehicular traffic and would be contrary to Section 16.10.18 of the development plan and would diminish the historic integrity of the area.

6.2. Applicant Response

None received

6.3. Planning Authority Response

None received

7.0 Assessment

7.1. Introduction

7.1.1. 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:

- Principle of Development -Design, Layout and Traffic/Pedestrian Hazard
- Appropriate Assessment

7.2. Principle of Development -Design, Layout and Traffic/Pedestrian Hazard

7.2.1. The site is located within an area zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective; 'To protect and/or improve the amenities of residential conservation areas.' As such the proposal is acceptable in principle.

7.2.2. Tritonville Road is a two-lane road with on street car parking located along the eastern carriageway opposite the site. The area is characterised by residential

development and associated traffic. No. 129 is part of a linear row of two storey residential houses within a uniform layout with defined boundary walls, railings, and a mix of vehicular access and standard pedestrian access gates. The layout provides for a new vehicular entrance 2.7m wide and the retention of the existing pedestrian gate to the north of the site. The site is 6.980m wide with a front garden depth of 8.945m.

7.2.3. The grounds of appeal argue that off-street car parking for the site was permitted under DCC Reg. Ref 2907/18 (ABP303283-18) and accordingly the proposed development is contrary to the development plan to promote sustainable use of public transport and reduce car dependency as set out in Section 8.5.1. of the development plan and Section 16.10.18 of the development plan in so far as the entrance will have a negative visual impact on the Z2 zoned conservation area.

7.2.4. Whilst, I note the appellants reference to Section 8.5.1 and sustainable transport modes. In the context of the subject site, Section 16.10.18 *Parking in the Curtilage of Protected Structures* and in Conservation Areas of the development plan provides for on-site car parking where certain criteria are met, in particular, where there is no significant loss of visual amenity and historic fabric. Furthermore, *Appendix 5 Section 5: Road and Footpath Standards for Residential Development* of the development plan states that '*where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates*'. This is reinforced in the design standards set out in the planning authority's leaflet '*Parking Cars in Front Gardens*'. 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.

7.2.5. The development is in compliance with these minimum standards and inward opening gates are proposed. Furthermore. I note the planning authority included a condition relocating the vehicular entrance to the north of the site omitting the pedestrian entrance and reducing the vehicular entrance width to a maximum 2.6m, to ensure the retention of the existing street tree fronting the site in order to retain and preserve the character of the area and reduce the impact of the development. In

addition, the imposition of this condition ensures less alterations to the existing front boundary wall and railing thereby retaining more of the original character. I consider this an acceptable approach and I consider this condition should be repeated in this instance.

7.2.6. The appellant also argues that the development is located in close proximity to the junction of Tritonville Road and Herbert Road and no consideration has been given to the impacts on pedestrians, cyclists and vehicular traffic. The site is located approx. 15m north of the junction and car parking on Tritonville Road is located on the eastern of the road opposite the site therefore visibility to and from the site is not obstructed. Furthermore, the proximity to the junction also serves to reduce traffic speed. The site is located in a residential area and site inspection indicated a number of similar vehicular entrances serving adjoining houses along the road. I am satisfied that the development will not represent a traffic hazard.

7.2.7. In conclusion, I am satisfied that the proposed development is in accordance with the policies of the Dublin City Development Plan 2016-2022 and would not represent a traffic hazard or seriously injure the amenities of the area or of property in the vicinity and would not detract from the character of the area.

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 be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not represent a traffic hazard and would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out in accordance with the plans and lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (i) The pedestrian entrance shall be omitted, and the vehicular entrance shall be relocated towards the northern boundary by approximately 1.4m.
 - (ii) The proposed vehicular entrance shall exceed 2.6 in width.
 - (iii) All areas in the front garden not utilised for one vehicular parking space and footpath shall be grass/soft landscaped.
 - (iv) The street tree fronting the site shall be retained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the character and visual amenity of the area

Irené McCormack
Planning Inspector

3rd December 2019