



An
Bord
Pleanála

Inspector's Report 305717-19

Development	Retention permission for widening of means of access to a public road from 2.8m to 5.35m for vehicular access by removal of 2 no. dwarf piers and timber rail fence
Location	30 Johnstown Court, Dun Laoghaire
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0605
Applicant(s)	Michael Swan
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Michael Swan
Observer(s)	None
Date of Site Inspection	7 th December 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located in a residential cul-de-sac off Johnstown Road c.100m south of Rochestown Avenue in Dun Laoghaire. Johnstown Court consists of a short cul-de-sac of 2-storey terraced brick-clad houses. The estate dates from the 1980s and is laid out as a series of short terraces ranging from 4 to 6 houses per terrace. The layout and design of the estate incorporates front gardens with a single parking space enclosed by low timber fences/rails, and dwarf brick piers defining the vehicular entrance to each site. Some of the properties have lost the timber rails but most have the brick piers in place, with a few exceptions. Others have replaced the rails with low picket fences or hedging.
- 1.2.** No. 30 is located on the northern side of the road and is the second house from the end of a terrace of five dwellings. It faces a similar row of terraced properties on the southern side. The front garden of the adjoining house to the east (No. 31) has been paved over, but the brick pier and rail are still in place. The property to the west (No. 29), has a concrete drive but has retained the front boundary hedging and dwarf pier. The front boundary rail and brick piers have been removed at No. 30 and the entire front garden has been paved over. The rail along the side boundary with No. 29 has also been removed but the rail separating it from the front garden of No. 31 remains in place. The dished cross-over has not been changed and the grass verge is located outside the widened driveway.

2.0 Proposed Development

- 2.1.** It is proposed to retain the widening of the means of access to a public road and the removal of the front boundary fence. The width of the vehicular entrance would be increased from 2.8m to 5.35m and the removal of the boundary involves the demolition of the two dwarf brick piers and the removal of the timber rail fence.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason:

The widening of the existing vehicular entrance to 5.35m is contrary to Section 8.2.4.9 (Vehicular Entrances and Hardstanding Areas) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and if granted, would set an undesirable precedent for similar development in the surrounding area. The proposal has the potential to 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 Refusal of Permission which Exclude Compensation) of the Planning and Development Act 2000 (as amended). The development is, therefore, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report (7/10/19) noted that the site is located in an area zoned 'Objective A', 'To protect and/or improve residential amenity', and that the proposal should be assessed in terms of its impact on the residential and visual amenities of the area. It was further noted that the Council's policy set out in Section 8.2.4.9 of the CDP, regarding Vehicular Entrances and Hardstanding Areas, is that the maximum width of a driveway for a single residential unit is 3.5m. Reference was made to the report from the Transport Planning section (summarised below) which recommended refusal on road safety grounds.

Refusal was, therefore, recommended as the widening of the entrance would contravene the CDP policy and create a traffic hazard and that it would set an undesirable precedent for similar development in the surrounding area.

3.2.2. Other Technical Reports

Transport - Planning - (27/09/19) recommended refusal on the grounds of endangerment of public safety due to obstruction and restricted visibility. It would, therefore, endanger public safety by reason of traffic hazard or obstruction of road users.

Drainage – Planning – (17/09/19) stated no objection subject to all new hardstanding areas to be made with gravel or with a specifically designed permeable stone system.

3.3. Prescribed Bodies

3.3.1 None.

4.0 Planning History

There is no planning history on the site and there is no relevant planning history on sites within Johnstown Court.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

5.1.1 The site is zoned Objective A for which the objective is to “To protect and improve residential amenity”. Relevant policies contained in Chapter 8 include the following.

8.2.4.9 – Vehicular entrances and hardstanding areas – requires that vehicle entrances and exits be designed to avoid traffic hazard for pedestrians and passing traffic. For single residential dwellings, the maximum width of an entrance is 3.5m.

Visual and physical impacts –

- Vehicular entrances and on-curtilage parking should not normally dominate a property’s frontage. Applications for double width entrances will normally be resisted.
- Impacts on features like boundary walls and pillars, and roadside grass verges and trees out side properties will require to be considered, and any 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 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 – these will be assessed in 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.

Driveways and hardstanding areas –

A minimum of one third of the front garden areas should be maintained in grass or landscaped. In the case of smaller properties – such as small terraced dwellings – this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SUDS and include measures to prevent drainage from the driveway entering onto the public road.

5.2. Design Manual for Urban Roads and Streets (2013)

These statutory guidelines focus on the role and function of streets within urban areas where vehicular traffic interacts with pedestrians and cyclists. The manual generally seeks to achieve better street design in order to encourage more people to choose to walk, cycle and use public transport by making the experience more pleasant and safer, and thereby promoting more healthy lifestyles. It outlines practical design measures to support and encourage more sustainable travel patterns in urban areas. These include guidance on materials and finishes, street planting, design and minimum width of footways (including minimum widths, verges and strips), design and location of pedestrian crossings, kerbs and corner radii and shared surfaces.

5.3. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 5km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal may be summarised as follows:

- **Road safety** – it is considered that the ability to park vehicles on the driveway as opposed to the road would be safer. Families with children play and cycle of the road, which makes it very hard to see them if all cars are parked on the road. Surely it would be safer to have one less car parked on the road.
- **Emergency services** – The alterations to the vehicular access will make it easier for emergency vehicles to access the estate with less obstruction.

6.2. Planning Authority Response

6.2.1 The P.A. responded to the grounds of appeal on 11th November 2019. It was considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Road safety
- Visual amenity
- Precedent

7.2. Road safety

7.2.1. The current Dun Laoghaire Rathdown County Development Plan 2016-2022 at paragraph 8.2.4.9 states that vehicular entrances should be designed to avoid traffic hazard for pedestrians and passing traffic. For single residential dwellings, the maximum width of an entrance is 3.5m. It is further noted that the cumulative effect of the removal of a front boundary treatment can result in negative effects in terms of pedestrian safety and on-street parking.

7.2.2. It is considered that the removal of the front boundary treatment in this instance, combined with the widening of the vehicular entrance to 5.35 metres, i.e. the entire width of the frontage, would give rise to increased hazard for pedestrians and passing traffic. As cars are entering and leaving the driveway, pedestrians would have to stop and wait or step out onto the road. This would be exacerbated by two

cars parked side-by-side on the driveway as one car could potentially obscure visibility for a passing pedestrians and cars. It is considered that this risk is further increased by the cumulative effects of adjoining properties. At present, the driveway to the west is immediately adjacent to the site and there is no physical barrier between them. The property to the east is fully paved and is delineated by a low single timber rail. I do not accept the appellant's view that the cars parked on the road pose a greater danger to pedestrians, particularly children, or that it would obstruct emergency vehicles, as the residential road is of a standard width.

- 7.2.3.** In light of the above, it is considered that the proposed development is not in compliance with the current Development Plan policy and would give rise to a traffic hazard for pedestrians and passing traffic.

7.3. Visual amenity

- 7.3.1.** Paragraph 8.2.4.9 of the CDP also addresses the issues of visual impact. It is stated that vehicular entrances and on-site parking should not dominate frontages of properties and that double width driveways will normally be resisted. The proposed development would result in almost doubling of the original driveway width, (2.8m increased to 5.35m). It is a further requirement that a third of the front garden be maintained in grass or as landscaped space, and should incorporate SUDS. Furthermore, the cumulative effects of adjoining properties removing boundary treatments can alter the character and appearance of an area.
- 7.3.2.** It is considered that the paving over of the entire garden together with the removal of the entire front boundary treatment and the western side boundary treatment dominates the frontage and detracts from the character of the streetscape. This is exacerbated by the fact that the driveway of the adjoining property to the east is also entirely paved over and the property to the west has a concrete driveway immediately adjacent. This results in a visually seamless continuation of paved driveways. Although there are several examples of properties where the front boundary treatment has been removed within the estate, there is no record of any planning permissions having been granted for these works. The overall character of the estate is one of low-level boundary treatments combined with soft landscaping and hedgerows, with dwarf pillars defining the entrances. The removal of the pillars

together with the boundary treatment detracts from the character and visual amenity of the area.

- 7.3.3.** In conclusion, it is considered that the development proposed to be retained, by reason of the removal of the front and side boundary treatments, combined with the excessive width of the vehicular entrance and the paving over of the entire front garden, detracts from the character and appearance of the housing estate and of the streetscape, and is contrary to the policy of the P.A. as set out in 8.2.4.9 of the CDP.

7.4. Precedent

- 7.4.1.** Given that there is no record of any planning permissions granted for the widening of a vehicular access within the estate beyond the original width of 2.8m, or for the almost doubling of the width of the entrance, or for removal of the dwarf pillars and boundary treatment, or for the paving over of the entire front garden, it is considered that the grant of permission for the proposed development would create an undesirable precedent which would make similar development within the estate more difficult to resist in the future. The cumulative effect of this would be to create a virtual car park along the front boundaries of the houses, which would be hazardous for pedestrians and passing cars and would seriously injure the visual amenities of the area. This would, therefore, undermine the policy of the planning authority which is considered to be reasonable.

7.5. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.6. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 5km to the north. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

- 8.1.** It is recommended that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the character of the housing estate of which the proposed development forms an integral part, the design concept of which is based on enclosed front gardens with low-level boundary fences and dwarf pillars with hedging, it is considered that the proposed development which would remove the pillars, the front and western side boundary treatments, and introduce a 5.35 metre-wide vehicular entrance and an associated expanded driveway to the front of the dwelling in place of the front garden, would detract from the character of the housing estate and would seriously injure the visual and residential amenities of the properties in the vicinity. The proposed development would, therefore, be contrary to the provisions of the Dun Laoghaire Rathdown County Council Development Plan 2016-2022, would create an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would give rise to a traffic hazard and obstruction of road users by reason of the increased width of the entrance and driveway on this residential roadway and would be contrary to policy 8.2.4.9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

Mary Kennelly
Planning Inspector

7th December 2019