



An
Bord
Pleanála

Inspector's Report ABP-305784-18

Development	Increase hardstanding in front garden to accommodate an additional car parking space and provision of sliding gate. Protected Structure.
Location	3 Royal Canal Terrace, Phibsborough Road, D7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3722/19
Applicant(s)	Fiona Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Fiona Kelly
Observer(s)	None
Date of Site Inspection	08/12/2019
Inspector	Anne Marie O'Connor

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1.0 Site Location and Description

- 1.1. No.3 Royal Canal Terrace comprises a 2-storey over basement semi-detached house. The terrace is accessed by a narrow laneway which runs parallel to Phibsborough Road, and is separated by a stone wall. The site backs onto the Broadstone bus and rail depot. The terrace is a very fine historic set piece. No. 3 dates from the late Georgian period and is a protected structure.
- 1.2. The front boundary consists of a plinth wall with railings above, a pedestrian entrance gate to a set of steps to the front door, and a vehicular entrance and car parking gravelled area to the side.

2.0 Proposed Development

- 2.1. Planning permission is sought to increase the hard standing in the front garden to provide an additional car parking space, provision of a sliding gate, reinstatement of demolished brick pier at the boundary to match original piers and associated modified landscaping.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to six conditions including **Condition 3**:

The development shall incorporate the following amendment:

- a) *The sliding gate shall be omitted and replaced with gates which are in keeping with the existing railings to the house. Prior to the commencement of development the developer shall submit revised proposals for inward opening gates for written agreement of the planning authority.*

Reason: In the interests of visual amenity.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports - The planner's report reflects the decision to grant planning permission subject to C3.

3.2.2. Other Technical Reports

Conservation – Recommends grant subject to omission of sliding gates.

3.3. Prescribed Bodies

TII – S49 Development Contribution.

3.4. Third Party Observations

None.

4.0 Planning History

0505/17(EXPP) Exempted conservation works to protected structure. Split decision.

2796/18 Integral alterations to protected structure, 2-storey extension to rear, and replacement of non-original entrance gates and reinstatement of supplemented original gates. Grant.

4748/18 Alterations to 2796/18 including additional car parking space and sliding gates. Grant subject to C.3 omitting the additional car parking space and replacement of sliding gate with inward opening gates in keeping with the railings of the house.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 is the County Development Plan for the area. The site is located within Zoning Objective **Z2** “To protect and/or improve the amenities of residential conservation areas”.

The following policy is relevant:

CHC2 To protect the special interest of protected structures, including (a) to protect or restore form, features and fabric which contribute to the special interest and (d) not cause harm to the curtilage of the structure.

CHC4 To protect the special interest and character of all Dublin's Conservation Area.

Section 16.10.18 Poorly designed parking in the front gardens of protected structures and conservation areas can affect the special interest and character. For this reason, parking in such areas will not be normally acceptable.

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant and relate solely to the terms of Condition 3 (replacement of sliding gate with inward opening gates). The issues raised can be summarised as follows:

- The applicant has gone to considerable time, trouble and expense to restore No.3 (including original features) to the highest standards under a conservation architect, and has brought an almost derelict building back in to being a fine family home.
- The proposed sliding gate offers the best solution which would be hidden behind the wall and would have little or no effect on the visual appearance of the garden façade.
- Inward opening gates will not work due to the asymmetric and uneven wall to the left side and would have to swing back by 180 degrees.
- Inward opening gates could only be closed by manouvering very close to the house, potentially damaging the new Harling render on the front façade.
- If the gate is not electrified and sliding a vehicle will block the lane while the driver gets out of the car to open the gates. The lane width is 3600mm at this point.

- The applicant has pedestrian right of way only to access the rear of the property.

6.2. **Planning Authority Response**

No response received to the grounds of appeal.

6.3. **Observations**

None.

7.0 **Assessment**

- 7.1. The grounds of appeal relate to Condition No.3, which requires the replacement of the proposed electric sliding gate with inward opening gates. The planning authority raised no objections to the principle of an additional car parking space or the modifications to landscaping. I also note that no objections were received to the original planning application. I consider it reasonable, therefore, to consider the appeal under S139 of the Planning and Development Act, and that the determination by the Board of the application as if it had been made to it in the first instance is not be warranted. The following assessment is limited to the matters raised under Condition No.3.
- 7.2. Royal Canal terrace is a late Georgian terrace of very fine buildings which are of architectural importance not just individually, but as an impressive set piece with the old Broadstone rail station. This is reflected in the Z2 'residential conservation area' zoning. No 3 is a protected structure, described as a terraced house, including stone wall, railings and gates. There is an existing vehicular access and car parking space to the front, and the current proposal relates to the provision of a gate at this existing opening.
- 7.3. The house has been substantially restored as a single family house and has been the subject of a number of planning permissions. The requirement for inward opening gates rather than a sliding gate was also attached to a previous grant of planning permission (Reg Ref.2786/18).

- 7.4. In relation to the impact on the architectural interest of the **protected structure**, I note that the proposal does not involve the creation of a new opening in the boundary wall or the removal of any of the original fabric of the wall or railings. It is proposed to replace the original brick and granite pillar, which was removed by the previous owner to widen the entrance, to match the remaining four pillars. I note from my site visit that this work has now been undertaken.
- 7.5. The sole issue, therefore, relates to the nature of the gate in terms of it being sliding or inward opening, and the impact this would have on the on the character and setting of the protected structure and the area in general. The planning authority's conservation report considers that the sliding gate would be an unsympathetic intervention to the architectural character and setting of the protected structure, and that inward opening gates would be more sympathetic to the era to which they relate. I note that the reason for attaching the condition was in the interest of visual amenity.
- 7.6. The grounds of appeal argue that the uneven nature of the side boundary wall would make it difficult to affix a gate, that the inward opening nature would reduce the area available for car parking requiring vehicles to park too close to the house wall, and that the gate would slide back behind the boundary wall and would not be visible when open.
- 7.7. While I agree that opening gates are preferable in historic properties, there are a number of considerations specific to this case which require consideration.
- The only real difference between the opening and sliding options would be when the gate is closed as it will present as a single gate rather than two smaller gates. When open the gate will be hidden by the height of the existing boundary wall.
 - The gate is be separated from and located to the side of the pedestrian gate and steps up to the front door, which are significantly more important to the character and setting of the house.
 - There is very limited visibility of the gate from Phibsborough Road due to the stone wall separating the lane to the front of the houses and the road beyond. The potential for a detrimental impact on visual amenity is therefore limited.

- The design of the proposed gate is sympathetic to the form, rhythm and materials of the existing railings along the boundary, and indeed incorporates the reuse of a section of gate found in outbuildings on the site which the accompanying architectural heritage assessment considers that may have been one of the original pair of vehicular gates to the front garden.
- Finally, the fact of the existing opening and the end-of-terrace nature of the subject site means that there is limited potential for similar developments that would cumulatively undermine the architectural interest of the terrace which the Z2 zoning objective seeks to protect.

7.8. On the basis of the above, I am satisfied that the proposal does not involve an unacceptable intervention in the historic fabric of the protected structure, and would not adversely affect the of the character or setting of the protected structure, or injure the visual amenities if the area.

7.9. The appeal relates to a planning condition regarding the nature of the gate opening and the issue of appropriate assessment does not, therefore, arise.

8.0 Recommendation

8.1. I recommend that Condition 3 is removed.

9.0 Reasons and Considerations

9.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **REMOVE** condition number 3 and the reason therefor

Reasons and Consideration

Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that the installation of a sliding gate would not adversely affect the character or setting of the protected structure or not seriously injure the amenities of the area or of property in the vicinity and would,

therefore, be in accordance with the proper planning and sustainable development of the area.

Anne Marie O'Connor
Planning Inspectorate

8 December 2019