



An
Bord
Pleanála

Inspector's Report

ABP-306563-20

Development	Widening of pedestrian entrance to create a new entrance for vehicular access, with kerb dishing to provide for off street parking.
Location	2 St. Aidan's Park, Marino, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4421/19
Applicant(s)	Triona Calis
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Triona Calis
Observer(s)	None
Date of Site Inspection	13 th March 2020
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in a residential area on the southeastern side of St. Aidan's Park, in a well-established residential area, in the Dublin suburb of Marino.
- 1.2. This area of Marino is a historic planned, geometrical and symmetrical housing development dating from the 1920s. It comprises one large circular green, Marino Park, at the centre, with residential streets radiating out spoke-like from this park, to four lozenge shaped greens fronted by housing. Two of the lozenge shaped greens are cul-de-sacs and two have through roads through the centre of them connecting south to Fairview Strand/Clontarf Road. St. Aidan's Park forms the road around one of these lozenge shaped greens, with a through route, St. Aidan's Park Road, traversing the centre. The appeal site is located on the northeastern side of this lozenge shaped green.
- 1.3. The site comprises a dormer mid-terrace dwelling with mansard roof, set behind a front garden with post and rail metal fencing forming the boundaries between the front gardens of adjoining properties and post and rail metal fencing, over shallow concrete plinth, forming the boundary between the dwelling and the public footpath.
- 1.4. The majority of properties along this section of the St. Aidan's Park have modified their front gardens to accommodate a car, albeit no planning history was evident for some of these works. The adjoining property to the north of the appeal site has a fully paved front garden area with the front boundary removed in its entirety. The adjoining property to the south is an end-of-terrace dwelling with a larger plot, which has modified its entrance while retaining some original boundary features. Parking is on the kerb, on street outside the appeal site. The houses around this green have a mix of design layouts to the front garden areas, with some amended to accommodate a car space and some retaining the original garden and boundary layouts.

2.0 Proposed Development

- 2.1. The proposed development is for the widening of a pedestrian entrance to create a new entrance for vehicular access to the front of the dwelling with kerb dishing, to provide for off-street parking. The drawings submitted with the application show a 4m

wide vehicular access width, out of a total of 6.53m. The pedestrian path and gate from the street to the front entrance of the dwelling is being removed. The area between the front boundary line and the dwelling was identified as 4.1m on the original application drawing. The area is to be finished with a 'combined soft and permeable surface'. The applicant states in the appeal submission that the measurement of 4.1m was an error and the actual depth of 4.8m.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

Having regard to the residential amenity zoning of the area for residential conservation Z2, the width of the proposed vehicular entrance would significantly exceed the maximum width allowable for a vehicle entrance and the subject site is insufficient in depth to provide for an off street car parking space as set out under Sections 16.10.18 and contrary to the policy document 'Parking Cars in Front Gardens' of the Dublin City Development Plan 2016-2022. The excessive removal of a significant portion of the existing front garden railing boundary and the conversion of the front garden from amenity purposes to car parking purposes, in tandem with the loss of an on-street car parking space, would have an adverse impact on this sensitive site, leading to the erosion of the amenity of the area, contrary to 16.10.18 Therefore the proposed development, in itself or by the precedent a decision to grant planning permission would set for similar adverse development in the immediate area, would be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Depth of the garden is 4.1m. The absolute minimum is 5m.
- The maximum width for a vehicular entrance in area zoned Z2 (residential conservation) is 2.6m. The proposed vehicular entrance is 4m in width.

- The absolute minimum amount of front garden to be maintained as grassed or landscaped is 50%.
- A minimum of 60% of the front garden would be consumed by the driveway.
- The proposed development is seriously substandard with regard to the minimum provisions of a vehicular entrance and driveway within a residential amenity area, contrary to Section 16.10.18 and policy document 'Parking Cars in Front Gardens'.

3.2.2. Other Technical Reports

Transportation Planning Division: No objection to the proposed development.

Drainage Division: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None.

Site nearby:

1206/18 – 4 St. Aidan's Park Avenue (on the approach road to St. Aidan's Park) – Permission GRANTED for modifications to existing boundary treatment to provide separate pedestrian and vehicular access to front of property.

Condition 2. The vehicle entrance shall not exceed 3.6m in width. A section of plinth and railings replicating the original boundary treatment shall be reinstated within the front boundary between the pedestrian gate and new vehicle entrance. The area to the south of the existing entrance path shall be permanently retained in soft landscaping/planting and no more than one car parking space shall be provided on site.

Reason: In the interests of visual and residential amenities.

ABP 232051 (DCC reg ref 4484/08) - 4 St. Aidan's Park – Retention Permission REFUSED at 4 St. Aidan's Park for the retention of a vehicular entrance.

Reason for Refusal:

The development proposed for retention involves the removal of the entire front garden boundary to provide vehicle access and car parking area. Having regard to the zoning objective Z2 'To protect and improve the amenities of residential conservation areas', the development proposed for retention is contrary to paragraph 15.10.5 (as revised under variation no. 19), and Appendix 16 of the Dublin City Development Plan 2005-2011. Therefore the development proposed for retention would result in serious injury to the amenity of the area and by itself and by the precedent which the grant of permission for it would set for other relevant development, would be contrary to the proper planning and development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

Zoning objective Z2 'To protect and/or improve amenities of residential conservation areas'.

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 affect 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 such 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 (relevant) criteria can be met:....

There is sufficient depth 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 remaining soft landscaped area to the front of the structures should in general be in excess of half of the total area of the front garden, exclusive of car parking area, footpaths and hard surfacing

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 metres and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates should not swing outwards so as to cause an obstruction on the public footpath

Guidance document 'Parking Cars in Front Gardens':

'The basic dimension to accommodate the footprint of a car within a front garden areas is 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 provide safe access and egress from the proposed car parking space, for example near a busy roads or a junction with restricted visibility'.

The leaflet states 'Narrow widths are generally desirable and maximum widths will generally only be acceptable where exceptional site conditions exist'....and continues,

'Generally the vehicular opening shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates'.

The Summary Principles of the 'Parking Cars In Front Gardens' leaflet states

- a.) The front garden shall still give the impression of being a front garden.
- b.) New work to the front boundary should be sympathetic to that existing and to the street
- c.) Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.

5.2. Natural Heritage Designations

The site is not located within or adjacent to any designated European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (0040240), approx. 800m to the south east and separated from the subject site.

5.3. EIA Screening

The proposed development is not of a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal is summarised as follows:

- Parking on street outside the house is 90% of the time impossible and visitors refrain from calling for same reason.
- Neighbours on either side have amended their driveways.
- The applicant wishes to purchase an electric car and be able to charge the car from her home.
- The applicant will keep driveway entrance to limits set by Board and will include soft landscaping.
- From the inside of the boundary fence to front wall of the house is 4.8m and not 4.1m as indicated on the drawings. The depth of railing upstand is 200mm, however when removed for the entrance, the total depth of driveway would be 5m.

The agent for the applicant submitted the above comments and the applicant added the following comments:

- The entire front boundary is not proposed to be removed. A section of railing either side of the entrance is to be retained.
- The applicant would be happy to change the entrance width to 3.6m.
- Precedent exists in the area – notes planning permissions 1206/18, 1471/17, 1387/17 and 3456/18.

- The applicant will plant areas on each side of the front garden.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. The main issue of the appeal relates to visual amenity and the conservation impact of the proposed parking arrangement.
- 7.2. The wider area of Marino has seen a number of front gardens amended to incorporate one parking space, with some more sensitively undertaken than others and I note not all have been undertaken with permission. In relation to the properties around the southern half of the green at St. Aidan's Park, a number have amended their front garden boundaries to accommodate parking. Some of the changes have been sensitively undertaken, with the original railings retained/pedestrian gates retained. Around the northern half of the green, where the appeal site is located, a lesser number of mid-terrace properties have converted their front gardens. The two adjoining mid-terrace dwellings north of the appeal site, have amended their front gardens, however I note they have removed their entire front boundaries, which is visually insensitive and unsympathetic to the historic character of this conservation area. I note no. 4 St. Aidan's Park was refused retention for the works undertaken.
- 7.3. Having regard to the report of the transportation department, which does not object to the proposed development, in addition to the pattern of development in the area, I have no objection to the provision of an off-street parking space at this location, provided the design is modified to be more sympathetic to the historic boundary treatment/front garden layout and in keeping with the provisions of the development

plan in relation to Z2 conservation areas. To this end, I am of the view that should the Board be minded to grant permission, a condition should be attached to reduce the width of the vehicular entrance to 2.6m and to retaining the existing pedestrian entrance, with additional landscaping required.

8.0 Recommendation

8.1. I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and to the limited nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or detract from the amenities of this conservation area or of property in the vicinity. 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 and completed in accordance with the plans and particulars 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:

<p>(a) The vehicle entrance shall be 2.6 metres in width only. The existing pedestrian entrance shall be retained and the remainder of the front railings shall be permanently retained.</p> <p>(b) An area of hard surfacing for parking shall be provided no wider than 3 x 5 metres with the remainder of the front garden being permanently retained in soft landscaping/planting.</p> <p>(c) There shall be no outward or inward opening gates.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the existing amenities of this important residential conservation area and to comply with the requirements of Section 16.10.18 of the Dublin City Development Plan 2016-2022.</p>

Una O'Neill
Senior Planning Inspector

16th March 2020