



An
Bord
Pleanála

Inspector's Report

ABP-306774-20

Development	Dishing of public footpath, verge and kerb. Retention of widening of vehicular entrance and all associated site works.
Location	44, Bancroft Park, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD19B/0480
Applicant	Rachel Daniel.
Type of Application	Permission and Retention.
Planning Authority Decision	Grant Permission and Retention.
Type of Appeal	Third Party V. Grant.
Appellant(s)	Bancroft Residents Association.
Observer(s)	None.
Date of Site Inspection	3 rd June 2020.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. Bancroft Park is a suburban area to the west of Dublin City, and north of Tallaght town centre.
- 1.2. No. 44 is a two storey semi-detached house located midway along a row of houses of similar scale and design within Bancroft Park. The area is characterised by houses with generous front gardens and driveways. Front garden boundaries are defined by low walls and planting with gated entrances and pillars. Many have widened vehicular entrances and extended driveways.
- 1.3. The existing vehicular entrance to the appeal site is along the southern front boundary from Bancroft Park, which includes footpaths, grass verges and mature trees on both sides.
- 1.4. The site has a stated area of 0.0361ha.

2.0 Proposed Development

- 2.1. Retention permission is sought for widening of vehicular entrance to 5.67m and all associated site works.
- 2.2. Permission is also sought for the dishing of a public footpath, verge and kerb to be in line with the widened vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

The decision to **grant** permission and retention permission is subject to 2no. conditions including;

Condition no.1: Development to retained and completed within 12 months.

Condition no.2: Entrance width, relocation of entrance pillar, boundary wall and entrance pillar height, requirements.

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 18th February 2020)

Basis for planning authority decision. Include:

- This type of development may be acceptable in principle subject to accordance with relevant issues.
- Notes Roads Department recommendation to reduce the width of the existing driveway to 4.2m but considers a 3.5m wide driveway more appropriate and can be conditioned.
- The eastern most pillar to be moved by 2.1m to the west and be no more than 3.5m from the existing western pillar.
- Notes Roads Department recommendation for widening and dishing of the kerb to 4.2m but PA are satisfied that that the current dished curb which measures 4m in width, is adequate for a 3.5m width driveway, and will also facilitate on-street parking.
- Works to the public footpath and kerb is done by way of a Road Opening License and note to this effect to be attached.
- Notes Parks Department recommendation to refuse permission but that concerns in relation to the impact of the dishing of the public footpath on the root zone of an existing street tree would be addressed through the licensing process.
- Recommends that permission and retention permission be granted.

3.2.2. Other Technical Reports

Roads Department: Recommend no objection subject to conditions.

Water Services: Verbal report received no comments.

Parks and Landscape Services/Public Realm: Recommend refusal.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A submission was lodged by the appellants in the current appeal raising similar issues to those raised in the grounds of appeal see Section 6 below.

4.0 **Planning History**

No relevant history identified.

Enforcement

PA Ref.S7625: File opened for widening of driveway and provision of a hard surface to the full extent of the front garden of the property, without the benefit of planning permission.

5.0 **Policy Context**

5.1. **South Dublin Development Plan 2016**

Zoning – RES ‘To protect and/or improve residential amenity’.

Policy H18 – ‘to support the extension of existing dwellings subject to the protection of residential and visual amenities’.

H18 Objective 1 – ‘to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guides 2010’.

5.2. **Natural Heritage Designations**

There are no designated areas in the vicinity.

5.3. EIA Screening

Having regard to the minor nature and scale of the proposed development and development to be retained, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party appeal was lodged by Bancroft Residents Association on behalf of Teresa McCann no. 43 Bancroft Park. It includes photographs of the appeal site. The grounds can be summarised as follows;

- Notes previous objections by the appellant and other residents over a number of years from the time the boundary wall was removed.
- Wish to keep the original features of Bancroft Estate as it is a condition of the original leases for the houses.
- Changes made to the dishing, verge and kerb would have an overlooking effect, specifically on 43, Bancroft Park.
- Proposed further dishing of the public footpath, verge and kerb may raise additional pedestrian traffic hazards and affect public health.

6.2. Applicant Response

The applicant responded to the appeal as follows:

- Notes permission granted under SD17B/0290 at 29 Bancroft Avenue which included dishing of the public footpath, verge and kerb which was acceptable to the PA and no objections were received from the Bancroft Residence Association.

6.3. **Planning Authority Response**

The planning authority confirmed its decision and considered the issues raised by the appellant have been considered in the Planner's Report.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Traffic safety
- Residential Amenity and Visual Impact
- Other Matters
- Appropriate Assessment

7.2. **Traffic Safety**

7.2.1. As noted the appellant has raised concerns in relation to traffic safety and contends that further dishing of the public footpath, verge and kerb may raise additional pedestrian traffic hazards.

7.2.2. The existing driveway is located along a straight section of road within the residential estate. It would appear that the driveway was altered from the original, and this was notified to the enforcement section of the planning authority.

7.2.3. It is now proposed to retain the widened driveway which is indicated on plans submitted as 5.67m wide, and seek permission to extend the existing dished kerb, with the removal of a section of grass verge and roadside kerb so as to line up with the widened entrance.

7.2.4. I note the recommendation and requirements of the Roads Department of the PA to reduce the width of the entrance to 4.2m and subsequent assessment and modified

conditions of the notification of a grant of permission requiring a reduction in the width of the entrance to 3.5m.

- 7.2.5. I concur with the PA that a vehicular entrance width of 5.67m in a residential area is excessive. I would also note from my site inspection the width of the front gardens along Bancroft Park, and the number of properties which have widened vehicular entrances.
- 7.2.6. From my site inspection I can also confirm that there are no trees or planting along the front boundary of the site such that would restrict visibility. I note also the boundary wall either side of the driveway is approx. 1m in height, and there are good sightlines in both directions for cars entering and exiting the existing driveway.
- 7.2.7. There are trees located along the grass verge of Bancroft Park typically Mountain Ash which are generally slender in shape, and in my opinion these do not restrict visibility on approach to the site.
- 7.2.8. In terms of traffic volumes, and pedestrian safety for children going to school, I note that there are traffic calming ramps already in place along Bancroft Park as confirmed from my site inspection. I would also note that there are footpaths on both sides of Bancroft Park.
- 7.2.9. I note the location of the site in a long established residential area, characterised by houses with front driveways with gated access to the road. I am satisfied that the access arrangements are acceptable in a suburban area and will not give rise to a traffic hazard.
- 7.2.10. I do not consider that there is any basis to the appellants' submission that the proposal would give rise to a traffic hazard.
- 7.2.11. I consider, therefore, that the appeal should not be upheld in relation to the issue of traffic safety.

7.3. Residential Amenity and Visual Impact

- 7.3.1. This refers to the impact of the proposed development in terms of overlooking of the appellants property no. 43 Bancroft Park located opposite the appeal site.

- 7.3.2. I do not consider given the nature of the proposed development it will result in overlooking of adjacent properties, and also note that no third party submissions were lodged by the owners of adjacent properties in this regard.
- 7.3.3. The appellants assert that the original features of Bancroft Estate were to be maintained as part of the original leases for the houses. I note however that no specific details or supporting documentation has been provided in support of this assertion.
- 7.3.4. I do not consider that the proposed development subject to modification as already outlined above will materially detract from the visual amenity of the area. I have formed this view in the context of the variety and number of widened entrances and driveway finishes in the immediate vicinity. I also note that the entrance pillars have been capped and painted along with the existing boundary wall.
- 7.3.5. I accept that the entrance driveway is excessively wide, but that subject to it being reduced in width to 4.2m as per the recommendation of the Roads Department by condition is acceptable.
- 7.3.6. I am satisfied, therefore, that the proposed development will not seriously injure the residential or visual amenities of the area.

7.4. Other Matters

- 7.4.1. *Impact on Street Tree* – The Parks and Landscape Services/Public Realm section of the PA expressed concern in relation to the impact of the proposed works to the public footpath which would impact on the root zone of an existing Mountain Ash.
- 7.4.2. This tree is located within the grass verge, and I can confirm from my site inspection the location of an ESB pole next to the tree. I can also confirm that a large section of the upper branches of the tree have already been cut back to accommodate overhead wires, as have a number of other variety of trees along the northern side of Bancroft Park.
- 7.4.3. I am satisfied subject to the reduction in the width of the vehicular entrance to be retained and subsequent reduction in associated works to the grass verge as discussed above will limit the impact on the subject tree.

- 7.4.4. *Public Health* – The appellant has raised concern in relation to public health, and I can see no basis for this given the nature of the development.
- 7.4.5. *Precedent* – I note the reference by the applicant in relation to another entrance driveway approved under PA Reg.Ref.SD17B/0290 at 29 Bancroft Avenue, for which no objections were submitted to the PA. The vehicular entrance subject of retention was 4.3m wide, however condition no. 1(b) required the entrance to be no wider than 3.5m.
- 7.4.6. In relation to the matter of precedent, I would note that each application is assessed on its own merits, having regard to the relevant planning considerations and site context. I am satisfied that the proposed works and those to be retained in this instance do not set an undesirable precedent.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and development to be retained, to the nature of the receiving environment, namely an in an established urban area, 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.

8.0 **Recommendation**

- 8.1. I recommend that permission and retention permission be **granted** subject to conditions for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands, the scale, layout and design of the proposed development to be retained, it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the

vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development to be retained and proposed 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 and carried out within 12 months of the decision.

(a) The vehicular entrance shall be reduced in width to 4.2m.

(b) The eastern most pillar to be moved by 1.5m to the west and be no more than 4.2m from the existing western pillar.

Revised plans, which incorporate these amendments shall be submitted to the planning authority for written agreement before the development commences.

Reason: In the interest of protecting the residential amenity of adjacent properties.

Susan McHugh

Senior Planning Inspector

4th June 2020