



An
Bord
Pleanála

Inspector's Report

ABP-307315-20

Development	2.5m wide entrance in side wall of rear garden adjacent to existing boat shed with access from Knocklyon Road for access to proposed trailer storage area only.
Location	22, Woodstock Park, Knocklyon Road, Rathfarnham, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0040
Applicant(s)	Trevor Byrne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Trevor Byrne
Observer(s)	none
Date of Site Inspection	31 st August, 2020.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in the residential area of Knocklyon in west Dublin, a short distance to the east of the Knocklyon Shopping Centre and St Colmcilles National School.
- 1.2. The site is located within an estate of two storey semi detached houses and comprises a corner site at the junction of Woodstock Park (a cul de sac) and the Knocklyon Road which runs to the south east of the site and adjoins the gable of the house at No.22 and the wall of the rear garden . The Knocklyon Road in this location comprises a busy distributor road through the area and is characterised by a bus route, including a bus stop immediately to the south west of the site, and a significant level of traffic. There is a continuous white line on the Knocklyon Road in the immediate vicinity of the site.
- 1.3. The site is occupied by a two storey semi detached house which has been extended to the rear. A single storey shed structure has been constructed at the end of the rear garden and this is stated to be used for boat storage. This shed has an existing roller garage door access onto Knocklyon Road, and there is also a pedestrian access to the back garden of No.22. From figures contained in the application for the extension of the house (Ref. SD04B/0076) the floor area of the house is c.136 sq. metres and the area of the shed c.39 sq. metres.
- 1.4. The stated area of the site is 0.03 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the creation of a new 2.5 metre wide entrance in the side wall of the rear garden of the house on the appeal site and the creation of an access that would be used for access by trailers to a storage area within the site. This storage area would be located to the east of the existing boat shed building that is located at the south western end of the site.
- 2.2. The proposed new entrance would serve a new hard standing area that is indicated as being c. 5 metres in length and 2.5 metres in width. This area is proposed to be constructed of permeable material.

- 2.3. Access to the proposed new entrance would cross the existing footpath and verge area, and it is proposed that the footpath would be dished in this location to facilitate access.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a Notification of decision to refuse Permission for one reason that can be summarised as follows:

The proposed development, by virtue of the absence of provision for turning within the site, the compromised visibility at the access point and the character of the busy distributor road onto which access is proposed which is a bus route, would cause a significant traffic hazard for pedestrians and road users, such that it would endanger public safety by reason of a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the fact that no submissions were received and also the content of the internal reports, particularly those of the Parks and Traffic sections. The proposal is considered to be acceptable in terms of visual amenity and amenity of the occupants of the house on the site, however issues regarding visibility and traffic safety are noted. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Roads – Refusal of permission recommended on the basis of lack of provision for turning within the site and also the visibility issues at the access.

Parks – Refusal of permission recommended on the basis of undesirable precedent for the creation of additional vehicular accesses and negative impact on landscaped strip.

Water Services – No objection subject to compliance with Irish water standards for foul and surface water drainage.

3.3. **Prescribed Bodies**

Irish Water – The report of the Planning Officer on file records that a response received from Irish Water states no objections. This submission is not on the appeal file, however it is not considered necessary for the assessment of this case.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

The following is referenced in the report of the Planning Officer:

South Dublin Co. Co. Ref. SD04B/0076 – Permission granted for the construction of a two storey rear and side extension to No.22 Woodstock Park and for the construction of a shed at the rear of the site for the storage of boats with vehicular access from Knocklyon Road.

5.0 **Policy Context**

5.1. **Development Plan**

The appeal site is located on lands that are zoned Objective RES under the provisions of the South Dublin County Development Plan, 2016-2022, with a stated objective '*to protect and / or improve residential amenity*'.

5.2. **Natural Heritage Designations**

The site is not located in or close to any European site. The closest such site to the appeal site is the Glennasmole Valley SAC which is located c.5km to the south west at the closest point.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal:

- That the applicant was clear that the proposed access was to provide access for trailer storage only and that there is not a proposal for the access to be used for the access and egress of vehicles.
- That the cover letter with the application clarified that the access was for trailer storage of a trailer used in connection with the business undertaken by the applicant. The trailer is not required for everyday use and will not therefore be frequently used.
- The applicant is happy to accept a condition similar to Condition No.6 attached to Ref. SD04B/0076 which restricts use. Such a condition could state that the access shall not be used by or for the storage of road vehicles and should not be used daily.
- Submitted that the decision of the Planning Authority / Roads Department is flawed and based on inaccurate information regarding the nature and purpose of the proposed development.

6.2. Planning Authority Response

The response received from the planning authority states that it confirms its decision and that the issues raised in the appeal have been covered in the report of the Planning Officer.

7.0 Assessment

7.1. The following are considered to be the most significant issues in the assessment of this appeal:

- Principle of Development / Zoning,
- Design. Landscape Issues and Visual Amenity
- Traffic Safety,
- Other Issues,
- Appropriate Assessment

7.2. Principle of Development / Zoning,

- 7.2.1. The appeal site is located on lands that are zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022* with a stated objective '*to protect and / or improve residential amenity*'. A vehicular entrance is not specifically identified as a use in Table 11.2 of the development plan (zoning matrix), however it is considered that the proposed use is ancillary to the residential use of the site and that the form of development proposed is therefore permitted in principle subject to compliance with other relevant development plan policies and objectives and with the proper planning and sustainable development of the area.
- 7.2.2. It is noted that the first party appellant makes reference to the fact that the trailer storage area and access that forms part of the subject application is for the access of a trailer that is used in connection with the applicants business. It is also noted that the first party contends that the nature of the application was misunderstood by the Planning Authority in making its assessment and that the applicant has no objection to a condition similar to Condition No.6 as attached to Ref. SD04B/0076 being attached to any grant of permission. This condition required inter alia that the shed be used solely for purposes incidental to the enjoyment of the dwelling and not for the storage of road vehicles or the carrying out of any trade or business. It is not therefore completely clear from the information presented whether the boat / trailer storage activity on site is or isn't commercial in nature.

- 7.2.3. The first party highlights that the access to the shed was permitted by the council with no concerns raised regarding traffic safety issues. This is noted, however this decision was made by the council in 2004 and related to a different development and set of planning circumstances. The current case has to be assessed on its individual merits which include the fact that the proposed access would be a second such opening on the same site.

7.3. Design, Landscape Issues and Visual Amenity

- 7.3.1. The report of the Parks and Landscape Services section of the council raises concerns regarding the visual impact of the proposed second entrance to the site and also the impact on biodiversity arising from the loss of the grass verge necessary to accommodate the new access. In terms of biodiversity, I agree with the assessment of the Planning Officer that the extent of grass verge that would be lost in this location is very limited and not such that any significant negative impacts on biodiversity would arise. Similarly, I do not consider that the extent of verge impacted would have any impact on surface water drainage or the ability to accommodate street trees.
- 7.3.2. The visual impact of the proposed development is in my opinion limited given the design and scale of the proposed new opening and the location of the location fronting onto a main distributor road (Knocklyon Road) at a location where there is currently a blank side elevation.
- 7.3.3. With regard to residential amenity, the proposed layout indicates that with the hard standing area in place a residual open space area in excess of 60 sq. metres would be retained on the site. This is considered to be adequate to provide a satisfactory level of private amenity space to serve the extended dwelling on site.

7.4. Traffic Safety and Site Access

- 7.4.1. The basis of the refusal of permission issued by the Planning Authority relates to the impact of the proposed new entrance on traffic and pedestrian safety. In particular, the reason for refusal makes reference to the absence of vehicle turning facilities within the site, the restricted visibility due to the existing site boundary and the busy

nature of the Knocklyon Road. In response, the first party appeal highlights the fact that the entrance is proposed to be used for trailer storage only and that it is not proposed that the access would be used for the access and egress of vehicles. It is further stated that the trailer is not required for everyday use and will not therefore be frequently used and that the applicant is happy to accept a condition similar to Condition No.6 attached to Ref. SD04B/0076 which restricts use and requiring that the access shall not be used by or for the storage of road vehicles and should not be used daily. The first party appeal also contends that the decision of the Planning Authority / Roads Department is flawed as it was based on inaccurate information regarding the nature and purpose of the proposed development.

- 7.4.2. My reading of the covering letter submitted with the application (dated 14th February, 2020) is that it is not very clear that it was the intention that the proposed new access would not be used for vehicular access. I note the statement of the first party that it is not intended that the access would be frequently used and that its use could be the subject of condition to restrict its use for the storage of vehicles, however given the nature of the proposed access I would question how enforceable such a condition would be. On this issue it is also noted that Condition No.6 attached to Ref. SD04B/0076 referenced by the appellant relates to the use of the shed being for purposes incidental to the enjoyment of the dwelling house and not for any commercial purpose.
- 7.4.3. The site is located at a position where there are adequate sight lines in both directions. It is however noted that there is a continuous white line at the location of the proposed access and it is not clear how access for a trailer could be provided without crossing this line. I also note the fact that there is a bus stop located immediately to the south west of the site and the accessing of the site by trailers via the proposed new entrance would in my opinion lead to potential conflicts with this bus stop and the bus movements in this location.
- 7.4.4. I note the relatively heavy traffic volumes on the Knocklyon Road and the fact that there is no provision for vehicles to turn within the site. Even in the event that the use of the proposed new entrance was restricted to trailer storage with no access by vehicles as indicated in the first party appeal, it is unclear how this would be achieved. The first party appeal submission indicates that there would not be any vehicular access, however it is unclear if a vehicle would be used to tow / reverse the

trailer into the site or whether it is proposed that the trailer would be manually pushed into and out of the site. In either case, while the risk to pedestrian safety may be reduced, the use of the entrance would involve vehicle turning movements on the Knocklyon Road and / or the parking of vehicles on the road that would in my opinion lead to the creation of a traffic hazard in this location. Therefore, on the basis of the information available including an inspection of the site of the proposed access, I would agree with the assessment of the Roads and Traffic section of the council that the use of the entrance for vehicles and particularly connected with the towing of trailers would constitute a traffic hazard at this location.

- 7.4.5. Finally on the issue of traffic safety and site access, the information on file, including the first party appeal submission, does not address the necessity for two entrances, one for the shed and a second for the proposed hard standing area. While it may not result in an overall reduction in traffic movement to and from the site, there may be an option of access to the shed via the garden and the proposed new access with the existing shed access being closed.

7.5. Other Issues,

- 7.5.1. The proposed trailer storage area is indicated as being constructed of permeable material and it is noted that the Water Services Department of the Council do not have any objection subject to conditions. In the event of a grant of permission it is recommended that a condition requiring permeable paving in the standing area be attached with details to be agreed with the Planning Authority.
- 7.5.2. I note that the report received from Irish Water is not on file, however no issues of foul drainage or water supply arise in this case and the report of Irish water is not considered necessary for the assessment of the appeal. .

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the distributor road function and high traffic volumes on the receiving road (Knocklyon Road) and the restricted width of this road, to the proximity of the site to an existing bus stop and to restrictions on visibility due to site boundaries and surrounding structures, it is considered that the proposed development would lead to vehicle movements that would result in a significant hazard for pedestrians and road users at this location. The proposed development would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

1st September, 2020