



An
Bord
Pleanála

Inspector's Report ABP307646-20

| | |
|-------------------------------------|---|
| Development | Proposed Alteration to front garden including widening of vehicular entrance. |
| Location | 83 St. Assams Avenue, Raheny, Dublin 5. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 2444/20. |
| Applicant | Joseph Donohue. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | First Party -v- Condition No. 3. |
| Appellant | Joseph Donohue. |
| Observers | None. |
| Date of Site Inspection | 24 th August, 2020. |
| Inspector | Paul Caprani. |

Contents

| | |
|---|---|
| 1.0 Introduction | 3 |
| 2.0 Site Location and Description | 3 |
| 3.0 Proposed Development | 3 |
| 4.0 Planning Authority Decision | 3 |
| 5.0 Planning History..... | 5 |
| 6.0 Appeal Responses..... | 5 |
| 7.0 Observations..... | 5 |
| 8.0 Development Plan Provision..... | 6 |
| 9.0 EIAR Screening Determination | 6 |
| 10.0 Planning Assessment..... | 6 |
| 11.0 Decision | 8 |
| 12.0 Reasons and Considerations | 9 |

1.0 Introduction

ABP307646-20 relates to a first party appeal against Condition No. 3 of Dublin City Council's decision to grant planning permission to permit alterations for a front garden and to widen the vehicular entrance serving the house. Condition No. 3(a) requires the driveway entrance shall have a width not exceeding 3 metres. The grounds of appeal argue that a width of 3.45 metres is necessary to enable the safe entry and exit to and from the site.

2.0 Site Location and Description

2.1. St. Assams Avenue is an exclusively suburban residential road in the suburb of Raheny approximately 7 kilometres north-east of Dublin City Centre. The houses along St. Assam Road comprise of semi-detached two-storey dwellings dating from the mid-20th century. No. 83 is located on the southside of the road. It is located on the western side of a pair of semi-detached dwellinghouses with a single-storey side garage. The appeal site is located approximately 50 metres from the junction of St. Assams Park and St. Assams Avenue. A mini-roundabout is located at this junction.

3.0 Proposed Development

3.1. Planning permission is sought for proposed alterations to the front garden of the dwelling. The works involve the widening of the existing vehicular entrance with a gate post to be reinstated and the vehicular entrance is to be widened from an existing 2.45 metres to 3.45 metres.

4.0 Planning Authority Decision

4.1. Dublin City Council issued notification to grant planning permission for the proposed development incorporating Condition No. 3 which requires, inter alia, that the proposed development shall comply with the following:

- (a) *The driveway entrance shall not exceed 3 metres in width and shall not have outward opening gates.*

- (b) *The footpath and kerb to be dished and a new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.*
- (c) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.*
- (d) *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

Reason: *In the interest of clarifying the scope of the permission, visual and residential amenity and in the interest of public safety.*

4.2. Internal Reports

- 4.2.1. A report from the Transportation Planning Division notes that a number of properties along St. Assams Avenue have increased the width of the vehicular entrances with some properties exceeding the permitted vehicular widths and removing a large proportion of the front boundaries resulting in a loss of public on-street parking provision. The development plan states that vehicular entrances shall be at least 2.5 metres or at most 3.6 metres in width. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist as per Dublin City Council's Guidance Document "Parking Cars in Front Gardens". On this basis the proposed width of 3.45 metres is considered excessive at this location having regard to the residential nature and scale of the property, the site location and the need to protect the residential amenity and streetscape character. Having regard to the fact that on-street parking to the front of the property is prohibited, an entrance exceeding the minimum width outlined in the development plan is considered reasonable and will not adversely impact upon the provision of on-street parking. On this basis the Transport Planning Division recommends a width of the vehicular entrance to be a maximum of 3 metres.
- 4.2.2. The planning report notes that the width of the vehicular entrance on the neighbouring house is 3.3 metres in width. However, there is no record of planning permission for the provision of such a vehicular entrance on the neighbouring site.
- 4.2.3. It appears that on the basis of the Transportation Planning Division comments that Condition 3(a) was incorporated into Dublin City Council's grant of planning permission.

5.0 Planning History

5.1. No planning files are attached. The planner's report notes that a number of invalid applications were made on the subject site. However, there is no relevant recent permission for a similar development on neighbouring sites.

6.0 Grounds of Appeal

6.1. The applicant appealed Condition 3(a) of Dublin City Council's notification to grant planning permission on the following basis.

- It is stated that the required vehicle swing when approaching the entrance from the north-east is impossible in the case of a 3 metre wide entrance. The applicant therefore has to drive to the nearest roundabout negotiating traffic in four directions as well as pedestrians to turn and approach the site from the north-west. This has significant impacts in terms of safety.
- Double yellow lines outside the applicant's property prohibit him from parking on the roadside and it is not appropriate to park on the path/grass verge as this would pose obstacles to pedestrians with prams/elderly residents and sight impaired pedestrians etc.
- An entrance width of 3 metres does not permit sufficient space for the vehicles to be parked on site which allows safe access. As a result, the applicant has to park the vehicle a considerable distance from the property which again has safety implications for the applicant's young children as they have to walk to the house. The safety implications from walking young kids to and from a car park away from the house particularly during winter months in poor light also gives rise to safety concerns.

7.0 Appeal Responses

Dublin City Council has not submitted a response to the grounds of appeal.

8.0 Observations

No observations were submitted.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the Z1 zoning objective to protect, provide and improve residential amenities.
- 9.2. Dublin City Council also have specific policy guidelines in relation to parking cars in front gardens. It notes that poorly designed parking in front gardens can detract from the visual character of the street through the excessive removal of front boundary walls or railings and surfacing the entire front garden. In terms of vehicular openings, it is noted that the vehicular opening proposed shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional conditions exist.
- 9.3. In the case of low walls (such as the subject site) the guidelines note that there are usually two gate piers one of which can be moved back to provide for the extra entrance width with any hedge or shrub trimmed accordingly. In the case of brick or plaster concrete walls, the existing gates piers should be duplicated and a replacement of plaster or brickwork should match existing.

10.0 EIAR Screening Determination

The proposal is not a class of development for which an EIAR is required.

11.0 Planning Assessment

- 11.1. I have read the entire contents of the file and visited the subject site and its surroundings. I consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal namely the appropriate width of the entrance in order to cater for off-street car parking.
- 11.2. The grounds of appeal argue that the reduction in the size of the entrance from 3.45 metres to 3 metres will give rise to problems for vehicles manoeuvring through the entrance and will require either the vehicle to move out onto the contraflow lane in order to get the required sweep path to negotiate the entrance, will require that vehicle to drive past the entrance, turn at the mini-roundabout in order to negotiate

the entrance or will require the applicant to park outside the site which will in turn have road safety implications travelling to and from the dwelling as the applicant has young children.

- 11.3. I have visited the subject site and its surroundings and have noted that off-street parking is available for all dwellings along this section of St. Assams Road. Many dwellings retain the original 2.4 metre wide entrances while other dwellings in the vicinity have extended the width of the entrance, mainly to c.3 metres in width. I note that the adjoining house to the immediate east is currently being renovated and presently the entrance serving this dwelling is approximately 3.5 metres in width. I also note however that the Planning Authority's report states that there is no record of any planning history associated with the widening of this entrance.
- 11.4. It is apparent from the Dublin City Council leaflet entitled Parking Cars in Front Gardens that the vehicular opening shall be between 2.5 and 3.6 metres in width. The applicant's request for a 3.45 metre width is within the stipulated parameters. It is also noted that narrower widths are generally more desirable than maximum widths. The Board will also be aware that in general many car models are becoming bigger and wider and it is not unusual that the newer car models would be in excess of 2 metres in width (including wing mirrors). This does make the manoeuvrability of cars into more confined vehicular openings more problematic. It can also result in cars having to swing onto the contraflow lane in order to obtain a sufficient angle in order to enter a vehicular opening. While the above leaflet notes that narrower widths are generally more desirable, any restriction in width should not be at the expense of compromising road safety.
- 11.5. The rationale behind reducing the widths to 3 metres is not altogether clear from the Transportation Planning Division report. The report notes that some of the properties along St. Assams Avenue have increased the width of the vehicular entrances with some of the houses removing a large portion of the front boundaries which would result in the loss of public on-street parking provision. While I fully accept that excessively wide driveways can reduce the potential for on-street public parking St. Assams Road in the vicinity of the subject site incorporates double yellow lines on both sides of the road and therefore public on-street parking is prohibited. The extension of the gateway in question therefore would not in anyway compromise the provision of on-street car parking.

- 11.6. It is clear from the drawings submitted with the application that the applicant intends to provide two car parking spaces within the curtilage of the site. There can be little doubt that a wider entrance would facilitate easier manoeuvrability of vehicles on and off site and would obviate the need for parking on the public footpath as indicated in Photo No. 2 attached to this report. Parking on the public footpath as pointed out in the grounds of appeal, can also give rise to road safety problems particularly for visually impaired people, young cyclists and pedestrians with prams/buggies etc.
- 11.7. It would therefore appear reasonable in my view to conclude that a wider vehicular access at this location may assist in improving road safety in and around the subject site where vehicles would not have to pass onto contraflow lanes in the vicinity of junctions in order to gain access and would also reduce the potential for haphazard on-street parking such as parking on the footpath etc.
- 11.8. It is also my considered opinion that there is little to be gained in urban design/amenity terms from reducing the vehicular entrance from 3.45 metres to 3 metres.
- 11.9. The dwelling in question is not a protected structure nor is it located in a Residential Conservation Area. The boundary wall which is to be altered to accommodate the increase in width appears to be of no architectural or amenity value. On this basis I do not consider that the increase in width of the vehicular entrance by 0.45 metres will in any way impact on the visual or residential amenities as suggested in the reason for Condition No. 3. I would also argue that the restriction of the width of the entrance, for reasons set out above may exacerbate public safety by reason of a traffic hazard as opposed to improving public safety as suggested in the reason for Condition No. 3.
- 11.10. On the basis of the assessment above therefore I would recommend that the condition in question be altered and that the Board permit an increase in width of the vehicular entrance from 3.0 metres to 3.45 metres.

12.0 Decision

Having regard to the nature of the condition which is the subject of the appeal, the Board is satisfied that the determination of the application as if it had been made in the first instance would not be warranted and that the case be treated under the

provisions of Section 139 of the Planning and Development Act 2000. Furthermore, based on the reasons and considerations set out below the Board directs that Dublin City Council alter Condition No. 3 as follows:

3. The proposed development shall comply with the following:
 - (a) The driveway entrance shall not exceed 3.45 metres in width and shall not have outward opening gates.
 - (b) The footpath and kerbs to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.
 - (c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
 - (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of clarifying the scope of the permission and in the interests of road safety.

13.0 Reasons and Considerations

It is considered that the development as proposed in accordance with the plans and particulars lodged with the planning authority would be more acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector

5th October, 2020.