



An  
Bord  
Pleanála

## Inspector's Report 307907-20

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<b>Development</b>	Retention of existing vehicular entrance, alterations to front boundary & all associated site works
<b>Location</b>	89 Drumcondra Road Upper, Drumcondra, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1235/20
<b>Applicant(s)</b>	David McGuinness
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	David & Jessica McGuinness
<b>Observer(s)</b>	Peter McDonnell
<b>Date of Site Inspection</b>	9 <sup>th</sup> October 2020
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 495 m<sup>2</sup> and is located at No. 89 Drumcondra Road Upper, Drumcondra, Dublin 9. The site is located on the western side of Drumcondra Road Upper, approximately 63 m to the south-west of the junction with Griffith Avenue. Drumcondra Road Upper is a 5-lane carriageway to the front of the site and is a main thoroughfare to/from the north city centre.
- 1.2. The existing property on site is a 2-storey, mid-terrace dwelling with a gravelled driveway to the front, which facilitates off-street, car parking. The vehicular entrance extends across the full width of the site and is demarcated by 2 no. gate piers at the site boundaries.
- 1.3. The footpath to the front of the site is subdivided to facilitate pedestrians and cyclists. A mature tree is located in the grass margin at the outer edge of the footpath to the front of the site, with the footpath beyond being dished to facilitate vehicular access.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the retention of the widening of the existing vehicular entrance onto Drumcondra Road Upper, alterations to the existing front boundary and all associated site works necessary to facilitate the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Refuse Retention Permission for 1 no. reason issued on 17<sup>th</sup> July 2020 on the basis that the development would not comply with the standards set out in Appendix 5 of the development plan and the guidance leaflet on Parking Cars in Front Gardens. The removal of the majority of the front boundary and the hard landscaping of the majority of the front garden was considered to fall short of the required standard for visual amenity in this residential area, would seriously injure the amenities of property in the vicinity and would set an undesirable precedent.

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority's decision.

### 3.2.3. **Other Technical Reports**

3.2.4. **Transportation Planning Division:** Recommended that planning permission be refused on the basis that the entrance exceeds the maximum permissible width under the development plan.

3.2.5. Conditions are recommended in the event planning permission is granted.

3.2.6. **Engineering Department Drainage Division:** No objection subject to conditions.

## 3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

## 3.5. **Third Party Observations**

3.5.1. One third party observation was made on the application from Peter McDonnell, No. 5 Griffith Downs, Drumcondra, Dublin 9 on behalf of the All Hallows Area [Residents] Association.

3.5.2. The points which are raised can be summarised as follows: (1) the development is inconsistent with the character of neighbouring structures, which have elevated front gardens and which are a unique feature of the properties on either side of the road; (2) unauthorised works at neighbouring property No. 87 Drumcondra Road Upper (Planning Reg. Ref. 2933/18 refers) has set an inappropriate precedent at this location and will have a negative impact on the visual amenity of the street; (3) busy route with heavy traffic, cycle lane, narrow grass margin with mature trees and a planned QBC, all of which compete for space at this location and impede easy access to these dwellings.

## 4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 969/86:** Planning permission granted for concrete driveway and retention of 4 ft. high front garden boundary wall.

4.2. The details of this application are not available on the Planning Authority's website.

## **5.0 Policy and Context**

### **5.1. Dublin City Development Plan 2016-2022**

### **5.2. Land Use Zoning**

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

### **5.3. Boundary Walls and Railings**

- 5.3.1. Dublin City Council will seek to ensure that development will not result in the loss or insensitive alteration of characteristic boundary walls or railings. New boundary walls or railings should: (1) Replicate an existing or traditional pattern which is characteristic of the immediate locality; (2) Use a design and materials appropriate to the existing or proposed building and street-scene.

### **5.4. Road and Footpath Standards for Residential Development (Appendix 5)**

- 5.4.1. Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates.

### **5.5. Natural Heritage Designations**

- 5.5.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first-party appeal has been lodged in this instance, which can be summarised as follows:

- Due to the restricted depth of the front garden, it is not possible to park 2 cars using the development plan standards for driveway openings;
- There is no on-street parking outside the property;
- The applicants have a need for 2 no. cars for work/family purposes;
- The front boundaries to Nos. 85 – 95 Drumcondra Road Upper vary in style and appearance and lack any distinctive architectural detail or merit;

- In the event the Board does not grant permission for the development as sought, it is requested that consideration be given to granting a driveway of 3.9 m in width, which is the required minimum to park 2 cars.

6.1.2. Swept path analysis and sightline drawings are included with the appeal submission in support of a minimum driveway width of 3.9 m.

## 6.2. **Planning Authority Response**

6.2.1. None received.

## 6.3. **Observations**

6.3.1. One no. third party observation was received from Peter McDonnell, No. 5 Griffith Downs, Drumcondra, Dublin 9.

6.3.2. No new issues have been raised.

## 7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Compliance with Development Plan Policy
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

### 7.3. **Compliance with Development Plan Policy**

7.3.1. The roads and footpath standards for residential development are set out in Appendix 5 (Section 5.1) of the development plan, which confirms that where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates.

7.3.2. In assessing the proposal, the Transportation Planning Division of Dublin City Council noted that Drumcondra Road Upper forms part of the proposed Bus Connects Route (Corridor 2), which will provide connectivity between Swords and Dublin City Centre. It was further noted that Bus Connects road realignment and upgrade works are proposed directly to the front of the site, including the provision of a bus lane and cycle lane. While the principle of vehicular access to facilitate off-

street parking was acceptable to this Division, it was considered that the retention of a 5.9 m wide entrance, would significantly exceed development plan standards and would be excessive having regard to the site location and its residential nature and scale. It was further considered that the retained development would set an undesirable precedent at this location.

- 7.3.3. In considering the issue at hand, I note that the existing vehicular entrance exceeds the maximum development plan standard by 2.3 m. While the appellants rationale for the development is noted, I consider that the retained development is unacceptable, having regard to development plan standards and the scale of the dwelling, with the majority of the front garden area given over to car parking. I also consider that the removal of the entire front boundary treatment has served to diminish the demarcation of the public and private realms, which has a negative impact on the streetscape. I also note the planned public transport improvements at this location as identified by the Planning Authority. In my opinion, the retained development would likely set a precedent for neighbouring properties, which would be contrary to the proper planning and sustainable development of the area.
- 7.3.4. The appeal submission includes a request for An Bord Pleanála to consider granting permission for a vehicular entrance of 3.9 m in width. Swept path analysis and sightline drawings are submitted to demonstrate that 2 no. cars could be parked on site under the revised arrangements. These drawings illustrate the reinstatement of part of the front boundary wall. In considering the foregoing, I note the proximity of the swept paths to the existing mature tree to the front of the site, particularly in relation to the “front drive” and “reverse drive entry from the path” scenarios.
- 7.3.5. In my opinion, these amendments constitute a material change to the proposal, which would be more appropriately dealt with under a revised planning application. Notwithstanding the foregoing, while I consider that the provision of off-street parking is acceptable in principle at this location, I further consider that the provision of 2 no. off-street spaces is excessive, having regard to the scale of the dwelling and garden area as previously discussed.
- 7.3.6. In conclusion, I consider that the development to be retained does not comply with development plan standards and would be contrary to the proper planning and

sustainable development of the area. As such, I recommend that retention permission be refused in this instance.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the retained development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the 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. I recommend that retention permission be refused in this instance.

### **9.0 Reasons and Considerations**

- 9.1.1. The development to be retained, comprising a vehicular entrance of 5.9 m in width, exceeds the maximum permissible width of 3.6 m set out in Appendix 5 of the Dublin City Development Plan 2016-2022. Thus, the retained development would be contrary to development plan standards and would set a precedent for similar development in the area, which would be contrary to the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

16<sup>th</sup> October 2020