



An  
Bord  
Pleanála

## Inspector's Report 307924-20

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<b>Development</b>	Remove section of existing railing & granite plinth at front garden & erect new painted mild steel vehicular entrance gates to match existing pedestrian gate; form new vehicle entrance & off-street parking in front garden including new dished paving on public footpath
<b>Location</b>	No. 92 Iona Road, Glasnevin, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2678/20
<b>Applicant(s)</b>	Áine O’Gorman & Tim Lenihan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Áine O’Gorman & Tim Lenihan
<b>Observer(s)</b>	Dr. M. Frances Maguire

**Date of Site Inspection**

6<sup>th</sup> October 2020

**Inspector**

Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 374 m<sup>2</sup> and is located at No. 92 Iona Road, Glasnevin, Dublin 9. The site is located directly opposite and to the south of St. Columba's Catholic Church. Metered on-street, car parking is in operation along this section of Iona Road. The public street directly to the front of the application site was being resurfaced at the time of the inspection, with no road markings in place.
- 1.2. The existing development on site is a 2-storey, semi-detached dwelling with a landscaped front garden space. The front boundary is demarcated by a low granite plinth with cast iron railings and a pedestrian entrance gate.
- 1.3. The site has rear access onto a laneway which extends in an east-west direction along its southern boundary and exits onto Gartan Avenue to the south-west. Metered on-street, car parking is also in operation along Gartan Avenue, excluding a section adjacent to the rear site access.
- 1.4. The adjoining semi-detached, dwelling at No. 90 Iona Road also has a rear access onto Gartan Avenue. The detached property to the east of the application site at No. 94 Iona Road has 1 no. off-street, car parking space in the front garden area.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - (1) The removal of a section of the existing railing and granite plinth at the front garden on Iona Road and the erection of a new painted mild steel vehicle entrance gate to match the existing pedestrian gate;
  - and,
  - (2) Formation of a new vehicle entrance and off-street parking in the front garden, including new dished paving to the public footpath on Iona Road.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission for 2 no. reasons issued on 17<sup>th</sup> July 2020. The refusal reasons can be summarised as follows:
- 3.1.2. (1) The development would injure residential amenity and contravene policy MT14 and paragraph 16.38.9 of the development plan by the removal of on-street, car parking spaces;
- and,
- 3.1.3. (2) The development would injure the visual amenities, and undermine the integrity of, the Residential Conservation Area and would set a precedent for development which would be incompatible with the established character of the area, contrary to Sections 16.2.2.4 and 16.10.18 of the development plan.

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

3.2.5. **Transportation Planning Division:** Recommended that planning permission be refused on the basis of the loss of on-street, car parking.

### 3.3. Prescribed Bodies

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

3.5. **Irish Rail:** None received.

### 3.6. Third Party Observations

3.6.1. A total of 2 no. third party observations were made on this application from: (1) Dr. M. Frances Maguire, No. 56 Lindsay Road, Glasnevin, Dublin 9; and, (2) Iona and District Residents' Association, c/o 88 Hollybank Road, Drumcondra, Dublin 9.

- 3.6.2. The points which were raised can be summarised as follows: (1) previous refusals of permission for off-street car parking spaces on Iona/Lindsay Road, including a recent refusal under Planning Authority Reg. Ref. 2645/18; (2) the loss of a large portion of the granite plinth and railings would permanently alter the character of the Residential Conservation Area; (3) potential to provide off-street car parking via a laneway to the rear of the site at Gartan Avenue.

## 4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. 2513/08:** Planning permission granted on 5<sup>th</sup> August 2008 for the demolition of an existing chimney to the rear roof slope and conversion of the existing attic space, including dormer and roof window to rear elevation and 1 no. roof window to east side roof slope; internal alterations, and all associated site works.
- 4.2. **Other Relevant Planning History**
- 4.3. **Planning Authority Reg. Ref. 2645/18; ABP Ref. 301900-18:** Planning permission sought for alterations to existing 2-storey, semi-detached dwelling at **No. 89 Lindsay Road, Glasnevin, Dublin 9**, including a new vehicular entrance and hardstanding to the front garden.
- 4.4. Dublin City Council issued Notification of the Decision to Grant Permission on 24<sup>th</sup> May 2018. Condition no. 2 of the permission omitted the proposed vehicular entrance in order to minimise the loss of on-street, car parking spaces in accordance with policy MT14 of the development plan.
- 4.5. A first party appeal against this condition was subsequently lodged with An Bord Pleanála, with the Board issuing a decision to continue to attach condition no. 2 and amend the wording of the condition only.
- 4.6. **Planning Authority Reg. Ref. WEB1076/17:** Planning permission refused on 7<sup>th</sup> April 2017 for the creation of a new vehicular entrance at **No. 46 Iona Road, Glasnevin, Dublin 9**. Permission was refused for 1 no. reason on the basis that the development would undermine the integrity of the Residential Conservation Area and would set a precedent for development which would be incompatible with the established character of the area.

## 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 “Z2” (Residential Neighbourhoods Conservation Areas) which has the objective, “to protect and/or improve the amenities of residential conservation areas”. Section 14.8.2 of the development plan states that the overall quality of such areas in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected.
- 5.2.2. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

### 5.3. Conservation Areas

- 5.3.1. **Policy CHC4:** To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 5.3.2. Development will not, inter alia, (1) harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area; (2) involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shop-fronts, doors, windows and other decorative detail; (3) harm the setting of a Conservation Area; (4) constitute a visually obtrusive or dominant form.
- 5.3.3. **Policy CHC8:** To facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas.

### 5.4. Development Standards

- 5.4.1. The development standards for parking in the curtilage of Protected Structures and in Conservation Areas are contained in section 16.10.18 of the development plan.

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.

5.4.2. Where 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 subject to a number of criteria, including:

- (1) Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area;
- (2) There is sufficient depth available in the garden to accommodate a private parked car;
- (3) Access to and egress from the proposed parking space will not give rise to a traffic hazard;
- (4) The proposal accords with the design criteria set out in Chapter 16;
- (5) The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing;
- (6) Car parking bays shall be no greater than 5 m x 3 m metres wide;
- (7) 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 m and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates shall not swing outwards so as to cause an obstruction on the public footpath;
- (8) Where cast iron railings exist, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast iron railings that require alterations shall be reused and integrated with all new parking.

## 5.5. **Boundary Walls and Railings**

- 5.5.1. 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.

## 5.6. **Movement and Transport – Car Parking**

- 5.6.1. **Policy MT14:** To minimise loss of on-street, car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

## 5.7. **Design Criteria – On-Street Car Parking**

- 5.7.1. There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street, car-parking spaces.

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

- 5.8.1. 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.

## 5.9. **Natural Heritage Designations**

- 5.9.1. 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:

- This section of Iona Road does not have a particular demand for on-street, car parking, given the lack of housing and the vast expanse of the church and park area directly across the road from the subject site;



- The proposed development will not set a precedent as the subject site is incomparable to the rest of the road, with a car park located opposite the subject site offering free parking for upwards of 15 cars on a 24/7 basis;
- The neighbouring properties have off-street parking and garage entrances, and as such, would be unaffected by the loss of an on-street parking space;
- The existing rear laneway entrance to the site is too narrow to facilitate off-street, car parking. In the event planning permission is granted, an additional on-street parking space could be provided in front of this laneway to compensate for the lost space to the front of the subject site;
- Appropriate site conditions exist for the provision of off-street, car parking, including a broader frontage than other houses on the street and a greater garden depth, sufficient to allow for parking and manoeuvring a standard car;
- The car parking would not dominate the garden and the curved pedestrian path and gate and significant soft landscaping would remain between the public pavement and car parking bay;
- The subject dwelling is one of 3 houses which were built 30 years later than the rest of the road, with the larger garden and expanse of railings, enabling off-street parking to be provided in a manner which is compatible with the established character of the area;
- Other properties at Iona Road have restricted gardens in terms of their depth and width, which does not allow sufficient space for off-street parking. It is unfair to deny such development where appropriate conditions exist;
- The decision to refuse permission does not consider the safety aspects of loading and unloading a car on the public road, particularly for the applicant's young family. Off-street, car parking which does not require reverse movements onto the public road, as applies in this case, is considerably safer for the applicant's car and oncoming traffic;
- It is requested that An Bord Pleanála reverse the decision of Dublin City Council and grant permission in this instance.

## 6.2. **Planning Authority Response**

6.2.1. None received.

## 6.3. **Observations**

6.3.1. One observation was made on the appeal by Dr. M. Frances Maguire, No. 56 Lindsay Road, Glasnevin, Dublin 9. 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. In recommending that planning permission be refused in this instance, Dublin City Council's Planning Officer noted that the creation of driveways which require the removal of on-street car parking spaces, creates additional pressure on the remaining spaces, to the disadvantage of adjoining residents, which in turn can increase the demand for privatised parking. The appellant submits that there is ample on-street, car parking in the local area, and that the loss of 1 no. on-street space to facilitate the proposed development will not have any significant impact.

7.3.2. While I observed a limited number of dwellings with off-street, car parking towards the western end of Iona Road during my inspection, the majority of the traditional front boundary treatments remain intact. The adjoining site to the east at No. 94 Iona Road has 1 no. off-street, car parking space, although I note that no planning history could be identified in relation to same.

7.3.3. The appellant submits that the subject property is not typical of other dwellings on the street and has a front garden space which is larger in depth and breadth. While I note that the front garden has a depth of 6.7 m and a width of 10.1 m, in my opinion, it is not significantly larger than that of the neighbouring properties. In reviewing the relevant planning history cases identified in section 4.0 of this report, in relation to

which planning permission for off-street parking was refused in both instances, I note that the front garden of No. 46 Iona Road had a depth of 5.945 m, while that of No. 80 Lindsay Road had a depth of 5.305m.

- 7.3.4. The appellant suggests that the on-street, car parking space which would be lost on foot of the proposed development, could be relocated in front of the rear access on Gartan Avenue. While no response to the appeal has been received from the Transportation Planning Division of Dublin City Council, I note that department's report dated 30<sup>th</sup> June 2020, which recommended that planning permission be refused on the basis that the development would be contrary to policy MT14 of the development plan, which seeks to minimise the loss of on-street parking.
- 7.3.5. The appellant highlights that a "free" car park is located opposite the subject site, which offers parking for up to 15 no. cars on a 24/7 basis. This car park forms part of the site of St. Columba's Catholic Church, and as such, in my opinion, its primary use is associated with the community facility, rather than serving as a general car park for the area.
- 7.3.6. In my opinion, the key consideration in this case, is the impact of the development of the setting of the Residential Conservation Area and the potential precedent it may set in the event planning permission is granted. In considering the foregoing, I note that section 16.10.18 of the development plan states off-street car parking in conservation areas 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. I further note the requirement for the remaining soft landscaped area to be generally in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing.
- 7.3.7. In this instance, the remaining soft landscaped area to the front of the house would be less than the identified standard. Dublin City Council's Planning Officer considered that the proposed off-street, car parking would be highly visible and dominate the front garden. I agree with this assessment in this instance, and as such, I consider that the proposed development would be contrary to Section 16.10.18 of the development plan. I further consider that the proposed development would set an inappropriate precedent for such development elsewhere within the

Residential Conservation Area and that planning permission should be refused in this instance.

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

7.5. 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. I recommend that planning permission be refused in this instance.

#### **9.0 Reasons and Considerations**

9.1. The proposed vehicular access and car parking area, by reason of the removal of part of the original iron railings and granite plinth wall and part of the front garden area, would seriously detract from the character and setting of the Residential Conservation Area and would set a precedent for development which would be incompatible with the established character of the area. As such, the proposed development would be contrary to Section 16.10.18 of the Dublin City Development Plan 2016-2022, and would therefore, be contrary to the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

12<sup>th</sup> October 2020