



An  
Bord  
Pleanála

## Inspector's Report 307986-20

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<b>Development</b>	Widening of existing vehicular access, new pillar and associated site works.
<b>Location</b>	19 Faussagh Avenue, Cabra, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2864/20
<b>Applicant(s)</b>	Jean Kavanagh
<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>	Jean Kavanagh
<b>Observer(s)</b>	None
<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 160 m<sup>2</sup> and is located at No. 19 Faussagh Avenue, Cabra, Dublin 7. The site is located on the southern side of Faussagh Avenue, proximate to the junction with Bannow Road to the north-east.
- 1.2. The existing property is a 2-storey, end of terrace dwelling, with a hard-landscaped front garden which facilitates off-street, car parking for 1 no. car. The site is bounded by a laneway on its western side, which provides access to a substation to the rear of the neighbouring dwelling at No. 21 Faussagh Avenue.
- 1.3. The front boundary is characterised by a combined vehicular/pedestrian entrance, a low block wall and 2 no. entrance pillars. A further pillar marks the western extent of the site, adjacent to the adjoining laneway. The public footpath is dished in front of the vehicular entrance.
- 1.4. Metered on-street parking is not in operation in the vicinity of the application site, with visitor and overspill parking occurring on the public road/footpath, with 1 no. car noted in front of the site at the time of the inspection.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the widening of the existing vehicular access, new pillar and associated site works.
- 2.2. The existing vehicular entrance has a stated width of 3.65 m. It is proposed to increase the width to 5 m, including the removal of part of the existing block wall and the removal and replacement of 1 no. pillar.
- 2.3. The proposed development will facilitate parking for 2 no. cars within the existing driveway, which has a width of 6.5 m and a depth of 5.88 m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Refuse Permission issued on 7<sup>th</sup> August 2020 for 1 no. reason as follows:

3.1.2. “The Dublin City Development Plan 2016-2022 states that the maximum permitted width for vehicular entrances is 3.6 metres. The proposal to increase the width to 5 metres is, therefore, contrary to Appendix 5 of the City Development Plan, would set an undesirable precedent for similar developments in the area, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area”.

### 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:** Recommends that planning permission be refused on the basis that the proposed vehicular entrance would exceed the maximum width of 3.6 m allowed under the development plan.

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

### 3.3. **Prescribed Bodies**

3.4. **Transport Infrastructure Ireland:** Recommends that a S. 49 Luas Cross City levy be attached, if applicable.

3.5. **National Transport Authority:** None received.

3.6. **Irish Rail:** None received.

3.7. **Irish Water:** None received.

### 3.8. **Third Party Observations**

3.8.1. None.

## 4.0 **Planning History**

4.1. None.

## 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. Movement and Transport – Car Parking

- 5.3.1. **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.

### 5.4. 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. 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. Natural Heritage Designations

- 5.6.1. None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

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

- The widened vehicular entrance is required to facilitate parking for the appellant’s daughter, whose car is currently parked on the road where it is in

danger of being damaged by lorries/trucks turning from Bannow Road onto Faussagh Avenue;

- Several properties in the area have similar driveways to that which is now proposed;
- The additional space would enable cars to reverse safely into the driveway and exit safely onto a busy main road, where oncoming traffic does not give way;
- The report of Dublin City Council's Transportation Planning Division incorrectly references the site address as Montrose Grove rather than Faussagh Avenue.

6.1.2. The appeal is accompanied by photographs of an articulated lorry turning from Bannow Road and travelling in a westerly direction along Faussagh Avenue. A photograph is also included of the front driveway of No. 21 Faussagh Avenue, which has a widened vehicular entrance.

## 6.2. **Planning Authority Response**

6.2.1. A response was received from the Transportation Planning Division of Dublin City Council on 10<sup>th</sup> September 2020. The Division accepts that there was a typographical error regarding the Montrose Grove street reference in their report of 28<sup>th</sup> July 2020. Notwithstanding this error, the recommendations of the report still stand.

6.2.2. It is noted that a number of the existing widened vehicular entrances in the area appear to have been extended without the benefit of planning permission, and as such, are not precedents for similar development in the area.

## 6.3. **Observations**

6.3.1. None.

## 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 to increase the width of the vehicular entrance to 5 m, the Transportation Planning Division of Dublin City Council noted that, while the principle of a vehicular entrance to facilitate off-street parking is acceptable, the proposed 5 m width was excessive, having regard to the site location, the residential nature and scale of the site, and to protect the provision of public on-street car parking.
- 7.3.3. The appellant submits that several properties have vehicular entrances similar to the current proposal and this was supported by my own on-site observations. The appeal submission includes a photograph of the vehicular entrance to No. 21 Faussagh Avenue in support of the existing pattern of development. However, I could not identify any recent planning history in relation to this entrance or any other widened entrance along this section of Faussagh Avenue. The appeal response of the Transportation Planning Division of Dublin City Council also notes that a number of entrances along the road have been extended without the benefit of planning permission, and as such, are not appropriate precedents for this case.
- 7.3.4. The existing vehicular entrance meets the maximum development plan standard of 3.6 m. I agree that the provision of off-street parking is acceptable in principle at this location, and while the applicant's rationale for the proposed development is noted, I consider that off-street parking for 1 no. vehicle is reasonable having regard to the scale of the dwelling and the limited extent of the front garden space. I also consider that the granting of planning permission in this instance would likely set a precedent,

which collectively, would serve to limit the availability of on-street parking at this location. As such, I consider that planning permission should be refused in this instance.

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

- 7.4.1. 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. I recommend that planning permission be refused in this instance.

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

- 9.1.1. The proposed development, comprising a vehicular entrance of 5 m in width, would exceed the maximum permissible width of 3.6 m set out in Appendix 5 of the Dublin City Development Plan 2016-2022. Thus, the proposed 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