



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308097-20

#### Development

Provision of 1 no. car parking space to the rear.

#### Location

14a Victoria Villas, Clontarf, Dublin 3.

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

WEB1374/20

#### Applicant(s)

Caroline Flannery

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party V. Refusal

#### Appellant(s)

Caroline Flannery

#### Observer(s)

1. John and Jacquie Cullen
2. Conor Keeling and Others

#### Date of Site Inspection

17<sup>th</sup> November 2020

#### Inspector

Máire Daly

## **1.0 Site Location and Description**

- 1.1. The subject site is located at the southern end of a residential cul-de-sac, Victoria Villas accessed via Charlemont Road to the north. Victoria Villas is a narrow street with terraced houses on both sides, dating from circa 1900 and is approximately 2km northeast of the city centre and approx. 250m north of Clontarf Dart station. The car parking provision on Victoria Villas is unrestricted on-street car parking.
- 1.2. The site contains a contemporary two storey structure which is set back from the front building line of Victoria Villas by approx. 10 metres. The structure was originally built as an artist's studio but received permission for change of use to a one-bedroom residential dwelling house under P.A. Ref. 3827/14. The proposed car space is to be located to the rear (east) of the dwelling with the gable wall of no.14 Victoria Villas running along its northern boundary. The proposed area is currently an open tarmac, triangular shaped space which provides a vehicular turning facility for residents and other users of the street and is necessitated by the narrow nature and car parking along both sides of the street. A laneway runs along the southern boundary of the site, which provides access from Victoria Villas to a rear service lane which runs behind the terraced house. This service lane is also connected to Crescent Place via a narrow gap to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development is to comprise:
  - the provision of 1 no. car parking space (5000mmX2500mm) to the rear (east) of 14a Victoria Villas, accessed from the southern end of the Victoria Villas cul de sac; and
  - All associated landscaping and site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reasons:

- 1. The proposal for the provision of a private off-street car parking space at his location, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking available to residents along Victoria Villas. The proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city, as far as practicable. In addition, the proposal would set an undesirable precedent for similar sites throughout the city, and as such, would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would contravene materially Condition No. 6a of Planning Ref 3287/14, which requires that the turning area be maintained at all times and would therefore be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The recommendation to refuse permission in the area planner's report reflects the decision of the Planning Authority, the main points can be summarised as follows:

- The area planner noted that a pre-planning discussion had occurred between the applicant and the Transport Planning Division of Dublin City Council and advice was issued on 4<sup>th</sup> June requesting that auto-track drawings be submitted to support the proposal. The extensive planning history associated with the site was not discussed at the time.
- The area planner notes the report received from Transport Planning Division on the proposal and the conclusion that the proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city, as far as practicable.
- In addition the area planner stated that the proposal would set an undesirable precedent for similar sites throughout the city.

- The area planner concludes that the proposed development would directly contravene Policy MT14 and would also contravene materially Condition No. 6a of Planning Ref 3287/14.

The Board should note that there appears to be a typo in the area planner's report and in the second reason for refusal which refers to previous planning application '3287/14', the correct planning application reference on site is in fact '3827/14'.

### **3.2.2. Other Technical Reports**

- DCC Transportation Planning Division – Report dated 30/07/2020 – recommended refusal for two reasons;
  1. The proposed development would contravene Policy MT14; and
  2. The development would contravene materially Condition no.6a of DCC Planning Ref. 3287/14.

(Again, the Board should note the typo in the file ref number, the correct reference is 3827/14)

- DCC Drainage Division – Report dated 17/07/2020 – No objection to proposed development subject to conditions.

### **3.3. Prescribed Bodies**

Irish Water – No response.

### **3.4. Third Party Observations**

Ten observations were received from third parties during the consultation period for the application, the majority of which were from local residents of the area. The key issues raised are summarised as follows:

- The proposed development contravenes a condition no. 6 (a) of plan ref no. 3827/14 for the existing dwelling.
- Proposed parking space currently used as a turning circle.
- Proposed car parking space would restrict access to the rear laneways.
- Parking metres introduced recently in Charlemont Road have made it expensive for resident drivers of Victoria Villas to park there.

- The drawings submitted are unrealistic and the swept path analysis drawings and Auto-tracking technique is inadequate and does not account for parked cars on the street.
- The proposed double yellow lines will result in the loss of 2no. public on street carparking spaces to facilitate 1 no. private space.
- The proposed development would contribute to traffic congestion.
- Unsafe for emergency vehicles and for children in the street and would result in a negative impact on all residents.

## 4.0 Planning History

### 4.1.1. On site:

- Dublin City Council (DCC) P.A. Ref. 3827/14 – permission was granted in March 2015 for the change of use of approved media/ artist studio (Reg. Ref.: 3021/13) to a one-bedroom dwelling. The development also included the provision of private open space (enclosed garden terrace and screened 1st floor balcony), vehicular turning area as previously approved, internal alterations and all other ancillary works. The development also includes provision of an entrance door and 1st floor window to the western elevation of the existing building.

The following Condition no. 6a was attached to the grant of permission:

*6. The applicant shall comply with the following requirements of the Roads and Traffic Planning Division:*

*a. No fences, walls or other boundary treatments shall be constructed along the boundary of the site adjacent to Victoria Villas. The existing turning area in front of the site shall be maintained at all times.*

*Reason: To ensure an adequate standard of development.*

- DCC P.A. Ref. 3243/14 refers to the Split Decision issued in September 2014 on the subject site for the change of use of approved media/artist studio (Reg. Ref. 3021/13) to a one-bedroom dwelling. The development also included provision of private open space (ground floor private garden and screened 1st

floor terrace), 1 no. car parking space, turning area, internal alterations and all other ancillary works. Retention permission was also sought for 3 no. security cameras.

A Split decision was issued for the proposal.

- Permission was refused for the change of use of media/artist studio to a one-bedroom dwelling while retention permission was granted for the 3 no. security cameras.

Refusal reason no.1 was as follows:

*The development, which would include the creation of a private open space area enclosed by a 1.8m wall, would reduce the area of the forecourt and necessitate the relocation of the existing car parking space, it would, therefore, compromise the ability of vehicles to turn at the end of the cul de-sac Victoria Villas. The proposed vehicular access would be located on a laneway which is seriously substandard in terms of width and alignment. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.*

- DCC P.A. Ref. 3021/13 planning permission was granted in December 2013 for the conversion of existing single storey garage/store to a two-storey media/artist studio including mezzanine level with mono pitched roof, additional windows, elevational treatments and site works.
- ABP Ref. PL 29N.215110 - Permission refused in October 2005 for 1 no. 2 storey end of terrace dwelling house (area 91.5sqm) at 14A and 14B Victoria Villas. 3 refusal reasons were given, two of which were in someway related to car parking and traffic:
  1. *Having regard to the provisions of the current Development Plan for the area and to the pattern and density of the development in the vicinity, it is considered that the proposed development would constitute overdevelopment of the site by reason of inadequate private open space and lack of car parking facilities to serve the residents of the development*

*as proposed. The proposed development would, therefore be contrary to the proper planning and development of the area.*

3. *The proposed development would endanger public safety by reason of traffic hazard because the access laneway serving the site is seriously substandard in width and is inadequate to satisfactorily cater for the additional traffic movements likely to be generated by the development.*

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. Land use zoning objective Z1 ‘*to protect, provide and improve residential amenities*’.

### 5.1.2. Chapter 8 Movement and Transport

- **Policy MT14** of the Dublin City Development Plan 2016 – 2022 is 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.
- **Policy MT16** - To control the supply and price of all parking in the city in order to achieve sustainable transportation policy objectives.

**Section 16.38 Car Parking Standards** states that "*There is a predisposition to consider residential off-street car parking, subject to design and safety criteria, particularly along Quality Bus Corridors (QBCs) and to facilitate traffic management proposals. However, proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are largely reliant on on-street car parking and there is a strong demand for such parking.*

**Section 16.38.9 Design Criteria On-Street Car Parking** – '*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*'.

## **5.2. Natural Heritage Designations**

None relevant.

# **6.0 The Appeal**

## **6.1. Grounds of Appeal**

The grounds of appeal, as raised in by the first party appellant can be summarised as follows:

- In response to refusal reason no. 1, the applicant has stated that the auto track report undertaken clearly demonstrates that a car can reverse out onto the road whilst a parked car is accommodated. In addition to this the applicant states that in fact, this manoeuvre is safer and simpler than having to use the turning space on her site.
- A grant of permission would free up a parking space on Victoria Villas, which is already congested.
- The applicant states based on the pre-planning advice received she then engaged architects, surveyors and traffic engineers to prepare and submit the planning application.
- The applicant highlights the presence of a private garden which encroaches onto the public lane on the southern side of no.15 Victoria Villas and suggest that while this does not impede turning manoeuvres that more of a set back and removal of part of the garden may improve the situation in the future.
- The applicant states that in the inspector in their report on a previous appeal on site (ABP Ref. PL 29N.215110), expressed a need for an off-street car parking space for that development given the high demand for on street parking on Victoria Villas.
- The applicant argues that each application should be assessed on its own merits and therefore a grant of permission on site would not create precedent in other areas of the city.

- Concerns in relation to use of the existing space to the rear of her property and possible future insurance claims that may result from use by the public.
- The applicant seeks permission to allow her to park her car on her property or if this is not possible that the area to the rear of her house would be purchased by the Council and taken in charge, thus taking it out of her control and removing any responsibility she may have for this area.

## **6.2. Planning Authority Response**

- No response has been received to the grounds of appeal.

## **6.3. Observations**

Two observations have been received which oppose the proposed development. These observations were received from 1. John and Jacquie Cullen and 2. Conor Keeling and Others (8 additional listed names), the issues raised in relation to the proposed development can be collectively summarised as follows:

- Reiterate that the proposed development would result in the loss of on street parking along Victoria Villas. The street suffers acutely from issues with on-street parking in the evening time due to its particular narrowness and the presence of disc-parking on adjoining Charlemont Road.
- Request that the Board consider the significance of Policy MT14. The proposal directly contravenes same policy.
- The proposed development would contravene materially Condition no.6a of Planning Ref: 3287/14.
- Views that the auto tracking analysis provided by the applicant is inaccurate and misleading.
- Permitting the car space would lead to the loss of on-street parking and would impact on the amenities of the residents and road safety. In addition, the turning circle is the only safe place where it is possible for a variety of shapes and sizes of car belonging to the residents on the street to turn on a daily basis.

- The issues in relation to the turning circle and the planning requirement that it should be maintained have been highlighted previously as part of other applications on site.
- Suggest that the issues in relation to maintenance of the turning circle could be addressed by erecting a ‘no-parking’ sign on site.
- The turning space has been used for same purpose for almost 50years. Simply placing double yellow lines at the end of the street will not solve the issue but would result in the loss of a number of on-street car spaces.
- A solution may be to introduce double yellow lines in the laneway to stop people parking in the turning space.

## 7.0 Assessment

- 7.1. The current application is for the provision of a single car parking space to the rear of 14A Victoria Villas. The proposed parking space is nestled between the southern side of no.14 Victoria Villas (which is an end of terrace dwelling house), the rear of no.14A and the narrow laneway which provides access around the side of 14A to a rear access/service lane which serves the rear of the properties along Victoria Villas. The proposed parking space is currently used as a vehicle turning area for vehicles which access the street.
- 7.2. Victoria Villas is a narrow cul de sac, running north to south, away from Charlemont Road. It should be noted that no parking restrictions currently exist on the street and that cars park on both sides of the street, some partially on the footpath. As a result of this parking and due to the narrowness of the street, only a single vehicle can travel up or down the road at one time. I note the comments on the submissions received, stating that parking restrictions (i.e. permit parking) on Victoria Villas has been resisted as any restrictions on the street would see only one side of the street dedicated to parking, thus significantly reducing the overall number of available spaces on the street. It should be noted that parking restrictions (metered and permit parking) are in place on Charlemont Road thus exacerbating the demand on Victoria Villas.

- 7.3. In order to demonstrate that the proposed car parking space on the applicant's site is accessible, a swept path analysis for a standard saloon car has been submitted (drawing NRB-ATR-001) with the application. This analysis shows a car can drive into the laneway from Victoria Villas in forward gear and then reverse into the car parking area on site without blocking the laneway. The drawings also show that same car can then leave same space in forward gear and exit onto Victoria Villas.
- 7.4. A second drawing (NRB-ATR-002) has also been submitted with the application which demonstrates that cars on Victoria Villas can turn at the end of the street without using the applicant's proposed parking area on site. This would entail a car driving to the end of the cul de sac, turning right into the lane approaching the subject site and then reversing onto Victoria Villas and the laneway immediately opposite (adjacent to No.15 Victoria Villas), and turning back up the cul de sac to exit the street. To assist with this manoeuvre, I note the applicant's suggestion that the planted garden on the laneway (south eastern side of Victoria Villas, adjacent to No.15) could be set back to provide additional turning space for vehicles. It should be noted that access to this space is not only impeded by the planters in place but also by the presence of a telecoms pole, therefore using this space as suggested for manoeuvring vehicles would prove difficult due to its constrained nature.
- 7.5. It is noted in both drawings submitted that no parked cars are shown on Victoria Villas and also as part of the proposal, double yellow lines are suggested at the end of the street to ensure this area is kept clear of vehicles and subsequently allow for the turning of vehicles. I note the applicant's argument that through the provision of this additional space within her site, in turn a space would be freed up on the street, as she would no longer require on street parking. She does not however address the necessity to remove car parking spaces at the southern end of the street to ensure that space is provided for the traffic manoeuvres shown on the submitted Autotrack drawings. As highlighted by the Transportation Planning Division of DCC for these manoeuvres to be successful a minimum loss of 2 no. on street spaces would be required. Having carried out a site visit and observing the extremely restricted area available at the end of the cul de sac, which in fact necessitated the use of the turning space to turn my vehicle, I can confirm that I was not able to carry out the manoeuvre as displayed on Auto track with two cars parked on either side of the road. At the time of site visit, no cars were parked in the area where the double

yellow lines are proposed, therefore the addition of these lines to the area would not assist with the future manoeuvres in anyway if two other vehicles are parked near the end of the cul de sac.

- 7.6. Section 16.38.9 of the Development Plan states there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances (or in this case off-street parking) to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces. In my opinion it is clear that there is a heavy demand for on-street parking along Victoria Villas and the loss of two spaces at the end of the cul de sac to facilitate the provision of off-street parking for one car is not justified. In addition to this I note Condition no.6 a of the previous permission on site (P.A. Ref. 3827/14) specifically stated that '*the existing turning area in front of the site shall be maintained at all times*'. The need for this turning space has been determined previously on site and in my opinion there has been no change to the circumstances on site that would merit the loss of on-street parking in order to provide the car space proposed.

## 7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 9.0 **Reasons and Considerations**

The proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the city, as far as practicable. The proposal for the provision of a private off-street car parking space at his location, would necessitate the reduction in supply of on-

street car parking available to residents along Victoria Villas and therefore is contrary to Development Plan policy. The proposed development would, therefore, seriously injure the residential amenities in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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Máire Daly

Planning Inspector

26<sup>th</sup> November 2020