



An
Bord
Pleanála

Inspector's Report ABP 308203-20.

Development	Alterations to roof and installation of a rear dormer, conversion of side garage/shed, new vehicular access off St. Kevin's Park and retention of existing access gate off St Kevin's Gardens.
Location	No. 4 St Kevin's Park, Dartry, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	WEB1397-20.
Applicant	Caroline O'Brien and Tim Hinton.
Type of Application	Permission and permission for retention.
Decision	Grant permission and permission for retention.
Type of Appeal	First Party X condition
Appellant	Caroline O'Brien and Tim Hinton.
Date of Site Inspection	18th December, 2020
Inspector	Jane Dennehy.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	9

1.0 Site Location and Description

- 1.1. No 4 St. Kevin's Park is located on a corner site at the junction of St. Kevin's Park and St. Kevin's Gardens to the west of Dartry Road. A semi-detached house with a single storey structure at the side and extensions at the rear is located on the site. There is a front garden set behind boundary walling and a cast iron pedestrian entrance gate on the St. Kevin's Park frontage. Boundary walling in which a double entrance gate has been erected which opens into the space to the rear of the extensions is located along the St. Kevin's Gardens frontage.
- 1.2. A large mature tree is located at the public footpath edge outside the application site at the junction between St. Kevin's Gardens and St. Kevin's Park.
- 1.3. On-street parallel parking is available along St. Kevin's Park and St. Kevin's Gardens. There is no pay and display parking provision, facilities being available free of charge.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for alterations to the roof providing for installation of a rear dormer in the rear roof slope at attic level for a bedroom, conversion of the single storey garage structure for use as a home office, construction of a new vehicular entrance on the St. Kevin's Park frontage and, permission for retention of the vehicular entrance off St. Kevin's Gardens.

3.0 Planning Authority Decision

3.1. Decision

By order dated, the planning authority decided to grant permission and permission for retention for the proposed development. Under condition No 2 there is a requirement for modifications to the existing entrance off St. Kevin's Gardens, the retention of which is sought in the application. The width is to be reduced to a maximum of 1.5 metres and a compliance submission is required. The condition also includes a requirement that the width of the proposed new entrance on the St.

Kevin's Park frontage be modified so that the width does not exceed three metres and it is specified that outward opening gates are not permitted.

3.2. **Planning Authority Reports**

- 3.2.1. The **Transportation Planning Division's** report includes the recommendations for the reductions in width to the proposed entrance on St. Kevin's Park and the existing entrance on St Kevin's Gardens, proposed for retention. Reference is made to the provisions in the CDP for entrance widths generally to be between 2.6 and 3.6 metres in width with the narrower widths being desirable with greater widths being acceptable in exceptional circumstances only and, acceptability of one entrance only for each development as provided for in "Parking Cars in Front Gardens", issued by Dublin City Council.
- 3.2.2. The report of the **planning officer** indicates acceptance of the proposed development subject to the inclusion of condition providing for the requirement of the Transportation Planning Division in respect of the proposed new entrance and the entrance proposed for retention.

3.3. **Observations**

- 3.4. An objection lodged with the planning authority indicates objection to parking provision the front garden on grounds relating to the amenities of the residential conservation area, and loss of on street parking available to all road users.

4.0 **Planning History**

P. A. Reg. Ref. 3324/07: provision of off-street parking with new entrance gates at front of residence. Additional information was issued in respect of the existing entrance off St. Kevin's Gardens. In the response it was stated that the existing opening was created prior to 1963, that it is not used for vehicular access and that the interior is landscaped.

Under Condition No 6 it is stated that:

"Only one vehicular access shall be permitted on this site. In this regard the applicant shall not use the rear garden area for parking, without a prior grant of planning permission."

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective Z2: *to protect and/or improve the amenities of residential conservation areas.*
- 5.1.2. Policy CHC 4 and section 11.1.5.4 provides for protection of special interest and character of conservation areas.
- 5.1.3. According to Policy CHC8 it is the policy of the planning authority to facilitate off street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest of protected structures and conservation areas.
- 5.1.4. According to section 16.38.9 there is a presumption against the removal of on street parking to facilitate vehicular entrances to single dwellings in predominantly residential areas where residents are reliant on parking spaces on the street.
- 5.1.5. According to Policy Objective MT14 the planning authority seeks to minimise loss of on street car parking supply while recognising that some loss of spaces is required, in relation to sustainable transport provision, access to new development or public realm improvements.
- 5.1.6. Development Management Standards for residential development are set out Chapter 16 with guidance and standards for extensions and alterations set out in section 16.2.2.3 and 16.10.12 and Appendix 17. Roof alteration are addressed in para. 7.11.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Abode Design on behalf of the applicant on 17th September, 2020. In the appeal it is stated that the sole objection is to the requirement under Condition No 2 attached to the planning authority decision for the

reduction in width of the existing entrance off St. Kevin's Gardens. It is requested that the condition be revised to omit this requirement.

6.1.2. According to the appeal:

- The applicant would be required to go to needless expense.
- The entrance has been in place for at least eleven years and has never been subject to enforcement proceedings.
- No reason is provided in the planning officer report for the required modification to the width.
- The applicant has not and does intend to use the rear garden for parking and the surface is unsuitable for carparking. The entrance is used for maintenance access only for a large rear garden and the required reduction in width would prevent use of the entrance for garden maintenance purposes.
- There are several similar gates in the area establishing the principle for such development. Examples are at Nos 5 and No 11 St Kevin's Park.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1.1. On consideration of the application *de novo* there is no objection to the proposals for alterations to roof and installation of a rear dormer, and the conversion of side garage/shed for use as a home office.

7.1.2. With regard to the proposed creation of a vehicular entrance onto St. Kevin's Park, it is noted that a prior grant of permission for similar development was not taken up. (Details are in para. 4.1 above.)

7.1.3. Residents and other road users along the local road network are not reliant on pay and display parking and there is no evidence of pressure in demand for on street parking. Therefore, the application of the requirements of section 16.38.9 in which there is a presumption against the removal of on street parking to facilitate vehicular

entrances to single dwellings in predominantly residential areas where residents are reliant on parking spaces on the street is considered inessential in this instance.

- 7.1.4. Although current CDP policies strongly discourage the creation of vehicular entrances for individual dwellings for reasons relating to impact on the available supply of on street parking for all road users and where relevant, architectural conservation issues it is agreed with the planning authority that the proposed new entrance in this instance can be accepted.
- 7.1.5. With regard to the requirement for the modification to the existing entrance off St. Kevin's Gardens so that the width does not exceed 1.5 metres to which the applicant objects it is noted that the planning officer's report on the prior application that the opening in the boundary, the planning status of was unconfirmed, appears to have been in existence for some time – possibly prior to 1963. It is also of note that apart from the pedestrian gate entrance on the St Kevin's Park frontage, the only entrance of width suitable for vehicular access at present is the existing entrance of St. Kevin's Gardens.
- 7.1.6. From a conservation perspective, with regard to the impact on the streetscape, the use of the entrance on St. Kevin's Gardens ideally, would be the optimal location for a vehicular entrance but favourable consideration of the proposed new entrance to facilitate the applicant's requirements is reasonable. However, the statements in both the Transportation Planning Division's report and the planning officer's report that no more than one vehicular entrance is acceptable, and that it should be clarified and ensured one entrance vehicular entrance only is operable and authorised is fully supported.
- 7.1.7. In the appeal it is stated that the applicant has a requirement for vehicular access off St. Kevin's Gardens to the interior of the site for garden maintenance purposes, but it is also stated that the surface on the inner side, is unsuitable for vehicular parking and that the entrance has never been used for vehicular access. Given the ample supply of on street parking along the road frontage, vehicular access to the interior of the site for garden maintenance purposes associated with a single residential property is considered to be inessential and unwarranted. Condition No 6 attached to the prior grant of permission solely contained the requirement that the entrance on St. Kevin's Gardens not be used for vehicular access. However, given the more

stringent current CDP's policy of a presumption against the creation of new entrances for dwellings, the modification required, to provide for a maximum of 1.5 metres width, (allowing for pedestrian and cycle access to be retained) is justified and reasonable from a planning perspective. Similarly, an alternative requirement for the entrance to be blocked up with the option being available to install a pedestrian entrance gate would also be reasonable.

- 7.1.8. Finally, with regard to the contentions as to precedent in the appeal, it is not agreed that precedent can be taken from development at No 5 St Kevin's Park the corner site property on the opposite side of St Kevin's Gardens. A vehicular entrance providing for front curtilage parking is located on the St Kevin's Gardens frontage and it is the sole entrance. The frontage onto St Kevin's Park on which there is solely a pedestrian entrance gate is unaltered.

7.2. Environmental Impact Assessment Screening.

- 7.2.1. Having regard to the minor nature and scale of the development proposed for retention and its location in an area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.3. Appropriate Assessment.

Having regard to the, the location of the site, which is a brownfield site on serviced land, and to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Given the foregoing, it is considered that de novo consideration of the proposed development is not warranted in this instance and that it would be appropriate to determine the appeal in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended. It is therefore recommended

that the planning authority be directed to attach condition No 2, based on the following reasons and considerations.

9.0 Reasons and Considerations

The requirement for the modifications to the existing entrance off St. Kevin's Gardens are considered reasonable, to ensure that the development is in accordance with the policy of Dublin City Council that developments be served by no more than one vehicular entrance off the public road network, (as provided for in its document, "Parking Cars in front gardens" and in accordance with the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
30th December, 2020.