



An  
Bord  
Pleanála

## Inspector's Report ABP-308463-20

---

<b>Development</b>	Retention permission for the provision of a pedestrian access gate to the site onto Knapton Lawn.
<b>Location</b>	2 Vesey Mews, Monkstown, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D20A/0538
<b>Applicant(s)</b>	Kathy Prendergast
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party
<b>Observations</b>	Rachel Doyle Shane Coman Kevin Warren, Rob & Helen Lane
<b>Date of Site Inspection</b>	27 <sup>th</sup> January 2021
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. Number 2 Vesey Mews is located to the western end of Vesey Mews, Monkstown, Co. Dublin. Vesey Mews is located to the western side of York Road, south west of Dun Laoghaire and south east of Monkstown. Vesey Mews is located off Vesey Place to the north which connects directly to York Road. Vesey Place continues to the west onto 'The Slope's and a turn to the east almost parallel to Vesey Place provides access to Knapton Lawn, a short cul-de-sac of detached houses. Vesey Mews runs parallel to Knapton Lawn and a high stone wall separates these two residential streets.
- 1.2. Number 2 is a two-storey gable ended unit and which has been extended in a modern style. A pedestrian access, the subject of this appeal, provides a link from Vesey Mews to Knapton Lawn. From the site visit, this was the only link between these residential streets.

## **2.0 Proposed Development**

- 2.1. The development consists of the retention of a pedestrian access from the rear of 2 Vesey Mews onto Knapton Lawn, Monkstown, Co. Dublin.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission for a single reason as follows:

1. 'The pedestrian entrance to be retained, by reason of its location opening directly onto the public carriageway of Knapton Lawn, is unsuitable and poses a traffic hazard due to restricted visibility and the potential to cause an obstruction on the roadway of Knapton Lawn. The development to be retained would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and furthermore, if permitted, would set an undesirable precedent for similar development. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area'.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The Planning Authority Case Officer's report reflects the decision to refuse permission for the retention of this pedestrian access onto Knapton Lawn. The report relied on the comments of the Transportation Department. No impact on visual or residential amenity was foreseen from the development.

### 3.2.2. Other Technical Reports

**Municipal Services Department – Drainage Planning:** No objection to this development.

**Transportation Planning:** Refusal recommended due to the endangerment of public safety by reason of obstruction on Knapton Lawn and restricted visibility.

### 3.2.3. Objections/ Observations

A total of four letters of objection were made to the Planning Authority, objecting to the retention of this development.

The following points were made in summary:

- The retention of this development would give rise to traffic hazard. Particular reference to pedestrians and children living on Knapton Lawn.
- The setback nature of the gate provides for a poor visibility of this entrance/ from this location.
- There have been a number of safety issues in this location.
- The extension of the house has resulted in the applicant's issues regarding car movements on site and the applicant has provided this as a justification for this entrance.

A number of photographs were submitted in support of these letters of objection.

## 4.0 Planning History

**P.A. Ref. D18A/0044/ ABP Ref. PL06D.301374** refers to an October 2018 decision to grant permission for the demolition of the existing front entrance porch and side bay window, construction of new single storey above basement level extension to the side of existing dwelling with light wells to the front and rear of the basement

level and roof lights above ground side extension, alteration to existing dwelling and associated site works. The development also included new selected metal vehicular and pedestrian gates.

**P.A. Ref. ENF 20620** refers to an enforcement file opened in June 2020. This refers to the opening of a means of access onto a public road with a surfaced carriageway of which exceeds 4 m.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.
- 5.1.2. The site is located within the designated area for a proposed Dun Laoghaire Local Area Plan. The houses on Vesey Place to the north of the subject site are located within the Vesey Place and Gardens candidate Architectural Conservation Area (ACA). 2 Vesey Place, the house to the north of 2 Vesey Mews is listed on the record of protected structures.
- 5.1.3. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development'.

### 5.2. National Guidance

- Design Manual for Urban Roads and Streets (DMURS).
- Permeability Best Practice Guide (NTA).

### 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant has engaged the services of Marston Planning Consultancy to appeal the decision of Dun Laoghaire-Rathdown County Council to refuse permission for the retention of a pedestrian access from 2 Vesey Mews onto Knapton Lawn.

Issues raised include:

- The provision of this entrance is important for the residential amenity of the occupants of no.2 Vesey Mews.
- The access improves permeability, and the applicant is willing to facilitate emergency access through this gate, if the mews is blocked for some reason.
- Notes that the Planning Authority Case Officer considered the development to be acceptable in principle with the single reason for refusal referring to traffic safety considerations.
- Report prepared by Martin Peters Associates Consulting Engineers demonstrates that there are no safety hazards associated with the pedestrian gate.
- No grounds for considering that the retention of the gate would set an undesirable precedent.
- Knapton Lawn has capacity for on-street car parking and paid parking is in operation here.
- The current gate is temporary, a permanent gate will be inset by 200 mm off the southern elevation of the wall.
- The gate is required as the occupants of the house have been having access difficulties, and it allows for access to services, especially to the south of their house.
- The gate allows for access by emergency services.
- The gate does not open directly onto the carriageway, it opens inwards onto their property.
- Double yellow lines prevent the parking of cars in the vicinity of the gate.

- Pedestrian use will be low, vehicle speeds are low and drivers will easily see any pedestrians. Pedestrian/ vehicle conflict will therefore be low.
- Adequate stopping distance between the Knapton Lawn/ Knapton Road junction and the site in accordance with DMURS.
- No accidents have occurred on Knapton Lawn.

Examples provided of similar gates/ pedestrian access in the Dun Laoghaire area. Appeal supported with Martin Peters Associates Consulting Engineers report, and also photographs and plans.

## 6.2. Observations

6.2.1. Observations have been received from Shane Coman, Rachel Doyle and ABA architects on behalf of Kevin Warren, Rob & Helen Lane, all opposing this development. The following points are made:

- Have witnessed a number of potential safety incidents involving the use of this gate and conflict with vehicles.
- The gate is extensively used, and pedestrian sightlines are restricted by the nature of the gate. There is a need to step out in order to see clearly in either direction. The gate appears to be the primary entrance/ exit for the occupants of no. 2 Vesey Mews.
- Visitors to the cul de sac may not be aware of the presence of this gate.
- Road speeds may be low at 30 kmh but the gate may come upon a driver suddenly if unaware of the layout of the area.
- Electric cars, which are relatively silent, may increase the level of risk to pedestrians.
- The gate is only 20 m from the junction and not 25 m as stated.
- Between 60 and 80 vehicle movements a day on this cul-de-sac.
- Unlikely that the entrance would be used by the emergency services due to the presence of steps. Similarly, it is unlikely to be used by other residents in emergency cases.

- The development of the entrance was contrary to the Construction Management Plan submitted under PA Ref. D18A/0044/ ABP Ref. 301374-18. The Planning Authority were informed of this and no attempt was made to close the entrance following the completion of works on site at no.2 Vesey Mews.
- Precedent cases submitted in support of the appeal are noted, though it is not certain when these entrances were put in place.
- The cul-de-sac has a good safety record which would be put at risk by this development.
- The cul-de-sac is narrow and larger vehicles have to reverse to exit.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority's decision is based on the plans and particulars submitted with the application on the 4<sup>th</sup> of August 2020. It is considered that all matters have been addressed in the planning report.

## 7.0 **Assessment**

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Pedestrian/ Traffic Safety
- Other Issues
- Appropriate Assessment Screening

### 7.2. **Nature of Development**

- 7.2.1. The applicant applied to retain a pedestrian entrance from no. 2 Vesey Mews onto Knapton Lawn, a cul-de-sac located to the south of the site. Permission was refused by the Planning Authority, for reasons of traffic hazard and the setting of an undesirable precedent. This decision has been appealed.

7.2.2. The site is zoned for residential development and there is no objection to the principle of development. The gate/ entrance is only suitable for pedestrian traffic and is not for motorised vehicle use.

### 7.3. **Pedestrian/ Traffic Safety**

7.3.1. Public safety is the primary consideration in this appeal and the reason for refusal as issued by the Planning Authority. I have considered the report of the Planning Authority, the Transportation Department, the appeal/ supporting documentation, and letters of observation.

7.3.2. The provision of improved pedestrian links is to be encouraged and although this development may only facilitate one household, it may encourage walking over having to use a car to carry out day to day requirements. The applicant has referred to the use of this access to reach local facilities to the south and refers to difficulties along Vesey Mews. I note the appeal statement and supporting engineering report. Knapton Lawn has had no safety issues to date and the residents wish to preserve this.

7.3.3. It is not possible from the supplied information to ascertain how many vehicular movements a day are made on Knapton Lawn. Similarly, the number of times a day that the pedestrian entrance is used is not provided. The location of the development is certain and the layout also. Whilst the gate may be relocated slightly through setting back by 200 mm from the road, this is a minor revision. My concern is the same as that of the Planning Authority, that a pedestrian may step onto the lane and be hit by a passing vehicle. I note the reference to electric cars and their generally silent nature, similarly a cyclist could be passing along the cul-de-sac and neither a pedestrian/ cyclist would be aware of the other.

7.3.4. Submitted with one of the letters of observation were photographs demonstrating occasions when vehicles effectively blocked the carriageway and a time when a child's buggy was left at the entrance. These events demonstrate that safety can be compromised by infrequent events. The road is not usually blocked, heavy vehicles do not use the cul-de-sac on an hourly basis and people do not leave their child's buggy on the street. However, it is such infrequent events that may give rise to traffic safety concerns.



7.3.5. From the site visit, it was apparent that the entrance was in close proximity to the junction with Knapton Road and a road user who is not familiar with the cul-de-sac would not be aware of the pedestrian entrance. I have concern about the location of the development. If located further to the east, near the eastern end of Knapton Lawn cul-de-sac, this concern would not exist. I therefore consider that the development should be refused permission. I appreciate the need for improve access, however it is not possible to justify this over the safety of residents who live on Knapton Lawn.

#### **7.4. Other Issues**

7.4.1. The issue of precedent was mentioned by the Planning Authority and it is agreed that other residents on Vesey Mews may wish for a similar arrangement. If such were to occur, the Local Authority may have to consider the development of a shared surface here as the opening of multiple accesses would change the character of this street.

7.4.2. The provision of an opening here has impacted on the character of the stone wall, as the solid nature of the wall has been broken up by this entrance. Whilst the surrounds of the entrance have been well finished, the gate/ doorway is not of a good quality and erodes the visual amenity of the area. I accept that a more permanent gate may be put in place, but detail of this has not been adequately provided. Permitting this development would set a precedent and it cannot be certain what the long term visual/ structural impact will be to the wall and in turn on the character of Knapton Lawn.

#### **7.5. Appropriate Assessment Screening**

7.5.1. Having regard to the modest nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reason and considerations as set out below.

## 9.0 Reasons and Considerations

1. The retention of this pedestrian entrance onto Knapton Lawn, results in pedestrians directly accessing the carriageway in a location where there is no footpath adjacent and no prospect of providing such a footpath due to the narrow width of the carriageway. Pedestrians accessing the carriageway would give rise to obstruction of road users and would be at risk of injury due to their presence on this carriageway and due to the proximity of the site to the junction of Knapton Lawn and Knapton Road to the west. It is considered that the retention of the development would endanger public safety by reason of traffic hazard because of pedestrians accessing the road where no footpath exists and where sightlines may be restricted due to parked cars, the location of the site adjacent to a road junction and due to the layout of the development where sightlines are restricted in a westerly direction.

2. The proposed development, by itself or by the precedent which the grant of permission for it would set for other similar development, would adversely affect the use of this cul de sac by traffic and would result in the loss of character of this street through piecemeal interventions into the northern boundary wall, resulting in a negative impact on the visual and residential amenity of Knapton Lawn.

---

Paul O'Brien  
Planning Inspector

16<sup>th</sup> February 2021