



An
Bord
Pleanála

Inspector's Report

ABP-308897-20

Development	New entrance to garden with automated gate.
Location	Lisfannon, Rockfort Avenue, Dalkey, Co. Dublin, A96 NW24.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0682
Applicant(s)	Linda Sherlock
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Linda Sherlock
Observer(s)	None
Date of Site Inspection	11 th March 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side off a short spur off the main Rochford Avenue, which links the main Rochford Avenue to Sorrento Road, Dalkey, Co. Dublin.
- 1.2. The road is 3.8 metres in width and has a footpath of 1.2 metres on one side only. There are double yellow lines on both sides of the road. This section of the road is approximately 50 metres in length.
- 1.3. The house on the site is a modern two storey five bedroom house which is served by pedestrian access only. It is bounded to the north by a two storey house which is accessed from the main section of Rochford Avenue and to the south by three elderly care units which face onto Sorrento Road.
- 1.4. There is only one other vehicular access on this spur section of Rochford Avenue which is located close to the junction with Sorrento Road and serves a large property 'Kalafat'.
- 1.5. The site is located adjacent to the Dalkey Village Architectural Conservation Area.

2.0 Proposed Development

- 2.1. Permission is sought for a vehicular access with an inward opening automated gate.

Two options are presented for consideration as follows:

Option 1 provides for the creation of a new entrance at the location of the pedestrian access.

Option 2 provides for the closure and blocking up of the pedestrian access and the creation of a new vehicular access closer to the Sorrento Road junction.

Both options provide for a 3.4 metre wide steel gate which is flush with the granite wall at this location. No wing walls are proposed.

2.2. Planning Authority Decision

Permission refused for one reason as follows:

Having regard to the extent of boundary removal, the existing streetscape character and proximity to Dalkey Village Architectural Conservation Area, it is considered that the proposed development would be detrimental to the visual amenities and would detract from the character of the streetscape. It is considered that the proposed development fails to accord the provisions of Section 8.2.4.9 'Vehicular Entrances and Hardstanding Areas' (ii) 'Visual and Physical Impacts', in the Dun Laoghaire-Rathdown County Development Plan, 2016-2022, and would set an undesirable precedent for future development in the area. It is considered that the proposed development would seriously injure the residential amenities or would depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

2.3. Planning Authority Reports

2.3.1. Planning Reports

- The planner's report considered that the proposed development would have a negative impact on the visual amenities and character of the existing streetscape. Concerns were also raised regarding the precedent that the proposed development would set along this section of Rochford Avenue. Furthermore, it was considered that the applicant had failed to overcome the previous reason for refusal under PA Reg. Ref. D19A/0261.

2.3.2. Other Technical Reports

Conservation Report: Considered that the previous reason for refusal had not been addressed and the proposed works would detract from the streetscape character of this section of Rochford Avenue and would be contrary to Section 8.2.4.9 of the County Development Plan.

Transportation Department: Concern was expressed in relation to pedestrian safety and Further Information was required including the provision of a bell shaped entrance or 45 degree splayed side walls for Option 2.

Drainage: No objection.

2.4. Prescribed Bodies

- No reports.

2.5. Third Party Observations

- None.

3.0 Planning History

PA Reg. Ref. D19A/0261

Permission refused by Planning Authority for vehicular entrance at this location for a similar reason to the current application.

4.0 Policy Context

4.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

- Site is zoned as 'A' which seeks to 'protect and/or improve residential amenity.'
- Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas (General Specifications)

4.2. Natural Heritage Designations

4.2.1. None relevant.

4.3. EIA Screening

4.3.1. Having regard to the limited nature and scale of development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.0 The Appeal

5.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The site is not included in the Dalkey Architectural Conservation Area.
- The applicant is elderly and was diagnosed with a serious illness in 2019, for which she is still receiving treatment.
- The number of pay parking spaces in the area are very limited and there are only three spaces available in close proximity to Lisfannon.
- There are no on street car parking spaces reserved for local residents and there is a high demand for available spaces from business people, tradespeople and day trippers.
- Two vehicular access options are presented for consideration -option 1 is favoured by the applicant.
- There would be minimal removal of the boundary wall in both cases as the width of the vehicular entrance would be 3.4m. This would not be significant in the context of the width of the front boundary of the property or in the context of the length of the road.
- There are very low levels of pedestrian and vehicular traffic on this section of Rochford Avenue.
- It is not considered that an undesirable precedent will be set for similar developments in the area as the majority of houses in the area already have car parking and there are no other properties fronting onto this section of Rochford Avenue which require car parking.
- A doctor's letter, map of existing houses with and without vehicular entrances, and letter of support from neighbours have been submitted with the appeal.

5.2. **Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

5.3. **Observations**

- None.

6.0 **Assessment**

6.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on Conservation
- Appropriate Assessment

6.2. **Impact on Conservation**

- 6.2.1. The reason for refusal by the Planning Authority related to concerns relating to the impact on conservation having regard to the extent of boundary removal and the proximity of the site to the Dalkey Village Architectural Conservation Area. I am of the view that this is the key issue in this appeal.
- 6.2.2. I refer the Board to the grounds of appeal by the applicant including the changes in recent years in relation to parking outside the site, her health issues including a letter from her doctor, letters of support from neighbouring property owners, and a map which outlines both properties with and without vehicular parking in the vicinity of the site.

- 6.2.3. The site is located adjacent to the Dalkey Village Architectural Conservation Area. However, the dwelling itself is a modern (dating to 1960's or 1970's) large 2 storey 5 bedroom property and it is not a protected structure.
- 6.2.4. The site is located on a spur road of c. 50m from the main Rockford Avenue. The road is narrow with a width of c. 3.8m with a 1.2m footpath on one side. There are double yellow lines on both sides of the road. There is an attractive granite wall on both sides of the road. This is interrupted only by a pedestrian access for the current site on the western side, and by an access for an existing house on the eastern side which is located close to the junction with Sorrento Road. There is also a small section of metal railings in the wall on the opposite side of the road from the site.
- 6.2.5. The applicant submitted a letter with the application from a conservation architect which considered that the Planning Authority were relying on an overly restrictive application of development control policy. It considered that the extent of the boundary at 13.491 metres could easily absorb a new entrance as the wall would remain the dominant frontage and would not unduly detract from the character of the site frontage or streetscape. Furthermore, it stated that the existing piers for the pedestrian gate were constructed by the applicant's husband (now deceased) in the 1990's and their removal would not result in the loss of any historic fabric.
- 6.2.6. I note that the applicant has submitted two options for consideration. The first option provides for a vehicular entrance of 3.4 metres width at the location of the existing pedestrian access. The second option provides for the closure of the existing pedestrian access and the creation of a new vehicular access of 3.4 metres width closer to Sorrento Road.
- 6.2.7. The Roads Section favour the second option as it has more room for the creation of splayed wing walls. The applicant's preference is for the first option as it provides for less disturbance to her existing garden and layout.
- 6.2.8. I consider that the design of the proposed entrance is very discreet as it provides for a metal gate and metal pillars which are flush with the granite wall. I concur with the views of the conservation architect above, and consider that a vehicular entrance of 3.4 metres can be accommodated in the context of an overall frontage of 13.4 metres and in the context of the road length of c. 50 metres. Overall, in my view, there would be minimal impact on the adjacent conservation area. I consider that

Option 1 would be preferable from a visual point of view as less work and disturbance of the existing boundary is involved.

6.2.9. In terms of traffic safety, I consider that there are low volumes of cars at this location and cars would have to travel very slowly on this narrow and short section of the road. As such, I consider that the provision of wing walls are unnecessary having regard to the context of the site and the visual impacts of same. I note that wing walls may give added visibility for pedestrians, however the appeal by the applicant includes details of a proposed a 'sound' feature for the automatic gate in order to alert pedestrians of the opening of the gate and to address the concerns regarding pedestrian safety, should the Board consider that such a system is warranted. I consider that there may be a lot of day trippers unfamiliar with this area, walking in the vicinity of the site, and I consider that this would be a useful feature.

Furthermore, such a feature would be appropriate for this location, and preferable in my view, to the removal of larger amounts of the boundary wall which would have a negative visual impact on the area.

6.2.10. The existing road has an enclosed and private feeling and the granite walls on both sides are very attractive. I have examined the vehicular access points and the layouts of other properties in the vicinity. I consider that the provision of a vehicular access point for 'Lisfannon' would not set an unwelcome precedent for further such access points on this section of Rockfort Avenue as all existing dwellings on this section of the road already have vehicular accesses.

6.2.11. I am satisfied that the design proposed has been carefully considered. I do not consider that it will detract from the character of the area to such a degree that would warrant a refusal. The site is not located in the Architectural Conservation Area as adopted and the design proposed is appropriate and inkeeping with the original fabric and character of the boundary wall at this location.

6.2 **Appropriate Assessment**

6.2.1 Having regard to the minor nature 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 have a significant effect individually or in combination with other plans on a European site.

7.0 Recommendation

7.1 I recommend that permission be granted for the proposed development subject to the reasons and considerations, as set out below.

8.0 Reasons and Considerations

8.1.1. Having regard to the residential zoning of the site, and the surrounding pattern of development, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the residential or visual amenities of property in the vicinity, would be acceptable in terms of vehicular and pedestrian safety and would, therefore, not be contrary to the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further details submitted to An Bord Pleanála on the 14th day of December, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The access gates shall be so fixed that it is capable of being only opened in an inward direction only towards the existing dwelling at this location.

(b) An automated sound alarm shall be installed by the developer which shall be operated in conjunction with the opening of the gate in order to alert passing pedestrians.

Reason: In the interest of pedestrian safety.

Emer Doyle
Planning Inspector

19th March 2021