



An
Bord
Pleanála

Inspector's Report ABP 309356-21.

Development	Construction of a vehicular access and associated works.
Location	No 26 St Laurence Road, Chapelizod, Dublin 20.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	WEB1770/20.
Applicant	Claudine Devereux and Martin Lynch
Type of Application	Permission.
Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Claudine Devereux and Martin Lynch
Date of Site Inspection	14 th May, 2021.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. No. 26 St Laurence Road in Chapelizod is an end of terrace two storey house with a single storey structure to the side which is located on a corner site on the south western side of St. Laurence Road. The front curtilage comprises a small private garden enclosed by hedging and metal railing in which there is a pedestrian entrance.
- 1.2. Double yellow lines markings are along the side, the corner and part of the frontage of the site and single yellow line markings are along of the site and a single line along the frontage of the remainder of the houses along the terrace. Pay and display on street parking is available along the north side of public road. Most of the houses on St Laurence's Road have rear access providing for off street parking from the road to the rear. There is a road at the rear serving some of the rear entrances of properties on St Laurence's Road and Knnockaree Apartment development

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a vehicular access, 3.6 metres in width in the front boundary to provide for off street parking in the front curtilage. According to the application, the applicants intended to purchase and electrically powered car (EV) and wish to install a charger for the battery on the front curtilage

3.0 Planning Authority Decision

3.1. Decision

By order dated, 7th January, 2021 the Planning Authority decided to refuse permission based on the following two reasons:

"1. The location and design of the proposed vehicular entrance would be contrary to the Development Plan, Section 16.10.18 and would endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development, involving the conversion of a large proportion of the front garden amenity space into a hard surface car parking area, would by itself and by the precedent it would set for similar substandard development in the vicinity, would seriously injure the residential and visual amenities of the residential conservation area, contrary to the zoning objective Z2 which seeks 'to protect and/or improve the amenities of residential conservation areas' and is consequently, contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

- 3.2.1. The report of the **Transportation Planning Division** indicates a recommendation for refusal of permission on grounds of conflict with section 16.10.8 of the CDP and endangerment of public safety by reason of traffic hazard or obstruction of other road users. It is stated that the 3.6 metres width is excessive and that it should be reduced to 2.5 metres and combined with pedestrian access but that this modification would result in it exiting the parking bay in reverse gear which would be hazardous for pedestrians. Concern is also indicated about potential conflict with the uncontrolled pedestrian crossing at the junction with the Knocknaree housing development.

A **third-party observation** was lodged on 7th December, 2020 by the occupant of the adjoining property at No 24 St Laurence's Road in which concerns is expressed about the width and capacity of the road and high volumes of traffic on it and significant traffic entering and exiting Knocknaree development and a crèche and, additional traffic generation by future developments for which permission has been granted. It is also contended that it is the intention of the applicant to park more than one car on the front curtilage.

The **planning officer** indicated a recommendation for refusal of permission based on the recommendation of the Transportation Planning Division and based on there being too great a proportion of the front garden allocated to parking which would injure the visual and residential amenities of the residential conservation area which is contrary to the zoning objective and which set undesirable precedent.

4.0 Planning History

P. A. Reg. Ref: WEB 1189/10: Permission granted for demolition of existing out building and shed, construction of a two-storey extension to the rear and single storey extension to the side of the property, with Juliette balcony at first floor level on rear elevation and all associated site works. The total stated floor area is 77.4 square metres.

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 16.2.2.4 it is the policy of the planning authority to ensure that front boundary development will not result in loss or insensitive of alteration to boundary walls or railings and that new treatment should replicate an existing or traditional pattern which is characteristic of the immediate locality and that there is use of design and materials appropriate to the existing or proposed building and streetscape.
- 5.1.5. According to section 16.10.18 provision for parking within the curtilage of protected structures are not acceptable where there are inappropriate site conditions such as small gardens and, where terraces and streets are characterised by railings of unique significance, are of a type not found largely on the city the planning authority may seek their retention.

- 5.1.6. 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.
- 5.1.7. 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.
- 5.1.8. According to Vol 2. Chapter 5. *“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. The design standards set out in the planning authority’s leaflet ‘Parking Cars in Front Gardens’ shall also apply. In residential developments, a turning bay/parking area for all vehicles, including public service vehicles, shall be provided, and such roadway/turning area shall be designed to the standards set down by Dublin City Council.”*

5.2. Strategic Guidance.

Architectural Heritage Protection – Guidelines for Planning Authorities, DOEHLG 2005. (The Guidelines)

According to section 13.4.3 and 13.4.4, removal or alteration of boundary features can adversely affect the character of the protected structure and the designed and landscape. Widening or alteration can alter the scale and visual impact of the gate and gate piers. Relocation of a gateway can destroy a carefully designed relationship between the entrance and main building. The cumulative impact of a series of incremental changes may not be acceptable in terms of cumulative effect on the character of a street or area.

5.2.1.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged by CKA Architecture on behalf of the applicant on 2nd February, 2021. Attached are drawings, photographs, a landscape design, a

statement by the applicant and a copy of minutes of a public meeting held by Chapelizod Residents Association on 28th October, 2010 are also included in the submission. According to the appeal:

- The planning authority should have issued a request for additional information to provide an opportunity for the proposal to be modified:
- It would not be essential for a vehicle to be reversed out onto the public road if there is a reduction in the width for the access. A swept path analysis (included on the submitted drawings) demonstrates that a small car can parking space without need to reverse onto the public road so a 2.6 metres width is suitable. This width allows for an increase in the distance from the public road by one metre and It would provide for safe access.
- The permeable grass paving allows for turning within the site to exit in forward gear and the softscape of the garden is retained by the proposed grass paving. The front gardens at Nos 12 and No 14 are fully covered with a hard surface and no not have decorative railings. There are existing hazards in the area due to the lack on street parking. The revised design accords with section 16.10.18 sections 11.1.5.4 and 16.2.2.4 of the CDP regarding parking in the curtilage of protected structures and conservation areas. Policy CHC6 provides for off street parking where conditions exist while protecting the special interest and character of protected structures and conservation areas. The objectives of the CDP were not taken into account in the assessment.
- There has been a lot of damage to the public footpath and signposts and by parking on the footpath surface which is encouraged by the parking signs. The space in the front garden is to be used for parking of one small vehicle will reduce congestion.
- The proposal accords with Policy CC015 and MT044 providing for electrical vehicles and charging points which the applicant intends to purchase.
- There are several precedents for the proposed development at similar dwellings within “Z2” zoned areas. They are: No 49 St Laurence Road, P. A. Reg. Ref. 2577/20, No 23 St Laurence Road, P. A. Reg. Ref. 4029/05; No 8 McDowell Avenue Mount Brown, P. A. Reg. Ref 3817/20; Mayfield, Lucan Road P. A. Reg. Ref. 3993/17, Nos 1.4 St Mary’s Terrace, P. A. Reg. Ref.

3171/11 and, No. 156 Donnellan Avenue Mount Brown for which there is no planning Register reference available.

- In the accompanying statement by Martin Lynch and Claudine Devereux it is claimed that every effort has been made to protect integrity of conservation interests, that the dwelling was purchased in 2010 and it has been restored to the highest standards at considerable expense. The proposed development which is required for a small EV car which is to be purchased along with a charging point is not significant given the size of the garden in which soft landscaping is to be retained. There is no scope for parking at the rear of the property. Parking supply has been reduced in the area around Chapelizod and is very inadequate and as a result a lot of illegal parking occurs. Due consideration should be given to the proposal and the need for a car in that there are extenuating circumstances to the applicant's case.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

- 7.1. The issues central to the determination of a decision can be considered under the following subheadings.

Architectural Heritage Protection.

Vehicular and Pedestrian Safety.

Precedent

Environmental Impact Assessment Screening.

Appropriate Assessment

7.2. **Architectural Heritage Protection.**

- 7.2.1. The application site is that of house on a corner site at the end of terrace which dates from the early twentieth century, and the location is within an area subject to the zoning objective Z2 – residential conservation areas according to the CDP and this is considered reasonable. The presentation of the terrace of houses set behind small front gardens with railings and pedestrian gates has remained substantively

unaltered and is a high quality and appealing feature in the streetscape and a significant benefit to this end has been the retention of the front boundary treatment and front gardens as originally designed, without interventions involving removal or alteration to boundary treatment and the gardens to facilitate off street parking.

7.2.2. The current proposal as modified in the submission lodged with the appeal is effective in reducing the adverse impact by way of the interventions through retention of original railings where feasible and the use of a grass reinforced grid system, which also facilitates storm water drainage in place of the lawn and the original proposal for hard landscaping.

7.2.3. These proposed modifications to the original proposal are relatively effective but remain undesirable having regard to the 'Z2' zoning objective in that some diminution to the character and amenities of the application site and the terrace would occur. It is also accepted that the rear garden of the application site would not be suitable for provision of a feasible and safe entrance to an on-site parking from the public road and that the size and configuration of the space is unsuitable.

7.3. Vehicular and Pedestrian Safety.

7.3.1. The swept path analysis to demonstrating the feasibility of access and egress from the parking space within the front garden is forward gear has been reviewed. While avoidance of reversing out movements reduces the risk to public and vehicular safety, there remains significant potential for conflicting vehicular movements and risk to safety of pedestrians and cyclists at the corner with the junction to the road serving the Knocknaree residential development, which is a substantial high density residential development. In this regard it is of note that the double yellow line markings along the public road at this location are indicative of the risks and obstruction to vision attributable to stopping movements and parked vehicles.

7.3.2. St Laurence Road and the immediate environs is a residential area as is provided for under the zoning objective. At the time of inspection circa mid midmorning on a Friday, there was no evidence of undersupply of paid on street parking along St Laurence Road about sixty percent of the space being occupied. It would appear that there would be capacity for residential permit parking and it is not clear whether this facility would be available to the applicant. The other houses along the terrace at which the application site property is located, have individual parking within their

properties at the rear off the access road at the rear which also serves some of the Knockaree properties. As such there should not be undue demand for residential parking permits in the area. However, this situation would need to be confirmed.

- 7.3.3. With regard to the remarks about an EV charging point, it is noted the quantum and locations of these facilities in the public realm and or available to the public in private property is significantly increasing thus reducing the need for individuals to be dependent on availability of charging points within their own properties.

7.4. **Precedent.**

- 7.4.1. With regard to precedent, several examples are provided to support the applicant's case. The most recent cited developments have been considered:

- 7.4.2. The development proposed for St Laurence's Road, (No 49) which would have been considered in the context of the current CDP involved demolition of a garage, construction of an extension and construction of a second dwelling on the property. A new entrance (replacement) was to be provided for the existing dwelling and a second entrance for the additional house, the site being subdivided. The the planning officer, noted the zoning as 'Z1', not 'Z2' as contended in the appeal, and that the development, having regard to the recommendations of the Transportation Planning division would have limited impact on the on-street parking which is informal at the location, would have no impact on utilities or lead to potential risk of traffic hazard. (P.A. Reg. Ref.2577/20 refers.)

- 7.4.3. The development No 8 McDowell Avenue, (adjacent to St James Hospital) involving an extension for retention and a new entrance was according to the planning officer report consistent with the standards on Appendix 5 of the CDP on standard for parking cars in the front garden and that it would not have adverse impact on the on-street parking in the area. (P. A. Reg. Ref 3817/20 refers.)

7.5. **Environmental Impact Assessment Screening.**

- 7.5.1. 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.

7.6. 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

In view of the foregoing, it is recommended that the planning authority decision be upheld. Reasons and Considerations follow.

9.0 Reasons and Considerations.

It is considered that by reason of the location of the proposed entrance in proximity to a junction with a road serving a high-density residential development, and in an area in which pedestrian circulation is considerable, the proposed development, by reason of the additional turning movements on the public road at the entrance, would lead to conflict with and obstruction of pedestrians and vehicular traffic. As a result, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
May, 2021.