



An
Bord
Pleanála

Inspector's Report

ABP-309643-21

Development	Vehicular access driveway to front garden, through on-street parking with associated site development works, for the purpose of providing an off-street car parking space for charging an electric vehicle.
Location	57, Rathdown Road, Grangegorman, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1921/20
Applicant(s)	Anna & Robert Gallagher
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Anna & Robert Gallagher
Observer(s)	John & Patricia McCrossan
Date of Site Inspection	28 th May 2021

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has stated area of 0.0221 hectares, is located to the north west of the city centre and on the eastern side of Rathdown Road. The appeal site is occupied by a two-storey terraced dwelling. The dwelling on site and the adjoining sites to the north and south are single-bay brick fronted dwellings characterised by iron railings to the front with pedestrian gates. The dwellings have a laneway running to the rear.

2.0 Proposed Development

2.1. Permission is sought for vehicular access driveway to the front garden, through on-street parking with associated site development works, for the purpose of providing an off-street car parking space for charging an electric vehicle.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason.

1. The removal of existing hedgerow and railings and 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 undesirable development in the vicinity, seriously injure the visual amenities of the subject site and the adjoining terrace. The development would be contrary to the Z1 zoning which seeks to 'protect, provide and improve residential amenities' and the adjoining Z2 zoning, the objective of which seeks 'to protect and/or improve the amenities of residential conservation areas'. The development is consequently, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (09/02/21): The proposal would have a detrimental impact on the visual and residential amenity of the area and be contrary the zoning objective and

set and undesirable precedent. It was recommended that permission was refused based on the reason outlined above.

3.2.2. Other Technical Reports

Drainage Division (024/02/21): No objection.

3.3. Prescribed Bodies

TII (13/01/21): The development is at a location that is subject to a Section 49 Supplementary Contribution Scheme.

3.4. Third Party Observations

Submission were received from...

Barry Doherty, 14 Rathdown Road, Dublin 7.

John & Patricia McCrossan, 12 Rathdown Road, Garneegorman, Dublin 7.

The issues raised can be summarised as follows...

- Impact on character and an architectural conservation area, reduction in level of on-street car parking, precedent for similar development and further reduction in on-street car parking, traffic hazard (traffic crossing the pavement), insufficient justification, potential to provide for electric charging to the rear.

4.0 Planning History

4.1 0180/07: Section 5 in relation to demolition of single-storey sunroom and construction of a single-storey flat roof extension.

4.2 6891/06: Permission granted for single-storey extension to the rear and conversion of garage into habitable space.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'To protect, provide and improve residential amenities'.

CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

MT14: To minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is provision of a vehicular entrance and driveway to facilitate off-street car parking for an existing dwelling, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Anna & Robert Gallagher, 57 Rathdown Road, Dublin 7.

- The appellants wish to switch to an electric car and need an off-street space to charge it at home. It is noted that national targets to provide for a certain level electric vehicles by 2020 will be difficult to achieve without facilitating charging at home. The laneway at the back for charging vehicles is not an option due to its width and running a cable across the pathway is not a good option.
- There is a difference in the conservation status between the older dwellings and more modern dwelling along Rathdown Road. Iona Road has similar dwellings and status with such development having been permitted. Permitting the development would not set a precedent for the older dwellings.
- The appellant refers to development classed as exempted development under Class 5 and that they can currently remove the fence, wall and hedgerow and replace with a wall without permission.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.3.1 An observation has been received from John & Patricia McCrossan, 12 Rathdown Road, Grangeegorman, Dublin 7. The issues raised are as follows...

- Impact on character and an architectural conservation area, reduction in level of on-street car parking, precedent for similar development and further reduction in on-street car parking, traffic hazard (traffic crossing the pavement), insufficient justification, potential to provide for electric charging to the rear.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Car parking/traffic

Visual Amenity/Built Heritage

7.2. Car parking/traffic:

7.2.1 The refusal reason relates mainly to visual impact and the zoning objective of the site and an adjoining residential zoning objective. I would consider that there is an issue is not referred to in the refusal reason and assessment of the proposed and such relates to car parking/traffic. The area is subject to pay and display/permit parking and there is a level of existing on street car parking in front of the existing dwellings at this location. The proposal for a vehicular entrance would result in the loss of on-street car parking. Objective MT14 is “to minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements”. The proposal cannot be viewed in isolation as to permit a vehicular access will set a precedent for other vehicular accesses and off-street car parking along the street and this would be likely to impact significantly on existing on-street car parking provision. There are considerable benefits to off-street car parking however the maintenance of a level of existing on-street car parking is also important and permitting individual access points along a street that is characterised by not having such would set a precedent. Such a precedent would have a significant impact on the level of on-street car parking available and be contrary to CDP Policy MT14.

7.2.2 The dwelling on the appeal site and the existing dwellings to each side are narrow in form and to facilitate the vehicular entrance and subsequent precedent it would set would result in the loss of a significant degree of on-street parking. The appellant’s reasons for wanting such are all reasonable and logical desires, however the nature of the existing pattern of development does not lend itself to the provision of

individual entrances without the knock on effect of significantly reduced on-street car parking and a change to the nature of turning movements onto the public road. I am of the view that the proposal for the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking and set an undesirable precedent. The proposed development would be contrary to Policy MT14 of the Dublin City Development Plan 2016-02022 which seeks to retain on-street parking as a resource for the City as far as practicable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Visual Amenity/Built Heritage:

7.3.1 The proposal was refused on the basis that the removal of existing hedgerow and railings and 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 undesirable development in the vicinity, seriously injure the visual amenities of the subject site and the adjoining terrace. The development was deemed to be contrary to the Z1 zoning which seeks to 'protect, provide and improve residential amenities' and the adjoining Z2 zoning, the objective of which seeks 'to protect and/or improve the amenities of residential conservation areas'.

7.3.2 The appeal site is located in the Z1 zoning objective. The appeal site is not in a conservation area and the structure on site or adjoining structures are not protected structures. There is a residential conservation area further to the north of the site (zoned Z2). Notwithstanding these facts, the dwelling on the appeal site and adjoining such are period dwellings with an attractive character and established pattern and rhythm of development featuring iron railings and pedestrian gates. None of the dwellings at this location have vehicular entrances with the character of the existing dwellings remaining intact. Despite not being in a residential conservation area, I would be of the view that the proposal and the precedent it sets for modification of the railings to facilitate a gap for vehicular entrance and provision of a driveway would be contrary to Objective CHC1 which "seek the preservation of

the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

7.3.3 The appellants suggest that a number of modifications can be made under the provision of exempted development with Class 5 Schedule 2 of the Planning and development regulations noted. The provision of a new vehicular entrance and hardstanding for the purpose of parking a vehicle require permission. What the applicant can do under exempted development is not a consideration under this case with the development being sought considered on its merits.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 Recommendation

9.1. I recommend refusal based on the following reasons.

10.0 Reasons and Considerations

1. The proposal by virtue of the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking and set an undesirable precedent for the further loss of the supply of on-street car parking. The proposed development would be contrary to 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 proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Under Objective CHC1 of the Dublin City Development Plan 2016-2022 it is policy to “seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city”. The proposal, which would include a significant gap in the railings and additional hardstanding area to facilitate off-street car parking in a residential area with a strong, attractive and intact pattern of development, would have a negative visual impact on the streetscape and on the character and visual amenities of the area. The proposed development, in itself and by the precedent it would set for similar development in the area, would be contrary to the policies and objectives of the current Dublin City Development Plan 2016-2022, specifically Policy CHC1 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

31st May 2021