



An
Bord
Pleanála

Inspector's Report ABP-309924-21

Development

The removal of c. 4 metres length of existing wing wall and pier, and the construction of a replacement, re-aligned, and matching 1.0m high wing wall and 2.1m high pier thus widening the vehicular entrance to facilitate safe exiting traffic movements towards Milltown, and ancillary site works.

Location

Woodlea, 148 Churchtown Road
Lower, Dublin 14, D14 A5V9.

Planning Authority

Dún Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D20A/0945

Applicant(s)

Tom Gorey

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Tom Gorey

Observer(s)

None.

Date of Site Inspection

11th June, 2021

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the mature residential suburb of Churchtown where it occupies a position along the western side of Churchtown Road Lower, approximately 35m north of the signalised junction with the R112 Regional Road. It has a stated site area of c. 0.125 hectares, is rectangular in shape, and is presently occupied by a two-storey, semi-detached dwelling set within mature gardens. With the exception of the existing site entrance, the full extent of the roadside boundary is defined by a stretch of dense hedging which directly abuts the carriageway thereby limiting visibility to the north on exiting the property. The existing entrance arrangement consists of an inner set of brickwork piers linked to a pair of roadside capped and plastered piers by a low stone wall and railings to the south and by a brickwork wing wall to the north. A 'clearway / keep clear' box has been marked in the southbound lane of the public road opposite the site entrance. Although there is a continuous footpath extending along the eastern side of Churchtown Road Lower, the footway along the western side of the carriageway on travelling northbound from the junction with the R112 Regional Road terminates at the site entrance and does not recommence until 200m further north.

2.0 Proposed Development

- 2.1. The proposed development consists of the repositioning / realignment of the northern wing wall of the existing entrance arrangement that serves a single dwelling house onto Churchtown Road Lower. The works will involve the removal of approximately 4m of the existing wing wall in addition to the roadside pier and the subsequent construction of a replacement, re-aligned and matching wing wall & pier thereby widening the outer splay of the vehicular entrance by 2m to an overall width of 5.15m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 16th March, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed development, which includes the widening of the existing vehicle entrance, to 5.15m and the provision of a new 2.1m high pier, would endanger public safety by reason of traffic hazard and would materially contravene Section 8.2.4.9: 'Vehicular Entrances and Hardstanding Areas' of the Dún Laoghaire Rathdown County Development Plan (2016-2022). The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report states that the proposed widening of the vehicular entrance and the associated alteration of the wing wall and pier will not impact on the residential or visual amenities of the area, however, it is recommended that further information be sought as per the requirements of the Transportation Planning Division.

Following the receipt of a response to a request for further information, a final report was prepared which stated that the proposal would contravene Section 8.2.4.9:

'Vehicular Entrances and Hardstanding Areas' of the County Development Plan.

More specifically, it was considered that while the existing access already exceeds the 3.5m entrance width permissible, the proposal to increase its width further and the siting of the entrance pier would not adequately improve the sightlines of vehicles exiting onto the public road. Therefore, it was recommended that permission be refused for the reason stated.

3.2.2. *Other Technical Reports:*

Drainage Planning, Municipal Services Dept.: No objection.

Transportation Planning: An initial report noted that there was no footpath along Churchtown Road Lower to the front of the development before drawing attention to Policy ST6: '*Footways and Pedestrian Routes*' of the Development Plan which states that '*The Council will continue to maintain and expand the footway and pedestrian route network to provide for accessible pedestrian routes within the County in accordance with best accessibility practice*'. It subsequently recommended that the applicant be required by way of a request for further information to submit proposals for a revised bell-mouthed or splayed entrance arrangement up to a maximum width of 3.5m that included for the provision of footpath to the front of the site.

Following the receipt of a response to a request for further information, a final report was prepared which stated that the applicant had not addressed the issues raised as regards the provision of a footpath to the front of the site and the redesign of the entrance arrangement. It was therefore considered that the proposed works and the widening of the entrance to 5.15m were deficient for the following reasons:

- Not accommodating pedestrian access for visitors and residents, considering that suitable footpaths are adjacent to the property on the southern boundary.
- Not adequately improving the sightlines for vehicles exiting the widened entrance.
- The proposal would not accord with Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' of the Development Plan which states that the maximum width of a vehicular entrance serving a single dwelling house should be 3.5m.

It was therefore recommended that permission be refused on the following grounds:

- Precedent – i.e. the proposed vehicular access, by itself, or by the precedent that the grant of permission for it would set for other relevant development, would adversely affect the use of Churchtown Road Lower by road users, as per Clause 7 of the Fourth Schedule (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

PA Ref. No. 10319. Following the lodgement of a Section 5 application by Mr. Tom Gorey, the Planning Authority determined that works essentially the same as the subject proposal would not constitute exempted development.

4.2. Relevant Files in the Immediate Vicinity:

PA Ref. No. D05A/0173. Was granted on 19th May, 2005 permitting Anthony & Marion McRedmond permission for the demolition of an existing garage & utility extension and the construction of a new two-storey extension to the side of the house and associated site works and the retention of new gate piers to the existing vehicular access, all at No. 140 Churchtown Road Lower, Dundrum, Dublin 14.

5.0 Policy and Context

5.1. Development Plan

5.1.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

Land Use Zoning:

The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2.4.9: Vehicular Entrances and Hardstanding Areas:

(i) General Specifications:

Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5m. For a shared entrance for two residential dwellings, this may be

increased to a maximum width of 4m. Each car parking space for a residential dwelling shall have a minimum length of 5.5m depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3m to allow for clearance from nearby wall/steps/boundary.

Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.

Automatic electronic gates into residential developments are not favoured, and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back 6.0m from the back of the footway to avoid the roadway or footway being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable.

(ii) Visual and Physical Impacts:

Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted. Applications for double-width entrances will normally be resisted.

Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.

There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications.

Proposals for off street parking need to be balanced against loss of amenity (visual and physical) and will be considered in light of overall traffic flows and car parking in the vicinity.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 3.2km southeast of the site.
- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 3.9km north of the site.
- The Booterstown Marsh Proposed Natural Heritage Area (Site Code: 001205), approximately 4.1km northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 4.1km northeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- The proposed minor relocation of an existing wing wall aims to address the existing practice of hazardous exiting manoeuvres on leaving the application site.
- It is not proposed to widen the existing recessed site entrance / gateway formed by Piers 'A' & 'D' (as identified on the site layout plan). The entrance arrangement will remain unchanged other than for one of the wing walls being

moved northwards to enable vehicles to exit the site (and to turn left towards Milltown) without crossing over the centreline of Churchtown Road Lower into on-coming traffic.

- Contrary to the decision to refuse permission:
 - It is not proposed to widen the vehicular entrance to 5.15m. The existing site entrance between Piers 'A' & 'D' will remain unchanged.
 - The proposal will not endanger public safety by reason of traffic hazard and will instead remedy hazardous exiting manoeuvres from the appeal site thereby eliminating a potential hazard for on-coming motorists approaching from the direction of Milltown.
 - The works do not contravene Section 8.2.4.9 of the Plan as it is not proposed to widen the vehicular entrance. In this respect it should be noted that the existing opening at the road is already wider than the general maximum width referenced in Section 8.2.4.9.
- The accompanying 'Autodesk Vehicle Tracking' exercise provides for a comparison of vehicles exiting the site in the existing and proposed access scenarios. The Board is invited to agree that the alteration of the alignment of the wing wall as proposed will provide sufficient turning space to exit the site without needing to cross into on-coming traffic. Some cutting back of the boundary hedging will also be undertaken to enhance the available visibility.
- The proposed development will eliminate a traffic hazard and will improve overall traffic safety.

6.2. Planning Authority Response

- States 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.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Traffic safety considerations
- Appropriate assessment

These are assessed as follows:

7.2. Traffic Safety Considerations:

7.2.1. From a review of the available information, it is apparent that the intent of the proposed repositioning / realignment of the northern wing wall of the existing entrance arrangement onto Churchtown Road Lower is to provide for ease of movement and improved traffic safety in light of the current difficulties experienced by vehicles exiting the site onto the public road and, more specifically, the need for cars having to cross the centreline of the main carriageway into oncoming traffic when performing a left-hand turn towards Milltown (due to the tight turning radius of the manoeuvre involved). This is clearly illustrated in the 'Autodesk Vehicle Tracking' exercise provided with the grounds of appeal. Although it would appear that the Roads Authority has already sought to alleviate the problems at the existing site entrance through the provision of a 'clearway' / 'keep clear' box within the southbound lane of the carriageway opposite, this would not seem to have resolved the situation to the satisfaction of the applicant and it was noted during the course of my site inspection that vehicles queuing along Churchtown Road Lower from the traffic lights were frequently failing to observe the clearway.

7.2.2. While I would acknowledge the Planning Authority's concerns with respect to the provisions of Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' wherein it is stated that the maximum width of an entrance serving a single dwelling house should not generally exceed 3.5m, it should be noted that the distance between the outermost entrance piers (identified as piers 'B' & 'C' on the site plans) at 3.65m already exceeds this general requirement whereas no alterations are proposed to the inner 'mouth' of the existing entrance. In effect, the proposed entrance arrangement will not be dissimilar to those serving neighbouring properties further north along this section of roadway, including those shown on the site plan and that

permitted under PA Ref. No. D05A/0173 at No. 140 Churchtown Road Lower. Moreover, I am cognisant that the purpose of the proposed development is to improve traffic safety and I would concur with the first party in this regard to the extent that the proposal should not be bound to the general restriction on entrance widths set out in Section 8.2.4.9 of the Development Plan.

7.2.3. Although it is regrettable that the proposed works will only marginally improve the severely curtailed sightlines available to the north on exiting the site and that the applicant has not availed of the opportunity to lower the outermost entrance piers and / or to remove / cut back the roadside hedging more substantially, the repositioning / realignment of the northern wing wall will nevertheless improve traffic safety at this location.

7.2.4. With respect to the request by the Planning Authority to remove Pier 'C' and the southern wing wall (and railing) in order to extend the public footpath along the site frontage as far as the realigned wall, given the limited nature and scale of the proposed works, I am unconvinced that these additional requirements could reasonably be held as expedient to the development in question.

7.2.5. Therefore, in light of the foregoing, I am satisfied that the proposed development will not endanger public safety by reason of traffic hazard nor will it materially contravene Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' of the Development Plan.

7.3. **Appropriate Assessment:**

7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the design, nature and extent of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the visual or residential amenities of the area. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 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 plans and particulars received by An Bord Pleanála on the 9th day of April, 2021.

Reason: In the interest of clarity.

Robert Speer
Planning Inspector

17th June, 2021