



An
Bord
Pleanála

Inspector's Report

ABP-309980-21

Development	New vehicular access driveway involving the re-modelling of existing railings.
Location	58, Connaught Street, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2100/21
Applicant(s)	Ian Whelan
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Ian Whelan
Date of Site Inspection	14 th May 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0297 hectares, is located to the north west of the city centre and on the northern side of Connaught Street, a short distance from Phibsborough and north of Dalymount Park. The appeal site is occupied by a two-storey brick front dwelling. The site is part of terrace of similar dwellings characterised by having front gardens with iron railings along the edge of the footpath and pedestrian gates. To the east is no. 56 and to the west is no. 60. The dwellings along Connaught Street have access to a laneway running between Shandon Road and Ulster Street. The appeal site does not appear to have access off the laneway with an outbuilding located to the rear of the site.

2.0 Proposed Development

- 2.1. Permission is sought for a new vehicular access driveway involving re-modelling of existing railings and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. 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 directly contravene 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.

2. The subject property is located in an important Z2 residential conservation area the objective of which is 'to protect and/improve the amenities of residential conservation areas'. The proposed vehicular entrance and parking to the front garden would be out of character with the pattern of development in the area, would have a negative visual impact on the streetscape and on the integrity of this

residential conservation area. The proposed development, in itself and by the precedent it would set for similar development in the area, would seriously injure the residential amenities of the area and would be contrary to the policies and objectives of the current Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (23/03/21): The development was considered to be contrary Development Plan policy MT14 regarding loss of on-street car parking and out of character with a residential conservations area. Refusal recommended based on the reasons outlined above.

3.2.2. Other Technical Reports

Drainage Division (15/02/21): No objection.

Transportation Planning (26/02/21): Refusal recommended, contrary Policy MT14 loss of on-street car parking.

3.3. Prescribed Bodies

TII (16/02/21): Development subject to Section 49 Supplementary Development Contribution.

3.4. Third Party Observations

Mary Murray, 57 Shandon Park, Dublin 7.

- Out of character with existing street, danger to pedestrians and other drivers, high demand for on-street car parking, precedent for similar development.

4.0 Planning History

4.1 EXPP 0330/19: Section 5 declaration concerning conversion of existing garage to office 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 Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The policy chapters, especially Chapters 11 – Built Heritage and Culture, and 16 – Development Standards, detailing the policies and objectives for residential conservation areas and standards respectively, should be consulted.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or other important features.

3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop- and pub-fronts of architectural interest.

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 Ian Whelan, 58 Connaught Street, Phibsborough Dublin 7. The grounds of appeal are as follows...

- The appellant outlines the reason for the proposed development including issues with vandalism of cars and incidents in which parked cars have been crashed into, child safety with the appellant's young children having to be near a busy road to access the appellant's car with the potential for additional traffic exacerbating existing high levels due to Bus Connects proposals.

- The appellant notes that 109 residents parking permits have been issued for the street, which has a capacity of 140 so there is no capacity issue for residents parking. The provision of off-street car parking will alleviate demand for an on-street space. The appellant notes that there is always empty spaces outside their house.
- The applicant would like to buy an electric car and the lack of off-street car parking make this difficult with the positive environmental benefits of such noted as well as it being national policy to encourage such.
- The appellant notes that the loss of the on-street space is offset by the provision of off-street car parking.
- The appellant notes that the Board is entitled to take a different view to the proposal and refers to a previous grant of permission under ref no. 1890/97 at 82 Connaught Street.
- The appellant notes there is a high party wall between the front garden of his property and no. 56 meaning the visual impact of the off-street parking will not be significant and the fact that such is unique to the appeal site the creation of precedent is not an issue.
- The decision was influenced by the Road Planning report and the argument that rear access is possible. The appellant notes that rear access is not possible and such is not a justification for refusal.
- The planning authority did not acknowledge or assess the reasons for the proposal.
- The previous enforcement case on site is not connected to the applicant/appellant and is prior to his purchase of the house.

6.2. Planning Authority Response

6.2.1 No response.

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

Residential Conservation Area/Visual Amenity

7.2. Car parking/traffic:

7.2.1 The proposal was refused on the basis that it would be contrary to Development Plan policy MT14 relating to loss of on-street car parking spaces. Connaught Street is characterised by on street car parking. From my site inspection there appears to be only two vehicular entrances for dwellings along the street with the pattern of development for only pedestrian access remaining largely intact. It would appear the last permission granted for vehicular entrance along this street was back in 1997. The provision of a new vehicular entrance would reduce the level of on-street car parking and result in the loss of one space.

7.2.2 The appellant argues that the one space lost would be offset by the provision of an off-street space and that there is surplus of on-street car parking for the demand that exists along the street. The proposal cannot be viewed in isolation as to permit a vehicular access will set a precedent for other vehicular access 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.

7.2.3 The appellant highlights his reasons for wanting a vehicular access and off-street car parking and considers that such were not considered adequately. 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 on a heavily trafficked street close to the city centre. 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 2016-2022 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.

7.3 Residential Conservation Area/Visual Amenity:

7.3.1 The proposal was also refused by virtue of being in an important Z2 residential conservation area with the objective of which is 'to protect and/improve the amenities of residential conservation areas'. The proposed vehicular entrance and parking to the front garden was considered to be out of character with the pattern of development in the area, to have a negative visual impact on the streetscape and on the integrity of this residential conservation area. The proposed development, in itself and by the precedent it would set for similar development in the area, was deemed to seriously injure the residential amenities of the area and be contrary to the policies and objectives of the current Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

7.3.2 As stated above the existing pattern for development in the area consisting of terraced dwellings with iron railings, pedestrian gates and front garden areas has remained largely intact. The proposal, which would include a significant gap in the railings (despite the provision of gates) and additional hardstanding areas to facilitate off-street car parking, would have a negative visual impact on the streetscape and on the integrity of this residential conservation area. The proposed development, in itself and by the precedent it would set for similar development in the area, would

seriously injure the visual amenities of the area and would be contrary to the policies and objectives of the current Dublin City Development Plan 2016-2022, specifically Policy CHC4 and the proper planning and sustainable development of the area.

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 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 2016-02022 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.

2. The proposal, which would include a significant gap in the railings (despite the provision of gates) and additional hardstanding areas to facilitate off-street car parking, would have a negative visual impact on the streetscape and on the integrity of this residential conservation area. The proposed development, in itself and by the precedent it would set for similar development in the area, would would be contrary to the policies and objectives of the current Dublin City Development Plan 2016-

2022, specifically Policy CHC4 and would, therefore, be the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

17th May 2021