



An
Bord
Pleanála

Inspector's Report

ABP-310008-21

Development	Alterations to the front boundary to widen existing vehicular access to 3.6m.
Location	60, The Park, Beaumont Woods, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1118/21
Applicant(s)	Donal McGrath
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	First Party
Appellant(s)	Donal McGrath
Observer(s)	None.
Date of Site Inspection	29 th May, 2021
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in The Park residential development, a development of two storey primarily semi-detached and terraced houses accessed off Beaumont Road in north Dublin city.
- 1.2. The site is located c.400 metres to the north of the junction between The Park and Beaumont Road and is the furthest north of four roads on the eastern side of The park. The appeal site is located on a corner site at the northern end of the development and the site is occupied by a two storey detached house.
- 1.3. The existing front boundary wall to the site comprises a capped brick wall of 910mm in height and two brick gate piers of 1230mm in height located at the eastern side of the frontage. The front boundary height of 910mm extends from the existing vehicular entrance around the bend to the west as far as the front building line of the house on the site. The section to the west has a timber fence erected above the wall. The width of the existing access is stated to be 2.78 metres.
- 1.4. The stated area of the site is 313 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the removal of the existing western gate pier and its relocation to the west such that the width of the access would be increased from the existing 2.78 metres to 3.60 metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of decision to Grant Permission subject to 6 no. conditions, of which the following are particularly noted:

Condition No.6 requires that a number of requirements of the Transportation Planning Section shall be complied with in the development including 6(a) that the driveway entrance shall be a minimum of 3.0 metres in width and shall not have outward opening gates.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the nature of the proposal, the internal reports received, particularly the comments of the Transportation Planning Division, and the development plan policy in particular sections 8.5.6, 16.38 and Appendix 5. Reference is also made to the council policy document, 'Parking Cars in Front Gardens'. A Grant of Permission consistent with the Notification of Decision to Grant Permission issued is recommended including the wording contained in Condition No.6 and the requirement to restrict the width of the access to a maximum of 2.8 metres.

3.2.2. Other Technical Reports

Transportation Planning – Report notes the development plan policy and that entrances should be a minimum of 2.5 metres and maximum of 3.6. The report references the fact that in general a width at the minimum end of the range is preferable and that wider accesses can have negative impacts in terms of availability of on street parking and pedestrian safety.

3.3. Third Party Observations

None received.

4.0 Planning History

The report of the Planning Officer makes reference to the following:

Dublin City Council Ref. 2374/97 – Permission granted by the Planning Authority for modifications to the elevations of 68 no. houses permitted under Ref. 1631/96.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Dublin City Development Plan, 2016-2022. Under this plan the appeal site is zoned Objective Z1 with the stated objective *‘to protect, provide and improve residential amenities’*.

Under the heading of Car Parking, Section 8.5.6 of the plan states that:

Dublin City Council will continue to implement a policy on car parking in the city that seeks to manage and provide car parking as part of the overall sustainable transport needs of the city. Note that standards are set out in section 16.38. Wherever possible developers will be encouraged to supply a car, preferably electric, as part of a shared transport pool in lieu of parking spaces as well as the supply of push bikes’.

Policy MT14 states that is the policy of the council *‘To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.’*

Under the heading of Road and Footpath Standards for Residential Development, section 5.1 of Appendix 5 states:

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.

Reference is made in the council reports on file to the document, 'Parking Cars in Front Gardens' which is a brochure setting out some of the main issues relating to vehicular accesses in residential sites including within the curtilage of protected structures. Under the heading of Basic Dimensions and Surfacing the guide states the following:

'Generally, the vehicular opening shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist.'

5.2. Natural Heritage Designations

The site is not located within or in close proximity to any European site.

5.3. EIA Screening

Having regard to the nature of the proposed development, 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 following is a summary of the main issues raised in the first party grounds of appeal:

- That the restriction of the width of the proposed entrance to 3.0 metres is of no practical or material addition to the existing width (2.8 metres).

- That the additional 0.8 metres sought is a relatively minimal change from the existing 2.8 metres. It is not considered to be '*an excessively wide vehicular access*' as stated by the planning authority and is allowable under the development plan.
- That the widening sought does not result in the loss of any off street parking and will actually result in increased availability of on street parking as it will increase the use of the off street area in front of the house.
- That the widening of the access by 0.8 metre would not impact negatively on street scape character as the house is the only detached property on the street with a wider garden such that the entrance would remain in proportion to the frontage.
- That the additional width is not considered such that it would create any pedestrian safety issue.

6.2. Planning Authority Response

No response from the Planning Authority to the grounds of appeal is recorded as being received.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Proposal and Traffic and Pedestrian Safety
- Visual Impact
- Appropriate Assessment

7.2. Principle of Proposal and Traffic and Pedestrian Safety

- 7.2.1. The appeal site is located on lands that are zoned Objective Z1 (Residential) under the provisions of the development plan and the site is currently occupied by a two storey house which has an existing vehicular access. There is therefore no objection to the principle of a widened access at this location.
- 7.2.2. The proposed increase in width of the access by 200mm is in my opinion acceptable in terms of its impact on pedestrian and traffic safety, visual amenity, and compliance with the provisions of the development plan, notably Appendix 5 of the Plan and the guide 'Parking in Front Gardens'. It is therefore proposed to consider this appeal under the provisions of s.139 as an appeal against Condition No.6(a) attached to the Notification of Decision to Grant Permission issued by the Planning Authority.
- 7.2.3. The submission of the first party that the increased width permitted under Condition No.6 (restriction to 3.0 metres) is of no practical or material addition to the existing width (2.8 metres) is noted and I would generally be in agreement with this view. The granting of a permission that requires the relocation of the gate pier and dishing of the footpath for an increased width of 200mm would not appear to be of any practical benefit to the applicant and would not appear to be viable.
- 7.2.4. While not referenced in the first party appeal or in the report of the Planning Officer, I note that there are a number of houses in the Park development where the vehicular access has been widened from its original width. None of these examples are on the same road as the appeal site however examples are evident on both roads to the south. For example, Nos. 9 and 10 the Park, with No.9 being a corner site in a similar setting to the appeal site have both had the vehicular entrances widened, albeit I cannot find on the Dublin City Council online search where planning permission was granted for this development. .
- 7.2.5. The basis for the restriction of the width of the proposed access to 3.0 metres as required under Condition No.6(1) as set out in the report of the Transportation Planning Section relates to the potential for wide accesses to impact on pedestrian safety and also the loss of on street parking. In the case of the appeal site, the proposed widening would not in my opinion have any material impact on the amount of space available on street for the parking of cars and would not clearly result in the loss of an on street parking space. The on street parking at this location is free and

there would be no loss of revenue to the council that would arise. Having regard to the above, I do not consider that the proposed development would be contrary to Policy MT14 of the plan regarding the protection of existing on street parking.

- 7.2.6. With regard to pedestrian safety, the existing front boundary of the site comprises a low wall of approximately 910mm maximum height. This boundary extends to the corner to the west of the entrance, and such that the existing boundary wall does not obstruct visibility at the site access. I do not therefore consider that the widening of the vehicular access as proposed would have any adverse impact in terms of pedestrian safety.
- 7.2.7. From my inspection of the site, the widening of the access as sought would enable a car to be parked within the site close to the eastern site boundary while providing clear access for a second vehicle to the hard surfaced parking area further to the west on the site. In my opinion therefore, the widening of the access as proposed has a practical function in facilitating access from and egress to the site.
- 7.2.8. With regard to plan policy, I note that Appendix 5 of the Development Plan makes reference to driveways being at most 3.6 metres in width. Appendix 5 also makes reference to the leaflet '*Parking Cars in Front Gardens*' which it is stated shall also be applicable, although it is not directly part of the development plan. This document also cites a range of 2.5 to 3.6 metres for vehicular accesses and states that '*.....maximum widths (3.6 metres) will generally only be acceptable where exceptional site conditions exist*'. I consider that as the proposed access falls within the specified 2.5 to 3.6 metre range, that pedestrian safety would not be impacted by the proposed widening and that the development would enable ready access for two vehicles to be provided to the existing hard surfaced parking area on site, that the proposed development is consistent with the provisions of the development plan.

7.3. Visual Impact

- 7.3.1. The proposed development involves the demolition of the existing gate pier and the construction of a new pier using the same materials. The proposed development would therefore be consistent with the requirements of parking cars in Front Gardens that the new gate pier would be consistent with the existing front boundary treatment.

- 7.3.2. In terms of width and the impact of the proposed development on the proportions of the site I note the first party submission that the proposed opening would not be excessive given the detached nature of the house on the appeal site and the longer road frontage that it has relative to other houses on the street. This point is noted and agreed with and I do not consider that the width of access proposed would act to make the front boundary treatment or vehicular opening out of character or proportion with the existing streetscape.
- 7.3.3. The front boundary of the site is currently bounded by a footpath and grass verge, and the proposed development would result in some limited loss of this grass verge. The extent of this area would however be c.800mm in width and would not have a significant negative visual impact.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that the Planning Authority be directed as follows:

That condition No.6(a) attached to the Notification of Decision to Grant Permission shall be omitted from the final grant of permission.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, including the location relative to the road network and the height of the front boundary wall it is considered that the omission of Condition 6(a) would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

31st May, 2021