



An
Bord
Pleanála

Inspector's Report ABP-310064-21

Development	Replacement of two front elevation doors with windows and provision of a front vehicular access to two off-street car parking spaces
Location	71 Haddington Road, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1095/21
Applicant(s)	Christina Lonergan & Jonathan Goff
Type of Application	Permission
Planning Authority Decision	Split
Type of Appeal	First
Appellant(s)	Christina Lonergan & Jonathan Goff
Observer(s)	Philip O'Reilly
Date of Site Inspection	4 th June 2021
Inspector	Colm McLoughlin

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1.0 Site Location and Description

1.1. The appeal site is located on the tree-lined Haddington Road in the Ballsbridge area of Dublin, approximately 1.3km to the southeast of the city centre. The site contains a three-storey mid-terrace house that is set back approximately 9m from the front boundary of the site. The front boundary features a painted-black iron railing mounted on a plinth and featuring decorative stone piers alongside a centrally-positioned pedestrian gateway. A pathway dissecting the front garden leads to stone steps, which in turn lead to the upper-ground floor level of the house. The immediate terrace is characterised by a range of three-storey houses fronting onto Haddington Road, many of which feature developments to the rear. There is a mews house situated directly to the rear of the appeal site. Ground levels in the vicinity are relatively level and there is pay and display, as well as permit holder on-street parking available along Haddington Road, directly fronting the appeal site.

2.0 Proposed Development

2.1. The proposed development comprises:

- replacement of two front elevation lower-ground floor doors with windows;
- provision of a new vehicular access via various works, including the dishing of the footpath and the kerb onto Haddington Road;
- revised front boundary treatment, including widening of the gateway opening and the installation of a set of sliding double gates;
- provision of a bin store area to the front corner;
- landscaping and groundworks to enable the parking of two vehicles to the front of the house with an electric-vehicle charging point.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to issue a split decision, granting permission for the replacement of the two front elevation doors with windows, subject to six standard

conditions, while refusing to grant permission for the vehicular access to two off-street parking spaces and the associated works. The reason for refusing this element of the proposed development was stated as:

- The proposal for the removal of on-street car parking spaces 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 2016-2022 which seeks to retain on-street parking as a resource for the city, as far as practicable. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (March 2021) reflects the decision of the planning authority. The Planning Officer noted the following:

- the alterations to the front elevation of the house are considered to be reasonable and would not negatively impact on the character of the house or the area;
- based on the comments of the Transportation Planning Division, the proposed element of the development to provide a front vehicular entrance to the property would be contrary to policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimise the loss of on-street car parking spaces.

3.2.2. Other Technical Reports

- Transportation Planning Division – refuse to grant permission recommended;
- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water - no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the planning authority, one observation was received from a resident of the Rathmines area, which is located 3km to the southwest of the appeal site. The issues raised in this observation are similar to those raised in an observation to the grounds of appeal and they are included under the heading 'Observations' below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. The Planning Officer's report refers to the planning history of the site, with the following planning application the most recent case relating to the appeal site:
- register (reg.) reference (ref.) WEB1334/20 – permission granted by the planning authority in October 2020 for the construction of a single-storey flat-roof rear extension onto an existing lower ground-floor extension and associated works.

4.2. Surrounding Sites

- 4.2.1. Reflective of the inner-urban character of the area, there have been numerous planning applications for a broad mix of developments, including domestic extensions and alterations to neighbouring houses.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect and/or improve the amenities of residential conservation

areas'. The general objective for these lands, as outlined in the Development Plan, 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 appeal site is not within an Architectural Conservation Area (ACA), nor is the house on site included within the Record of Protected Structures attached to the Development Plan. The most relevant planning policies for the proposed development are set out under section 5 (Quality Housing) and section 16 (Development Standards) of Volume 1 to the Development Plan.

5.1.2. Policy CHC4 requires development in conservation areas to contribute positively towards the character and distinctiveness of the area. Policy CHC8 aims 'to facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas'. Other relevant provisions of the Plan include:

- Policy MT14: To minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for sustainable transport provision, access to new developments and public realm improvements;
- Section 16.10.18: Parking in the Curtilage of Protected Structures and in Conservation Areas;
- Section 16.38.9: Design Criteria (car parking);
- Appendix 5: Section 5.1 - Road standards relative to residential development, including reference to the Planning Authority's guidance leaflet titled 'Parking Cars in Front Gardens'.

5.1.3. In this part of the city a maximum of one car parking space per new house is allowed for, based on standards listed in Table 16.1 of the Plan.

5.1.4. Dublin City Council has started the preparation of a new Dublin City Development Plan for the period 2022 to 2028. It is understood that the draft Development Plan is intended to be submitted to the Council members for their consideration in late November 2021.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, 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

- 6.1.1. A first-party appeal against the decision of the Planning Authority to refuse to grant permission for the new vehicular access element of the proposed development was received by the Board and this can be summarised as follows:
- the new access would require only one or two on-street car parking spaces to be lost, and not the three spaces suggested by the planning authority;
 - residents can currently avail of two residents' car parking spaces on Haddington Road, therefore, no parking spaces would be lost in principle by the provision of the two proposed off-street spaces;
 - without off-street car parking, residents would not be able to avail of electric charging for vehicles, despite Government policy moving towards a ban on the sale of fossil-fuel cars after 2030. The grounds of appeal were accompanied by a document prepared by Dublin City Council in 2018 titled 'Report on Electric Vehicle Charging for residents of terraced houses or apartments';
 - the design of the new access and parking would be visually pleasing and in keeping with the conservation area, with many fine examples of similar development to that proposed to Georgian properties in the surrounding streets.

6.2. Planning Authority Response

- 6.2.1. The planning authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. In conjunction with their third-party observation, the observations of a resident of the Rathmines area to the grounds of appeal can be collectively summarised as follows:

- the proposals would result in the loss of three on-street car parking spaces, contrary to Development Plan provisions for residential conservation areas;
- there has been examples of refusal of similar development on neighbouring sites and there is a high demand for parking in this area, due to the mix of uses;
- proposals should protect the architectural and historical significance of the host building and the adjoining house at no.73;
- while the applicant has referred to existing examples of off-street car parking in neighbouring areas, this does not justify repetition of this pattern of inappropriate development on the appeal site;
- parking in the front garden area would overwhelm the character and setting of the host house and there are no good supporting examples of front off-street parking to similar style historical houses in the immediate vicinity of the site;
- the proposals would present difficulties in terms of safe manoeuvring when exiting and entering the proposed off-street car parking spaces along a very busy stretch of public road;
- the proposed sliding gates would be inappropriate, given that inward opening swing gates pivoting from the piers would be more in conformity with the character of the residential conservation area.

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development would comprise two separate elements, including the replacement of two front elevation doors with two windows and the construction of a vehicular access off Haddington Road with provision for two car parking spaces in the front curtilage of the house. Consequently, I consider the substantive issues

arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Access and Parking;
- Replacement Windows.

7.2. Access and Parking

- 7.2.1. The planning authority's decision to refuse permission for the proposed vehicular entrance was based on the resultant reduction in on-street car parking required to facilitate access and egress, as well as the precedent that this would set for similar development. The Transportation Planning Division of the planning authority stated that a minimum of two car parking spaces would be lost by virtue of the proposals, based on the measurements of the dished kerb. It was also stated by the Transportation Planning Division that there is a high uptake of permits and pay and display parking in the subject area, and that the loss of on-street parking would be contrary to policy MT14 of the Dublin City Development Plan 2016-2022 and the provisions set out under section 16.38.9 of the Development Plan, which outline that there is a presumption against the removal of on-street parking spaces to facilitate vehicular entrances to single houses in predominantly residential areas, where residents are currently reliant on on-street parking.
- 7.2.2. Within the grounds of appeal it is asserted that the applicants already have two car parking permits for the area, therefore, the loss of two on-street car parking spaces would be balanced by the proposed provision of two dedicated private off-street parking spaces to serve the applicants. Further to this, the grounds of appeal refer to the need for the applicants to find some practical means of providing an electric-vehicle charging point and that there are various properties in the surrounding area, which are provided with off-street parking to the front, and these facts justify the proposed off-street spaces.
- 7.2.3. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Development Plan. Within areas zoned 'Z2', section 11.1.5.4 of the Plan outlines that additional policy mechanisms will be used to conserve and protect the historic and architectural character of these areas, including policies CHC8 and MT14, which are of relevance to this appeal. Policy

MT14 aims to minimise the loss of on-street car parking. Demand for parking in the subject area is noted to be in high demand by both the Transportation Planning Division of the planning authority and an observer to the appeal. This high demand for parking was in evidence upon inspection of the site and has not been contested by parties to the appeal. Under section 16.10.18 of the Development Plan it is stated that 'special regard will be had to circumstances where on-street parking facilities are restricted as a consequence of the introduction of bus priority measures or other traffic management changes. In such situations, every reasonable effort will be made to facilitate proposals for off-street parking in the front gardens of protected structures and in conservation areas'. At present there is on-street car parking fronting the appeal site and I am not aware of any bus priority measures or other traffic management changes providing special circumstances to support the provision of a new vehicular access to the front of the site. Consequently, the proposed vehicular access would result in the loss of on-street parking, where there is a high demand for such parking and this aspect of the proposed development would not be supported as conforming to exceptional circumstances based on the provisions within section 16.10.18 of the Development Plan.

- 7.2.4. Within their planning application, the applicants referred to six properties to the northeast of the site at nos. 56, 97, 105, 107, 109 and 111 Haddington Road, each of which currently have off-street parking within their front curtilage. The closest of these properties would appear to be over 100m from the appeal site. I have not been made aware of any planning permission being granted for the front vehicular access to these properties. The immediately adjoining terrace of houses, including nos. 65, 67, 69, 73 and 75 Haddington Road, are not currently provided with off-street parking to the front and I am satisfied that the absence of such off-street car parking has allowed for the character and setting of this part of the conservation area to largely remain intact. While I recognise the absence of off-street car parking to serve the house places restrictions on the ability to charge an electrical vehicle at the property, this is not a matter that can be addressed in this appeal, nor does it provide special circumstances to justify the proposals based on Development Plan provisions. Given the importance of car parking as a resource for the city, the loss of at least two on-street car parking spaces, would increase competition for parking in the vicinity, thereby impacting on the sustainable transport needs of the city.

Accordingly, I am satisfied that at present there would not be sufficient justification for the provision of the subject vehicular entrance given the immediate context, the provisions of the Development Plan and the loss of on-street parking, which would be contrary to Policy MT14 of the Development Plan. Furthermore, to permit this vehicular access would be likely to result in precedent for further such development to the detriment of the sustainable transport needs of the city.

- 7.2.5. The Development Plan provides specific design guidance in relation to parking (Section 16.38.9), including parking in 'Z2' Conservation Areas (Section 16.10.18), while Section 5.1 of Appendix 5 to the Plan refers to the planning authority's guidance leaflet titled 'Parking Cars in Front Gardens'. While the majority of the proposed works would broadly meet the design guidance, including the boundary treatments and access width, the provision of soft landscaping solely consisting of a hedgerow would need to be addressed. Should the Board be minded to grant planning permission for this aspect of the development, a condition should be attached to the permission to ensure the proposals meet the design guidance requirements via provision of additional soft landscaping.
- 7.2.6. Traffic speeds in the area are generally quite restricted consequent to speed limit restrictions and on-street parking, and I note that the Transportation Planning Division had no objection in terms of traffic safety. The small scale of traffic and parking associated with the new vehicular access would not compromise traffic safety or impact on the capacity of the road network. Accordingly, the development would not give rise to a traffic hazard and should not be refused for this reason.
- 7.2.7. In conclusion, I am satisfied that the loss of on-street car parking to facilitate the vehicular access to the front, would be contrary to policy MT14 of the Development Plan and exceptional circumstances to overcome this have not been sufficiently justified based on planning provisions, therefore, this aspect of the proposed development should be refused permission. A condition should be attached to omit this separate element of the development from the permission.

7.3. Replacement Windows

- 7.3.1. Windows and doors are integral defining features of the subject property and the immediate terrace of houses. I consider that the removal of the two lower-ground

floor doors and their replacement with windows would be sympathetic to the character and appearance of the principal façade to the house. I also note that the lower ground-floor to the adjoining terrace of houses features windows of similar proportions and positions to those proposed, therefore, the proposed front elevation alterations would be in character with the existing properties in the immediately surrounding 'Z2' conservation area, and would not form an incongruous alteration to the house. Accordingly, the proposed front elevation alterations would be in accordance with the provisions of the Development Plan, would not give rise to an unacceptable impact on the visual amenities of the area and permission for this element of the development should be granted.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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. GRANT permission for the replacement of two lower-ground floor front doors with windows in accordance with the said plans and particulars, based on the reasons and considerations marked (1) under and subject to the conditions set out below.
- 9.2. REFUSE permission for the construction of a vehicular entrance and the provision of two private off-street car parking spaces to the front garden area, including the dishing of the public footpath and kerb, based on the reasons and considerations marked (2) under.

10.0 Reasons and Considerations (1)

1. Having regard to the nature and scale of the proposals to replace two doors with two windows on the front elevation to the house, and to the existing pattern of development in the vicinity, it is considered that, subject to

compliance with the conditions set out below, the proposed development would not be out of character with development in the area, would be complementary to the host house, would not seriously injure the visual amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Dublin City Development Plan 2016-2022. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The construction of a vehicular entrance and the provision of two private off-street car parking spaces to the front garden area, including dishing of the public footpath and kerb, shall be omitted from the proposed development.

Reason: In the interest of clarity, and for the reasons and considerations set out in the accompanying refusal of permission for this element of the overall development.

3. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation

from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

12.0 Reasons and Considerations (2)

1. The proposed vehicular access and car parking area, by reason of the resultant loss of at least two on-street car parking spaces, in a location where there is high demand for on-street car parking, would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimize the loss of on-street parking as a resource for the city. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

8th June 2021