



Development

The development will consist of (i) relocating and widening the existing vehicular opening at the front of the house with access from Clontarf Road, (ii) creating a new paved gated pedestrian entrance and (iii) all associated site and drainage works.

Location

257 Clontarf Road, Clontarf, Dublin 3.

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

2204/21

Applicant(s)

Edward O Shaughnessy.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party v Condition

Appellant(s)

Edward O Shaughnessy

Observer(s)

None

Date of Site Inspection

June 2nd 2021.

Inspector

Paul Caprani

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1.0 Site Location and Description

- 1.1. The appeal site is located at no 257 Clontarf Road c 6 km from Dublin City Centre. Clontarf Road is a promenade road overlooking Bull Island and north Dublin Bay. No. 257 forms part of a terraced row of dwellings, set back c. 10 from the public footpath. The front garden area of no.275 is gravelled and used for off street parking. Currently the vehicular entrance is 3 meters wide with a dished footpath c.3 meters in width to the front of the vehicular entrance. The dwelling to the immediate south-west (no. 256) has extended the entrance width whereas the adjoining dwelling to the north-east remains unaltered at c.3m. Informal on-street parking is available outside the house. One parking space is available between 256 and 257 Clontarf Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
- 2.2. (i) relocating and widening the existing vehicular opening at the front of the house with access from Clontarf Road, (ii) creating a new paved gated pedestrian entrance and (iii) all associated site and drainage works.
- 2.3. The vehicular entrance is to be extended from 3.00 m to 3.91 m. in width. A separate pedestrian entrance, 1.0m in width is to be located to the immediate north-east of the vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued notification to grant planning permission subject to 7 conditions.

Condition 6(a) stated that the relocated vehicular entrance shall not exceed 3.0 metres in width and shall not have outward opening gates.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. Engineering Department -Drainage Division, no objection subject to standard conditions.

3.2.3. Transportation Planning Division – on objection subject to 5 conditions. Including condition 1 that *‘the relocated vehicular entrance shall not exceed 3.0 metres in width and shall not have outward opening gates’*.

The report note that excessively wide entrances can give rise to the loss of on-street parking and can result in hazardous manoeuvres which can conflict with pedestrian safety.

3.2.4. The Planning Report notes the comments of the Transportation Planning Division. It also notes that while the house at no 256 incorporates a vehicular entrance width similar to that proposed, this permission was granted ‘a substantial period ago’ under the provisions of a different development plan.

3.2.5. On this basis Dublin City Council issued notification to grant planning permission for the proposal subject to the conditions and limitations set out in Condition 6(a).

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

There is no history associated with the appeal site. Planning permission was granted for the widening of the vehicular entrance at the adjoining house at No. 256 under Reg. Ref. 4751/06

5.0 Policy Context

5.1. Development Plan

5.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the Z1 zoning objective to protect, provide and improve residential amenities.

5.3. Dublin City Council also have specific policy guidelines in relation to parking cars in front gardens. It notes that poorly designed parking in front gardens can detract from the visual character of the street through the excessive removal of front boundary walls or railings and surfacing the entire front garden. In terms of vehicular openings, it is noted that the vehicular opening proposed 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 conditions exist.

5.4. In the case of low walls (such as the subject site) the guidelines note that there are usually two gate piers one of which can be moved back to provide for the extra entrance width with any hedge or shrub trimmed accordingly. In the case of brick or plaster concrete walls the existing gates piers should be duplicated and a replacement of plaster or brickwork should match existing.

5.5. Natural Heritage Designations

The subject site is located approximately 70 m northwest from the South Dublin Bay and River Tolka Estuary SPA.

5.6. EIA Screening

5.7. The proposal is not a class of development for which an EIAR is required.

6.0 The Appeal

6.1. The decision was the subject of a first party appeal the grounds of which are outlined below:

- The planning authority have accepted that permissions have been granted for the widening of entrances in the vicinity of the site. There have been numerous examples where vehicular entrances have been widened in the vicinity.
- On street parking is permitted in the vicinity of the site and it severely restricts sightlines in the vicinity of the site thus creating a traffic hazard.
- On occasions the applicant has had to call the Garda in order to have traffic removed from blocking the entrance to the appellant's garden. The adjoining neighbour at no. 255 does not experience the same problem because the opening and footpath dishing is wide enough to minimise the impact of on-street parking.
- Dublin City Council's concerns appears to be primarily aimed at maintaining on-street parking. It is argued that pedestrian safety is already protected with the public footpath and sightlines.
- The parking situation has got much worse since Dublin City Council granted permission for the widening of the vehicular entrance on the adjacent site.
- A wider opening would facilitate ease of access by having a single movement in and out of the site and provide a clearer view of on-coming traffic, which currently is extremely hazardous, particularly where an SUV or van is parked in the vicinity of the entrance.

6.2. Planning Authority Response

- Dublin City Council have not submitted a response to the grounds of appeal.

6.3. Observations

- No Observations have been submitted.

7.0 Assessment

- 7.1.1. As the appeal relates to a first party appeal against a single condition, it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal namely, whether or not Conditions 6(a), is appropriate.
- 7.1.2. Condition 6(a) requires that the driveway entrance shall be a maximum of 3 metres in width and shall not have any outward opening gates. The grounds of appeal argue that the presence of on-street car parking in the vicinity of the entrance is significantly restricting sightlines in both directions and that the widening of the entrance would be more beneficial for applicants in manoeuvring vehicles in and out of the site onto the Clontarf Road. It is suggested that the provision of a 3.9 m wide vehicular access would be more appropriate in accommodating two off-street parking spaces. The current vehicular entrance is 3.0 m in width.

7.2. Precedent Decisions

- 7.2.1. The Board have adjudicated on a number of applications which sought a widening of the entrance from 3 to 3.45 or 3.5 metres in the wider area. I would refer the Board to ABP307646-20 where a similar condition attached by the planning authority was appealed to the Board. The Board in considering the appeal determined that the proposed entrance width of 3.5m at St. Assam's Avenue, Raheny, Dublin 5 was excessive and that a width of 3 metres is acceptable in terms of pedestrian and traffic safety.
- 7.2.2. I would also refer to the to a recent decision at 31 Oulton Road under ABP 308947 where permission was sought to increase the width of the driveway to 3.5m. Dublin City Council included a condition (condition 5(a) restricting the width of the entrance to 3m. This condition (along with a number of other conditions) was the subject of a first party appeal. The Board in determining the appeal retained the condition imposed by the planning authority, unaltered.
- 7.2.3. Having regard to the precedent decisions referred to, I consider the Board could reach the same conclusion in respect of the subject appeal. Furthermore, I consider

that the provision of a 3.9 metre wide vehicular entrance would shorten the area of road space between the appeal site and the adjoining house to in order to facilitate on-street car parking. Currently, I estimate the length of roadway between the driveways of Nos. 256 and No. 257 Clontarf to be in the order of 5 metres. This can (albeit tightly) accommodate the provision of a car directly between the houses without impinging on the sweep paths at either of the vehicular entrances. The provision of a 3.9 metre wide vehicular entrance would reduce and shorten the area of roadside space for on-street parking available, and would also set an undesirable precedent for similar type decisions which could accentuate the reduction in area available between driveways in order to accommodate on-street parking. This is particularly important on the Clontarf Road as there are a number of dwellings, including dwellings c50m to the south of the site, where no off-street car parking is available. Also, the site is located in close proximity to Bull Island and Dollymount Strand, very important amenity areas for the people of north Dublin. The provision of free on street parking in the vicinity of this area is important. Maintaining free on-street parking is important for militating against inappropriate and illegal parking in the wider area.

- 7.2.4. Dublin City Council also have clear and unambiguous guidelines that vehicular entrances serving residential dwellings should be at least 2.5m but no more than 3.6 m in width. It is stated that narrower widths are generally more desirable and that maximum widths will generally only be acceptable in exceptional circumstances. Thus, maintaining the width at 3.0 would be in accordance with such guidelines. The provision of a 3.9 m wide opening is clearly contrary to this guidelines.
- 7.2.5. Furthermore, wider entrances with more generous sweep paths permit vehicles to enter the front garden at more speed from the roadway which could give rise to vehicular/ pedestrian conflict and could pose a additional road safety issue for pedestrians using the footpath.
- 7.2.6. I acknowledge that on street parking in close proximity to the vehicular entrance can give rise to restricted sightlines, however I do not consider that widening the entrance by less than 1 meter will have a significant or material impact in terms improving sightlines in either direction.

7.2.7. For the above reasons I recommend that the Board retain Condition 6(a) in determining the appeal.

8.0 **Appropriate Assessment**

8.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below direct the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 to retain condition 6(a).

10.0 **Reasons and Considerations**

It is considered that the retention of condition 6(a) would result in the maintenance of on street parking in an area where the provision of such parking would benefit housing in the vicinity where no off-street parking is available. Furthermore condition no.6(a) would also comply with Dublin City Council's guidance on parking in front gardens in that vehicular entrances serving residential dwellings should be at least 2.5m but no more than 3.6 m in width and that narrower widths are generally more desirable.

Paul Caprani
Planning Inspector

7th June 2021