



An
Bord
Pleanála

Inspector's Report

ABP-310333-21

Development	Alterations to front boundary railings to form a vehicular entrance and creation of 2 no. car parking spaces to the front.
Location	69 Aughrim Street, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2349/21
Applicant(s)	Gary O Callaghan
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gary O Callaghan
Observer(s)	None.
Date of Site Inspection	17 th June 2021.
Inspector	Paul Caprani

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1.0 Site Location and Description

- 1.1. The appeal site is located at a two-storey terraced Victorian house on the west site of Aughrim Street, north of Stoneybatter and c. 3km north west of the Dublin City Centre. No 69 is located midway along a row of 6 terraced dwelling and is located opposite the Church of the Holy Family and St Joseph's Road. It appears from the planners report that the building is divided into 3 apartments. The dwelling has a front garden which is paved and is surrounded by a wrought iron railing on a stone plinth. A pedestrian gateway is located near the southern boundary of the garden. A laneway runs to the rear of the houses and is accessed between no 66 & 67 to the north. On street 'Pay and Display' car parking is located to the front of the house.

2.0 Proposed Development

- 2.1. Planning permission is sought to remove part of the existing railing and plinth and to reuse the existing rails to provided new bi-folding double gates along the front boundary of the site. The new vehicular entrance is to be 3.2 metres in width. It is also proposed to replace the cobble -lock with a gravel finish.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council refused planning permission for a single reason which is set out in full below.

The proposal would result in the loss of on-street parking, which would reduce the supply available to residents on the street and in the wider area, and as such would be contrary to Policy MT 14 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 also sets an undesirable precedent for other similar developments which, in themselves and cumulatively, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

A report from the Transport Planning Division expressed concern in relation to the loss of on-street parking and considers the proposal to be contrary to policy statement in the development plan, including policy MT14.

There is no objection from the Engineering Department Drainage Division

3.3. Prescribed Bodies

A letter from TII stated it had no observations to make.

3.4. Third Party Observations

Two observations were submitted expressing concern in relation to the loss of on-street parking.

The planners report notes the interdepartmental reports and observations on file. It also notes that the site is located in a Residential Conservation Area (Z2 zoning). The report notes that none of the houses in the vicinity have off street parking. While some houses in the wider area have off street parking, these were either granted a considerable time ago or are unauthorised. It is noted that the site incorporates a rear laneway where parking could be provided. On the basis of the policies in the Development Plan to retain on-street parking where possible and the comments of the Transportation Planning Division, it is recommended that planning permission be refused.

4.0 Planning History

- 4.1. No history files are attached. The planners report notes one relevant application (2707/01) where planning permission was granted for an extension to the rear of the building and its conversion from a house to 3 no. apartments.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the Z2 land use zoning objective, 'To protect and /or improve the amenity of residential conservation areas.'
 - 5.1.2. Policy MT14 seeks 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.
 - 5.1.3. Policy CHC 8 seeks 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.
 - 5.1.4. Section 16.38.9 also notes in relation to car parking that public on-street parking is a necessary facility for shoppers and business premises and is necessary for the day-to-day functioning of the city. Dublin City Council will preserve available on-street parking, where appropriate. However, the space currently occupied by on-street parking may be needed in the future for strategic transportation projects.
- 5.2. There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces.
- 5.3. Dublin City Council also have specific policy guidelines in relation to parking cars in front gardens. These note 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. Natural Heritage Designations

- 5.5. The site is not located within or adjacent to a Natura 2000 site.

5.6. EIA Screening

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

6.0 The Appeal

6.1. The decision of Dublin City Council was the subject of a first party appeal which is summarised below:

- Policy MT 14 of the Development Plan is not an exclusive and mandatory direction to refuse all cases on the removal of on-street car parking. The proposed development replaces one on-street car parking space with two off street car parking spaces, therefore doubling the provision of parking in the area.
- Aughrim Street is a narrow street barely able to accommodate two-way traffic.
- For families with children and other people with mobility problems, the current car parking provision on street is seriously deficient and constitutes a health and safety issue.
- The situation will continue to deteriorate to the detriment of the amenity of the residents.
- The proposal will not set an undesirable precedent as a precedent already exists. There are several examples where off-street parking is provided along Aughrim Street.
- The reason for refusal made no reference to the layout or design of the parking spaces. This infers that the planning authority are satisfied with these aspects of the development.

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. The grounds of appeal argue that policy MT14 should not be used as a mandatory direction to refuse in all cases of the removal of on-street car parking and that the proposal is beneficial in providing an additional parking space overall. Policy MT 14 is clear and unambiguous in seeking to retain on-street parking where possible. It serves an important local function in providing residential parking for all dwellings in the vicinity and also provides additional parking for the church opposite the site. While the applicant is correct in stating that will provide overall one additional car parking space in that two off street car parking spaces will replace one on-street parking space, the critical issue is that a communal car parking space which is available to both the public and other residents along the terrace of houses will be lost. This is obviously a material concern as two of the local residents raised this issue in observations to the planning authority. The removal of a communal on-street car parking space is in my view a material issue in adjudicating on the application and it is clear from numerous statements, not just policy MT14, that the plan seeks to retain, where appropriate, on street car parking spaces. The retention of the on-street parking space is appropriate in this instance and policy MT 14 should be applied in my view.
- 7.2. With regard to the existing traffic environment on Aughrim Street, it is acknowledged that the width of the carriageway is modest. The presence of on-street parking can act as an important traffic calming measure. Traffic tends to travel slower when on-street parking is present than in the case where full parking restrictions are imposed along the road alignment. The presence of parking therefore can be conducive to maintaining residential amenity and safety through slower moving traffic along the street. Furthermore, the removal of one on street car parking space will do nothing to improve the width of the carriageway for the purposes of improving traffic flows along the road. The concerns expressed in the grounds of appeal will still remain with the removal of a single parking space.
- 7.3. With regard to precedent, the appeal states that there are numerous precedents in the vicinity where off-street parking arrangements exist. The local authority planning report acknowledges this to be the case, and having inspected the site I noted that a number of dwellings to the north have incorporated vehicular entrances and off-

street parking. However it is stated that any off-street car parking in the surrounding area is either unauthorised or has not been granted planning permission in recent times. While a precedent may exist, the appellant has not provided an example in the area where permission was granted for off street parking during the period of the current development plan and therefore where policy MT14 in the current plan applies.

- 7.4. Finally in relation to the issue of precedent, Policy CHC 8 seeks 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. While not specifically referred to in the reason for refusal, I would consider that the wrought iron railing, which appear to be contemporaneous with the dwellings along the terrace and remain relatively intact, provide character and a special interest associated with the dwellings and Z2 conservation area. Notwithstanding the fact that proposal seeks to reuse the railings, a grant of planning permission would in my view, alter the original character of the front boundary of the dwellings along the terrace and would therefore set an undesirable precedent.
- 7.5. The potential impact of the proposal on the character of the conservation area, was not referred to in the reason for refusal. In this regard it may constitute a new issue. Having regard to the substantive reason for refusal, it is not in my view necessary to raise it as a new issue prior to 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. On the basis of the above I recommend that the decision of the planning authority be upheld in this instance than that permission be refused based on the reasons and considerations set out below.

10.0 Reasons and Considerations

The proposal provision of off-street parking at the subject site would result in the loss of on-street parking, which would reduce the supply of parking available to residents on the street and in the wider area, and as such would be contrary to Policy MT 14 of the Dublin City Development Plan (2016 - 2022), which seeks to minimise the loss of on-street parking in the city as far as practicable. The proposed development, if granted would set an undesirable precedent for other similar development in the immediate area and therefore would be contrary to the proper planning and sustainable development of the area.

Paul Caprani
Senior Planning Inspector

June 19th 2021