



An
Bord
Pleanála

Inspector's Report ABP 310355-21

Development	Increase width of drop kerb for additional vehicular access to off road parking area in front of house.
Location	80 Woodford Downs, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0150
Applicant	Bill Richards
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refuse
Appellant	Bill Richards
Observer	Cllr. William Carey
Date of Site Inspection	23/07/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No.80 Woodford Downs is an end of terrace two storey dwelling near the end of a cul-de-sac within a mature residential estate in Clondalkin. The entrance to the dwelling extends the full width of the site with no front boundary delineation. Parking for 2 no. vehicles is currently available in the front garden area. Dwellings in the vicinity are served by varying vehicular access widths, some which extend the full width of the property.

The footpath to the front has grass verges. The said verges were laid out in between the original vehicular entrances. The verges now overlap some of the entrances that have been widened.

2.0 Proposed Development

Permission is being sought to increase the width of the drop kerb by 1.4 metres. The works will entail removal of part of the grass verge. The dropped kerb at this location will extend to 8.8 metres (serving the appeal site and No.82 adjoining)

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The proposal, by encouraging faster vehicular movements, would undermine pedestrian safety and comfort, would require removal of a tree and would set an undesirable precedent for similar development.
2. The proposal would facilitate the unauthorised widening of the vehicular access and, by itself and the precedent set, would undermine the fulfilment of the policies of the County Development Plan which relate to residential development, off street parking and pedestrian comfort and safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report in the Record of Executive Business and Chief Executive's Order notes:

- The site entrance has been widened to the full width of the site.
- The planning authority generally seeks to limit vehicular access to 3.5 metres. This has the dual function of protecting on-street car parking (in some areas) and limiting the speed of vehicles entering and exiting.
- The proposal would facilitate a potentially unauthorised vehicular access and set a precedent.
- By itself and by precedent would undermine pedestrian comfort and safety and the residential amenities of the area and, therefore, would not accord with the RES zoning objective.
- The conditions recommended by the Roads Department would significantly alter the scope and scale of the works. They are not considered appropriate given the limited works applied for. If attached there would, in effect, be no need for extra dishing of the kerb.
- It is possible to facilitate the replacement of a street tree as part of the development but it is not evident from the proposal how this could be done.

A refusal of permission for two reasons recommended.

3.2.2. Other Technical Reports

Roads Department has no objection subject to conditions including limiting the vehicular access point to 3.5 metres in width and boundary wall to a maximum height of 0.9 metres and boundary pillars to 1.2 metres.

Water Services has no objection.

Parks and Landscape Services/Public Realm recommend refusal. It is not in favour of allowing a resident to reduce or remove a grass margin which is in the public domain to accommodate additional vehicular access. It is considered the proposal

would set an undesirable precedent and will have a negative impact on the adjacent street tree.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

None

4.0 Planning History

Reference made in the Area Planner's report to a refusal of permission for conversion of the roof space of the dwelling under ref. SD06B/0603.

5.0 Policy Context

5.1. Development Plan

South Dublin County Development Plan 2016

The site is within an area zoned RES the objective for which is to protect and/or improve residential amenity.

TM3 Objective 3 – to ensure that all streets and street networks are designed to prioritise the movement of pedestrians and cyclists within a safe and comfortable environment for a wide range of ages, abilities and journey types.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st party appeal (accompanied by photos) can be summarised as follows:

- The purpose of the works is to allow for improved off road parking for 3 cars.
- The houses in the estate, dating back to the 1980's, were constructed with no front boundary walls with front boundary party walls between houses, only.
- The number of vehicles per dwelling has increased since the estate was constructed resulting in significant on street parking. This has impacts on access to driveways and hinders vehicular manoeuvres. It is also a potential hazard to emergency vehicles.
- Policy TM32 referred to in the 1st reason for refusal is more appropriately applied to new development.
- It is not possible for vehicles to travel faster due to the existing on street parking.
- No tree is required to be removed. It was removed in 2020 by a contractor working on behalf of the County Council.
- The increased off road parking would improve pedestrian safety and comfort.

6.2. Planning Authority Response

None

6.3. Observations

Cllr. William Carey in support of the 1st Party appeal notes:

- The proposal would not set a precedent.
- The cul-de-sac is overwhelmed with on street car parking.
- The residential amenity of the area is currently affected by the level of on street parking. Removal of street parking will create a better environment for pedestrians, cyclists and persons with disabilities.

- Widening of the dishing will ensure a safe turning angle for entry.
- There is no tree to be removed.
- Current design of housing estates do not have kerbs with open driveways directly leading to street access.

7.0 Assessment

No. 80 comprises an end of terrace 2 storey dwelling near the end of a cul-de-sac within the Woodford housing estate. The dwelling does not have any boundary delineation to the footpath with parking for 2 no. cars available in the front garden area which is covered entirely in hard surface. Whilst the agent for the appellant states that the dwellings were originally constructed without front boundary delineation I note that a number of properties in the immediately vicinity have low boundary walls of a common construction, design and height which would suggest otherwise. I also note that the grass verge and kerb layout would appear to have corresponded with the original vehicular access arrangements to the dwellings and as a consequence of the widening of entrances they overlap in places. On this basis it is not unreasonable to conclude that the dwellings as originally constructed were served by 1 parking space with the vehicular access corresponding in width with a wall delineating the remainder of the front boundary.

As noted on day of inspection on-street parking is prevalent in the vicinity.

As to the whether the widening of the existing vehicular access to the dwelling required permission or not is not before the Board for assessment and is a matter for the planning authority. Permission is being sought to extend the dropped kerb in front of the dwelling by 1.473 metres only. The said dropped kerb will not run the full width of the site due to the presence of services but will require loss of part of the grass verge which extends across the front boundary. Contrary to the reference in the planning authority's 2nd reason for refusal there is no tree in the grass verge although other verges in the vicinity do have trees. From the details provided in the appeal the tree was removed in 2020. The works will result in the drop kerb at this location extending for 8.8 metres in front of the appeal site and No.82 adjoining. As per the appeal submission the purpose of the works is so as to facilitate off road

parking for three vehicles although I am not entirely certain that that will be possible without the 3rd vehicle extending out onto the footpath.

The removal of front boundary delineations in the estate has, in my opinion, impacted on the amenities of the area and I submit that the proposal which is to allow for ease of vehicular access to a site without such a boundary requiring the part removal of a grass verge would exacerbate this impact and would be a tacit concession as to the acceptability of this type of development. It would certainly set an undesirable precedent for comparable development in the vicinity. The grass verges, many of which have maturing trees, add to the character of the estate and their removal or undermining would be to the detriment of the visual amenities of the area. On this basis I consider that the proposal runs counter to the zoning objectives for the area which seek to protect and/or improve residential amenity. Whilst it is suggested that current housing estate design omits kerbing with open layouts and access to off street parking, the retrospective application of such a design approach contrary to the original layout design is not appropriate and would give rise to a haphazard form of development which would detract from the amenities of the area.

In view of the location of the site near the end of the cul-de-sac, existing on street parking and the prevailing low vehicular speeds, I would not have concerns that the proposal would result to faster vehicular manoeuvres in and out of the site giving rise to pedestrian safety concerns.

Appropriate Assessment

Having regard to the nature, scale and location of the proposed development it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The site is within a mature residential area characterised by grass verges, some planted with trees, within an area zoned RES in the current South Dublin County Development Plan, the objective for which is to protect and/or improve residential amenity. It is considered that the proposed development which will require the removal of part of a grass verge and increasing the extent of the dropped kerb will have a negative impact on the visual amenities of the area. The proposed development, in itself and by the precedent it would set for similar development in the area, would be contrary to the zoning objectives for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

July, 2021