



An
Bord
Pleanála

Inspector's Report

ABP-310845-21

Development	Construction of vehicular entrance.
Location	23, Iveagh Gardens, Crumlin, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1452/21
Applicant(s)	Brian McLoughlin
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Brian McLoughlin
Observer(s)	None
Date of Site Inspection	28 th September 2021
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 518sqm is located on a corner site on the eastern side of Iveagh Gardens. The site comprises a semi-detached two storey dwelling with a large side garden. The site is bounded to the front with wrought iron railings. There is a large mature tree to the front of the property in the footpath. The surrounding area comprises similar style dwellings and is characterised by tree lined streets. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for a new vehicular entrance (total proposed width 3.0m) and revisions to existing site railing and ancillary works at No 23 Iveagh Gardens, Crumlin, Dublin 12.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the following reason:

1) The proposed development would result in a loss of on-street car parking which would reduce the supply available to residents on the street. The development would impact on the street tree adjacent to the front of the property and would seriously injure the residential amenities of properties in the vicinity. The proposed development is contrary to 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, and contrary to Section 16.3.3 and the Dublin Tree Strategy. The proposal would set an undesirable precedent for other similar developments which would in themselves and cumulatively, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be refused for a single reason relating to the loss of on street car parking and that the development would be contrary to Policy MT14 of the Dublin City Development Plan 2016 – 2022. This recommendation is in line with the recommendation of the DCC Transportation Planning Division (see below). The notification of decision to refuse permission issued by Dublin City Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Division** – No objection subject to conditions
- **Transportation Planning** – Recommended that permission be refused for the following reason:
 - 1) *The proposed development would result in a loss of on-street car parking which would reduce the supply available to residents on the street. The development would impact on the street tree adjacent to the front of the property and would seriously injure the residential amenities of properties in the vicinity. The proposed development is contrary to 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, and contrary to Section 16.3.3 and the Dublin Tree Strategy. The proposal would set an undesirable precedent for other similar developments which would in themselves and cumulatively, be contrary to the proper planning and sustainable development of the area.*

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

4.1. There is no evidence of any previous appeal on site. The following planning history has been provided

- 50 Iveagh Gardens (Reg Ref 3909/17) – Permission granted for a vehicular access at the side of the house by replacing 6m x 8m of grass with concrete
- 46 Iveagh Gardens (Reg Ref 6296/06) – Retention permission was refused for a paved front garden and vehicular access, insertion of gates into fence and dishing of pavement
- 107 Iveagh Gardens (Reg Ref WEB 1115/21) – Permission was granted for new vehicular entrance (total proposed extended width 3m) and revision to existing site railing and ancillary works

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the Dublin City Development Plan 2016 – 2022. The site is zoned Z1 where the objective is “*to protect, provide and improve residential amenities*”. Relevant sections of the Development Plan are as follows:

- Appendix 5 sets out standards for various classes of development including vehicular entrances.
- Section 5.1 states that “*where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates*”.
- Policy MT14 seeks to minimise loss of on-street parking as follows:

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.

- Section 16.38 states that “*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*”.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. The first party appeal has been prepared and submitted by Paul O'Loughlin & Associates against the reason for refusal and may be summarised as follows:

6.1.2. **Loss of Parking**

- The proposed entrance is 3m wide and will retain the existing iron pedestrian gate. The proposed width is within the recommended width as set out in Appendices 5 of the Development Plan. The gates will open inward and will be manufactured from the section of iron railing to be removed. This will maintain the design continuity of the existing boundaries (photos of example of adjacent houses using the method attached).
- Policy MT14 seeks to minimise loss of on-street parking. There will only be one carparking space effected by the proposed entrance gates. This space is occupied by one of the applicants 2 cars on a daily basis (photo refers). It is clear from this photo that existing carparking as practised by residence and visitors will not be disrupted. Submitted that an additional space will be provided on the street by the removal of one of the applicants cars.

6.1.3. **Location of Existing Tree**

- The existing mature tree is located approx. 3m from the proposed concrete dishing of the existing kerb. A 3sqm portion of the existing grass margin will be removed

to facilitate the dishing. This will not impact on the extensive root system of this mature tree. Other examples where no visible impact has occurred under similar conditions are included in photos provided. Other examples are to be found throughout the Iveagh Gardens estate.

6.1.4. **Planning History**

- There are no fewer than 12 separate previously granted planning permission in the Iveagh Gardens estate for similar vehicular entrances. A list of these permission is attached. Numerous other older entrances exist without planning permission. The applicant feels it is unfair to refuse them permission when they have decided to legally seek permission for the new entrance which will be used to accommodate one of their two cars.

6.1.5. **Conclusions**

- It is submitted that the reasons for refusal cannot be sustained. It is requested that planning permission be granted with the attachment of appropriate conditions.

6.2. **Planning Authority Response**

6.2.1. None

6.3. **Observations**

6.3.1. None

6.4. **Further Responses**

6.4.1. None

7.0 **Assessment**

7.1. Permission is sought for a new vehicular entrance (total proposed width 3.0m) and revisions to existing site railing and ancillary works at No 23 Iveagh Gardens, Crumlin, Dublin 12. Dublin City Council issued a notification of decision to refuse permission in line with the recommendation of DCC Transportation Planning, for a single reason relating to the loss of on street car parking and that the development would be contrary

to Policy MT14 of the Dublin City Development Plan 2016 – 2022. The applicant has appealed the refusal stating that there will only be one carparking space effected by the proposed entrance gates and that this space is occupied by one of the applicants 2 cars on a daily basis. I refer to Section 6.1 above.

7.2. The appeal site is wholly contained within an area Zoned Z1 Sustainable Residential Neighbourhoods where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use in principle. As documented above the proposed entrance is 3m wide and will retain the existing iron pedestrian gate. The proposed width is within the recommended width as set out in Appendices 5 of the Development Plan. The gates will open inward, and it is stated that they will be manufactured from the section of iron railing to be removed.

7.3. While the appeal site is not located within a designated architectural conservation area nor is the house itself a protected structure it was observed on day of site inspection (and during a previous site inspection on another property in the estate) that Iveagh Gardens is a carefully designed housing scheme nearly 100 years old with a distinguished urban character and quality. Having regard to the detailed nature of the proposed scheme I agree with the applicant that works proposed will maintain the design continuity of the existing boundaries and this approach is to be complemented. I consider that in terms of design detail the scheme demonstrates a clear understanding of its context without detracting from the original integrity of the patent building. With regards to the mature tree located adjacent to the proposed vehicular entrance I am satisfied that by means of suitably worded condition the tree and associated roots can be protected without detriment to the tree.

7.4. However, notwithstanding the acceptance of the works in principle I refer Policy MT14 that seeks to minimise loss of on-street parking as follows:

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.

7.5. In addition Section 16.38.0 states that “*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*”.

7.6. As noted on day of site inspection the appeal site is located off an existing on-street parking area serving approximately 5 units and this is where the difficulty arises with this development. I refer to the site photos taken on day of site inspection and overall layout plan for Iveagh Gardens. The Board will note that this residential enclave is based on the perimeter block. The south east (appeal site) and south west corners are square in plan form. While the south east corner naturally facilitates on street car parking it is noted that the south west corner has removed large sections of its road side boundary to facilitate off street car parking with the result that on street car parking appears to have been reduced and to the detriment of the original character of the houses by reason of loss of iron railing boundary. The north east and north west corners of the estate are semi circle and do not appear to naturally facilitate on street car parking to the same extent as the south west corner (appeal site). While there are numerous examples of vehicular entrances in the estate given the sensitive location of the appeal site together with the requirements of Policy MT14 and Section 16.38.0 as documented above I cannot support the loss of on street car parking at this location. Refusal is recommended.

7.7. Development Contributions

7.7.1. I refer to the Dublin City Council Development Contribution Scheme 2020-2023. Section 11 outlines circumstances where no contribution or a reduced contribution apply. It is stated that residential ancillary car parking will not be required to pay development contributions under the Scheme.

7.8. Appropriate Assessment

7.8.1. Having regard to the nature and scale of the development and its distance 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.

8.0 Recommendation

8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I

recommended that permission be **REFUSED** for the following reasons and considerations.

9.0 Reasons and Considerations

- 1) The proposed development would result in a loss of on-street car parking which would reduce the supply available to residents in Iveagh Gardens and that to permit same would be contrary to Policy MT14 of the Dublin City Development Plan 2016 – 2022 which seeks to *minimise loss of on-street car parking* as far as practicable, and contrary to Section 16.38 where it states that “*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*”. The proposal would set an undesirable precedent for other similar developments which would in themselves and cumulatively, be contrary to the proper planning and sustainable development of the area.

Mary Crowley

Senior Planning Inspector

6th October 2021