



An
Bord
Pleanála

Inspector's Report ABP311548-21

Development	New pedestrian and vehicular access.
Location	60 Mount Drummond Square, Harold's Cross, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1761/21
Applicant(s)	Joseph Stanley
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Joseph Stanley
Observer(s)	None
Date of Site Inspection	6 th November 2021.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 132m² and comprises a two-storey terraced house and its front and rear gardens at 60 Mount Drummond Square, Harold's Cross, Dublin 6. The house is one of 4 in a terrace and is typical of mid-20th century public housing in what is now an 'inner' suburb of Dublin City. Harold's Cross is generally residential in character but there is a mix of retail and community uses particularly along Harold's Cross Road.

2.0 Proposed Development

- 2.1. Removal of front wall and railing and creation of a vehicular entrance/parking space at 60 Mount Drummond Square, Harold's Cross, Dublin 6.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Refuse permission.

The proposed development would damage the root zone of a tree on the public footpath, injure the residential amenity of the area and be contrary to section 16.3.3 of the City Development Plan.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.3.2. Other Technical Reports

Roads Street and Traffic Department recommend refusal because of the loss of a tree on the public footpath.

Drainage Section reported no objection.

4.0 **Planning History**

No relevant planning history.

5.0 **Policy and Context**

5.1. **Development Plan**

The application site is zoned Z1 'to protect, provide and improve residential amenity in the Dublin City Development Plan 2016-2022.

5.2. **Natural Heritage Designations**

Not relevant.

5.3. **EIA Screening**

5.4. Having regard to the modest scale and nature of the proposed development and its location in a built-up urban area I conclude that the submission of an EIAR and carrying out of EIA can be ruled out at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Similar developments have been granted in the area and have not resulted in loss or damage to trees (examples at 5 Mount Drummond Avenue and 38 Mount Drummond Avenue).
- While originally there were fences along front gardens in the area many house owners have replaced these with drive-in parking spaces.
- Amended drawings are submitted which allow for a root protection zone compatible with the proposed parking space.

6.2. **Planning Authority Response**

6.3. No submission received.

6.4. Observations

- None

6.5. Further Responses

None.

7.0 Assessment

- 7.1. The house is one of a terrace of 4 houses comprising numbers 58, 59, 60 and 61 Mount Drummond Square. To the right of the application site number 61 is a corner site and has a vehicular access and parking space in the front garden. To the left number 59 has paved the front garden and created a parking space and number 58, at the end of the terrace, has also a gated car space and separate pedestrian access. I would estimate that about 40% of the houses in the immediate area have created a car parking space in the front garden.
- 7.2. Generally, the additional paving of urban areas is to be avoided because, *inter alia*, it increases the rate of surface water run-off and can contribute to urban flood events. Nonetheless the application site is one of many where front gardens have been partially or wholly paved for car parking. The tree that the planning authority is concerned for is almost exactly at the point where the boundary wall between the application site and the adjoining house (number 61) terminates at the footpath.
- 7.3. The applicant submitted additional drawings with the appeal. I have compared these drawings with the original drawings, and I conclude that the changes are not material changes but a minor improvement to the application to address the concern of the planning authority and that these drawings may be considered by the Board.
- 7.4. The drawings provide for a gravelled surface to the car space and a path of steppingstones/pavers between the footpath and front door. I consider that if the gravel were laid over natural ground that surface water can infiltrate without creating run-off. Furtherance I am satisfied that the front garden could accommodate a car space without the necessity to disturb the root system of the nearby tree either in the applicant's property or under the footpath. A sensitively dished footpath would not impact on the root system.

8.0 Recommendation

8.1. I recommend a grant of permission

9.0 Reasons and Considerations

Having regard to the pattern of development in the area including front garden parking spaces and subject to the conditions set out below it is considered that the proposed development would not seriously injure the amenity of the area and would be in accordance with the Dublin City Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 1st October 2021, 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 and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed car parking space shall be surfaced with a permeable finish.</p> <p>(b) A boundary wall/fence and gates shall be constructed along the footpath and the footpath shall be dished.</p> <p>Prior to commencement of development plans and particulars providing for these arrangements shall be submitted to and agreed with the planning authority.</p>

	<p>Reason: To avoid damage to a nearby tree and in the interest of the visual amenity of the area.</p>
3.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the dishing of the public footpath at the entrance to the permitted car parking space. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>

Hugh Mannion
Senior Planning Inspector

14th November 2021