



An
Bord
Pleanála

Inspector's Report ABP-311816-21.

Development	New vehicular access to front of dwellinghouse.
Location	18 Kilbride Road Dublin 5
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1856/21.
Applicant	Leanne Hickey.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Leanne Hickey.
Observer	None.
Date of Site Inspection	8 January 2022.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site at 18 Kilbride Road is in an established residential area. There are a mix of house types in the immediate vicinity including semi-detached dwellinghouses and some short lengths of terrace. A number of the dwellinghouses have garages and accordingly have vehicular entrances to the front.
- 1.2. The site is the location of a mid-terrace dwellinghouse. This appears to have been originally an end of terrace prior to the construction of the existing house at 18A Kilbride Road. The front garden depth is 4.7 m and at present there is a pedestrian gate serving to access the dwellinghouse.
- 1.3. Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. Permission is for a new 4m wide vehicular access.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reasons summarised below:

- Contrary to policy MT14 which seeks to retain on street parking as a resource for the city as far as practicable.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points in the planner's report are:

- The proposed development is a permissible use under the zoning objective.
- A number of the houses in the street rely on on-street parking.
- A number of dwellings have created off-street parking areas some of which are without the benefit of planning permission.

- Under permission reg ref 4142/08 condition 2 required the omission of an off-street parking space for both 18 and 18A. The sites were considered to have constricted depth and width.
- The 4 m wide vehicular entrance contravenes Appendix 5.
- The proposed development would result in the loss of on-street car parking to facilitate a private entrance and have wider impacts on the availability of parking to all residents.
- Permission should be refused.

3.2.2. Other Technical Reports

Transportation Planning Division - the report recommends refusal of permission and notes as follows:

- The development plan states that vehicular entrances shall be between 2.5 m and 3.6 m. Narrow widths are generally more desirable.
- The proposed vehicle entrance will result in the loss of existing controlled on-street car parking. The impact on the public on-street car parking to facilitate a private entrance would have wider impacts by reducing the availability of parking to all residents in the area. The proposal would be contrary to policy MT14.

Drainage Division – no objection subject to standard requirements.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Under reg. ref. 4142/08 permission was granted for a dwellinghouse at 18A Kilbride Road. Condition 2 required the omission from the development of proposed off-street parking spaces for the new house and for the existing house at no. 18.

5.0 Policy Context

5.1. Development Plan

The site is **zoned Z1** the objective of which is 'to protect, provide and improve residential amenities'.

Policy MT14 is to minimise loss of on-street car parking, while recognising that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm in improvements.

Policy CCO15 is to facilitate the provision of electricity charging infrastructure for electric vehicles.

Appendix 5 sets out the requirements for parking in residential streets and includes the stipulation that where driveways are provided, they shall be at least 2.5 m or at most 3.6 m in width and shall not have outward opening gates. The design standards in the leaflet '**Parking Cars in Front Gardens**' shall also apply.

The above leaflet is available online. Amongst the provisions noted are the following:

- narrow widths are recommended
- alterations to front boundary treatment should be minimal and aim to be complimentary and consistent with others in the area
- the front garden shall give the impression of being a front garden.

Separate standards apply in relation to residential parking and the curtilage of protected structures and conservation areas.

5.2. Natural Heritage Designations

The nearest European sites are South Dublin Bay SAC and South Dublin Bay SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the first party appeal are:

- The main reason for the application relates to the need to home charge my fully electric vehicle. Under the development plan it is an objective to facilitate the growth of electrical vehicles and to facilitate the provision of electricity charging infrastructure for electrical vehicles.
- Home charging makes EV ownership sustainable. It is supported by SEAI grants.
- Due to my misinterpretation of the planning history, I did not have a pre-application consultation.
- A letter of support is provided by an elected representative which notes the purchase of an electrical vehicle and describes the applicant's situation as a predicament. The Councillor requests sympathetic consideration of the case.

6.2. Planning Authority Response

No substantive response.

6.3. Observations

None.

7.0 Assessment

Principle and policy MT14

- 7.1. I agree with the consideration by the planning authority of the principle of the development and the reference to policy MT14. The proposed development would reduce the available on street parking for other residents. Accordingly, it would set an undesirable precedent by reducing the availability of public spaces in favour of the applicant's requirements.

- 7.2. The housing types on the subject street are mixed and some were constructed with garages and associated vehicular driveways. However, a large proportion of the residents are reliant on the public on street parking. In this context I consider that the opening up of the proposed vehicular entrance would undermine the use of the street as a regulated parking zone.

The case made in the appeal relates to the need for home charging of an electrical vehicle. Policy CCO15 of the development plan is to facilitate the provision of electricity charging infrastructure for electric vehicles. This objective is set out under the climate change provisions and is not specifically incorporated into the policy for residential parking. The Board may wish to consider whether this policy is of particular relevance in this appeal. In this context in order to ascertain emerging policy provisions I have examined the draft development plan and note that it refers to the provision of sufficient charging points and rapid charging infrastructure being provided 'on existing streets' as well as in new developments – Policy CA24 refers. Elsewhere the draft plan reiterates that proposals for off-street parking in front Gardens may not be permitted where there is reliance on on-street car parking.

- 7.3. Taking into account the existing development plan policy and the emerging policy context as set out in the draft Dublin City Development Plan I consider that the decision of the planning authority should be upheld.

Detailed design

The proposed 4 m wide vehicular entrance width exceeds the 3.6 m maximum set down under Appendix 5 of the development plan. The requirement for this width would relate to the relatively narrow front garden depth of 4.7 m and the need for space to manoeuvre a vehicle. The planning authority has long-established policies to ensure that excessively wide entrances are not facilitated. It is clearly stated in the relevant documentation that narrower gates are preferred and the reasons for this are set out.

The subject site has a 7.44m a wide frontage and in this context, there might be an argument that the entrance gate is proportionate. Nevertheless, I would consider that the basis for the development plan policy is reasonable and I note that the development is clearly in excess of the minimum requirements and that the policy strongly promotes narrower entrances.

7.4. I consider that the development plan is clearly contravened in terms of the width of the vehicular entrance. However, this would constitute a new issue in this appeal. In the context of the substantive reason for refusal below, I do not recommend that this be pursued.

8.0 **Appropriate Assessment**

Having regard to the nature of the proposed development, which comprises modifications at the site of a dwellinghouse on serviced lands I am satisfied that 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. I recommend that permission be refused for the reasons and considerations below.

10.0 **Reasons and Considerations**

It is an objective of Dublin City Council under Policy MT14 of the Dublin City Development Plan 2016-2022 to seek to retain on-street parking as a resource for the city as far as practicable. It is considered that the site is located in an area where there is heavy reliance on on-street parking and that the proposed development would result in the loss of existing controlled on street parking reducing the supply available to residents on the street and in the wider area. The proposed development would therefore contravene Policy MT14 and be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

9 January 2022