



An
Bord
Pleanála

Inspector's Report

ABP-311899-21

Development	Planning permission for a vehicular access exiting onto Oaklands Park to the front of existing dwelling house.
Location	No. 45, Oaklands Park, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	3378/21.
Applicant	Louise Etchingham.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant	Louise Etchingham.
Observer(s)	None.
Date of Site Inspection	14 th day of January, 2022.
Inspector	Patricia-Marie Young

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1.0 Site Location and Description

- 1.1. No. 45 Oaklands Park, the appeal is located on the northern side of Oaklands Park road, in the Dublin city suburb of Ballsbridge, less than 3km from Dublin's city centre. The site is situated c57m to the south east of Oaklands Park's junction with Serpentine Avenue and Railway Cottages/The Aventine and c300m to the north west of Sandymount, Dart Station.
- 1.2. The site is comprised of a mid-terrace 2-storey period dwelling that is setback just over 11m from the roadside boundary. The roadside boundary consists of its original railings over granite plinth and pedestrian gate. The carriageway is restricted in its width with public on-street car parking provision running along the pedestrian footpath running alongside the northern side of the roadside edge. With this on-street car parking provision running alongside the roadside edge immediately adjoining the appeal site.
- 1.3. This stretch of Oakland Park faces onto the railway line which aligns with the southern side of the road. It has a strong period character with most properties along it retaining their original roadside boundaries.

2.0 Proposed Development

- 2.1. Planning permission is sought for a new vehicular entrance opening onto Oakland Park road. This entrance would open onto a permeable gravel surface that would accommodate off-street car parking. The width of the entrance is given as 3m, the gate is proposed to be in-ward opening and it is proposed to dish the pedestrian footpath/kerb to accommodate the access as well as egress from Oakland Park Road. The overall roadside boundary width is given as 5.7m. It is proposed to retain the existing pedestrian pathway. It is further proposed to reuse part of the original railings in the vehicular entrance gates proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th day of October, 2021, Dublin City Council issued a decision notification to refuse planning permission for the proposed development for the following single stated reason:

“1. The proposal for the provision of a vehicular access and private off street car parking space is contrary to Dublin City Council policy in that it would reduce the supply of on-street car parking available to residents along Oaklands Park. The proposed development would directly contravene 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. In addition, the proposal would set an undesirable precedent for similar sites throughout the City, and as such, would seriously injure the amenities in the area and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority’s Planning Officers report, dated the 12th day of October, 2021, is the basis of the Planning Authority’s decision. The Planning Officer, having considered the recommendation on the Transportation Planning Division’s report, concludes that the proposed vehicular entrance is in material contravention of Policy MT 14 of the CDP. It also notes that there is no precedent for such a development in this vicinity and that the Planning Authority seeks to retain as far as practicable on-street parking as a resource for the city. To permit the proposed development would in the Planning Officer’s view set an undesirable precedent for this street and throughout the city. Their report concludes with a recommendation for refusal as per Section 3.1.1 of this report above.

3.2.2. Other Technical Reports

Transportation Planning Division: This report dated the 27th day of September, 2021, concludes that planning permission be refused as the proposed development

would directly contravene Policy MT14 of the Development Plan which seeks to retain on-street car parking spaces as far as is practicable and the removal of on-street car parking space would result in an undesirable precedent for similar development.

Engineering Department: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Recent and Relevant

4.1.1. I can find no recent and/or relevant decisions in the visual setting of the proposed development.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan, 2016-2022, is applicable. Under which this appeal site is zoned objective Z2. The stated land use zoning objective for such land is: “*to protect and/or improve the amenities of residential conservation areas*”.

5.1.2. Section 14.8.2 of the Development Plan sets out that Residential Conservation Areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.3. Section 16.10.18 of the Development Plan deals with the matter of parking in the curtilage of Protected Structures and in Conservation Areas. It indicates that poorly designed off-street parking in the front gardens of protected structures and in conservation areas can have an adverse effect on the special interest and character of these sensitive buildings and areas. For this reason, proposals for off-street parking in the front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant – and can lead to the erosion of the character and amenity of the area. It also sets out that where site conditions exist which facilitate parking provision without significant loss of visual amenity and historic fabric, proposals for limited off-street parking will be considered where the following criteria are met:

- Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area.
- There is sufficient depth available in the garden to accommodate a private parked car.
- Access to and egress from the proposed parking space will not give rise to a traffic hazard.
- The proposal accords with the design criteria set out in Chapter 16.
- The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths, and hard surfacing.
- Car parking shall be designed so that it is set-back from the house and front boundary wall to avoid excessive impact on the protected structure.
- Car parking bays shall be no greater than 5 m x 3 m metres wide.
- The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates shall not swing outwards so as to cause an obstruction on the public footpath.

- Where cast iron railings exist, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast-iron railings that require alterations shall be reused and integrated with all new parking

5.1.4. In relation to car parking the front gardens it also refers to the Dublin City Council guidance leaflet on this matter. This leaflet sets out:

Basic Dimensions and Surfacing

Generally, the vehicular opening proposed shall be at least 2.5metres 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 site conditions exist.

The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden, and to provide safe access and egress from the proposed parking space, for example near a very busy road or a junction with restricted visibility.

This leaflet also sets out that the front garden shall still give the impression of being a front garden; new work to the front boundary should be sympathetic to that existing and to the street; where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position; considerable care should be taken with the design and layout and qualified professional advice is desirable; and, that the Planning Department and Roads & Traffic Department of Dublin City Council should be consulted at an early stage and before a planning application is submitted.

5.1.5. The following Development Plan provisions are relevant:

- Policy MT 14: Sets out that it is the policy of the Planning Authority to minimise loss of on street parking except for to allow for possible loss of spaces to sustainable transport provision, access to new development or for public realm improvements.

- Section 16.38.9: Sets out that there is a presumption against the removal of on street parking to facilitate vehicular entrances to single dwellings in predominantly residential areas where residents are reliant on parking spaces on the street.
- Section 16.2.2.4: Sets out that it is a policy of the Planning Authority to ensure that front boundary development will not result in loss or insensitive alterations of boundary walls or railings. It also sets out that new treatment should replicate an existing or traditional pattern which is characteristic of the immediate locality and that the design as well as materials should be appropriate to the existing building and its streetscape setting.

5.2. Natural Heritage Designations

- 5.2.1. The nearest European sites South Dublin Bay & River Tolka Estuary SPA and South Dublin Bay SAC are located c0.9km to the east of the site at their nearest point.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of the modifications to an existing roadside boundary in an established serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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 grounds of this First Party Appeal can be summarised as follows:
- The site is located on a mature residential road.
 - The proposed access is to be located to the front of the front garden of an existing terraced, 2-storey dwelling house exiting onto Oaklands Park.

- Oaklands Park road is narrow, with on-street parking on one side. The remaining carriageway is restricted in its width suitable for one vehicle only. This road is lightly trafficked and generally traffic moves slowly along this road.
- The front garden is 11.3m deep by 5.7m wide and is currently accessed by its original pedestrian gate. The remainder of the roadside boundary consists of railings.
- There is no access to the rear of the site.
- The residential zoning of the site, Objective Z2 is acknowledged.
- The appellant seeks the car parking space due to her intention to have her mother live with her with immediate effect and with her mother contended to have a progressive neurological medical condition which severely affects her mobility. It is contended that her condition is likely to require her to use a wheelchair and she currently uses a special walking frame as a mobility aid. It is also indicated that she has a disabled persons parking card, and the number of this card is given. As parking is very difficult even with a disabled persons parking card it would be helpful if the appellant had their own driveway to allow easier access to her house.
- The design of the vehicular access has had regard to Section 16.2.2.4 and 16.10.8 of the Development Plan.
- The design is respectful of the area's innate character and is consistent with the objectives of the Development Plan.
- Policy MT14 of the Development Plan recognises that on street parking space is required for sustainable transport provision.
- The Development Plan acknowledges the needs in achieving sustainability in design regard should be had to decreased mobility of residents.
- Section 16.8 of the Development Plan provides for access for all and there are provisions in the said plan for mobility impairment and/or disability including elderly persons.
- This proposal results in the minimal loss of on-street car parking and the off-street car parking provision to the front of her property is to improve its accessibility.
- This proposal would not seriously injure the amenities of the area.

6.2. Planning Authority Response

6.2.1. None.

7.0 Assessment

- 7.1. By way of this First Party Appeal the appellant seeks that the Planning Authority's decision to refuse planning permission for the vehicular access onto Oaklands Park together with all of its associated works is overturned. As part of the appellants appeal submission, they contend that the vehicle access is required to meet their parking and access needs arising from the imminent residence at this property of a family member with mobility issues. There is no evidentiary proof provided of this contended need.
- 7.2. The site itself forms part of a zoned residential conservation area with it containing a period two storey period terrace property that is highly intact as observed from the public domain. This property like the majority of properties that front onto Oakland Parks retain their original cast iron gates and cast iron railings. The latter are set over granite plinths. Together these original boundary treatments are one of the surviving built features of this highly homogenous group of terrace period properties. These properties are largely dependent upon the publicly provided on-street car parking spaces that align the roadside edge of Oakland Park. With this section of Oakland Park containing on-street car parking spaces along the northern roadside edge. These properties are also in easy reach of rail and bus public transport facilities.
- 7.3. I did observe a modest number of openings in the wider streetscape scene and where these the original roadside boundaries have been removed to accommodate off-street car parking this has unfortunately eroded the character of this period streetscape scene by not only the loss of historic built fabric by way of the loss of original boundary treatments that together with neighbouring properties created a uniformity and rhythm between the semi-private front garden areas and the public domain. They have also resulted with the accompanying loss and erosion of the soft landscaping that would have predominated and given character to the setback area between the public domain and the principal façade of these properties.
- 7.4. Moreover, it has also resulted in the diminishment of visual harmony that existed between the asymmetrically placed pathways, the soft landscaped areas and the

uniformity between the roadside cast iron railings and plinths that were carried through to define the side boundaries of each of the terrace gardens within this group.

- 7.5. The site forms part of a residential conservation area and the zoning objective for such areas seeks to protect and/or improve their amenities.
- 7.6. Section 16.10.18 of the Development Plan deals specifically with parking in conservation areas and clearly sets out that proposals for off-street parking in the front gardens of buildings in conservations will not normally be acceptable as such works can have an adverse effect on the special interest and character of these areas which it recognises are sensitive to change.
- 7.7. It also sets out that where site conditions exist which facilitate the provision of parking without significant loss of visual amenity and historic fabric, proposals for limited off street parking will be considered where certain criteria can be met.
- 7.8. Whilst I consider to allow the proposed development would result in the adverse loss of historic original built fabric and would result in the erosion of the integrity of the original roadside boundary treatment to the front of this highly intact period terrace group which would diminish materially in an adverse manner its appreciation from the public domain alongside would set an undesirable precedent for other such interventions into the future which would give rise to cumulative diminishment of this periods level of intactness and intrinsic character. With this in itself one of the criteria already not met by the proposed development.
- 7.9. Of additional concern is that the proposed development also fails to meet other criteria set out under Section 16.10.18 of the Development. In particular,
 - 1) Access and egress should not give rise to a traffic hazard. The width of the Oakland Park's road is cumulatively narrow when the public domain, the on-street car parking and the remaining roadside carriage for the free flow of traffic. The loss of a car parking space to the front of the 5.7m in width roadside edge would be insufficient to provide safe access and egress for other road users. In particular, the egress of cars parked to the front of No. 45 would not be highly visible for vehicles travelling towards Serpentine Avenue and vice versa due to the limited depth of the pedestrian footpath and due to the restricted views arising from the telegraph pole and the cars parked. In turn the proposed development has the potential to conflict with the safe flow of traffic along Oaklands Park and would give

rise to greater potential for conflict to arise with more vulnerable road users, i.e., pedestrians and cyclists. Of further concern is the restricted width of the gravelled parking at 5.7m means that vehicles parking to the front of No. 45 Oakland Park are unable to make manoeuvres on-site that ensure that vehicles egressing and accessing from the public domain of Oakland Park can do so without having to do reversing car parking manoeuvres on the public carriageway of Oakland Park so as to ensure that vehicles parked can exit in forward gear. This given the substandard nature of the adjoining stretch of Oakland Park adds to the potential for additional traffic hazard and safety issues to arise.

- 2) The remaining soft landscaping area to the front should be in excess of half in soft landscape. This is not the case in the design proposed.
- 3) Entrances are to be no greater than 2.6m in width combined. In this case the entrance is not combined, and the vehicle entrance proposed is 3m in width.

7.10. Of additional concern the proposed development would, if permitted, be contrary to Policy MT 14 of the Development Plan. This policy states that the Planning Authority shall seek: “*to minimise loss of on street car parking*”.

7.11. In addition, Section 16.38.9 of the Development Plan states that: “*there will be a presumption against the removal of on-street parking spaces to facilitate a vehicular entrance to a single dwelling in predominantly residential areas where residents are largely reliant on on-street car parking spaces*”. The occupants of the residential properties of Oakland Parks are largely reliant upon on-street car parking spaces to meet their car parking needs and in this case the proposal would result in the likely loss of two car parking spaces in order to meet the off-street car parking requirements of No. 45 Oaklands Park.

7.12. While I note that a grant of permission was granted for a similar development at No. 43 Oakland Park, the adjoining property, by the Planning Authority in 2019, this was against the recommendation of the recommendations of their Transportation Planning Division and this decision would appear to have been contrary to relevant local planning provisions under the applicable Development Plan. The Board, as the higher authority, is not bound by the planning precedent set by the Planning Authority.

7.13. Having regard to “*Architectural Heritage protection: Guidelines for Planning Authorities*”, 2005, it sets out that the removal, widening, relocation and/or alteration

of boundary features can adversely affect the character of the conservation areas in that it can destroy a carefully designed relationship between the entrance and main building. I consider that this would be the case in this situation.

7.14. Based on the above considerations and in conclusion, I recommend to the Board that the Planning Authority's decision to refuse planning permission be upheld.

7.15. **Appropriate Assessment**

7.15.1. Having regard to the minor nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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 recommend that planning permission be **refused**.

9.0 **Reasons and Considerations**

1. The proposal for the provision of a vehicular access and private off street car parking space is contrary to Dublin City Council policy in that it would reduce the supply of on-street car parking available to residents along Oaklands Park. The proposed development would directly contravene 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. In addition, the proposal would set an undesirable precedent for similar sites throughout the City, and as such, would seriously injure the amenities in the area and would be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector, 17th day of January, 2021.