



An
Bord
Pleanála

Inspector's Report

ABP-311960-21

Development	Removal of plinth and railing and construction of 2 vehicular entrances and vehicle charging points.
Location	7 & 8 Templemore Avenue, Rathgar, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3409/21
Applicant(s)	Enda Keogh & Laurence Flavin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Parties vs. Grant
Appellant(s)	<ol style="list-style-type: none">1. Residents of Templemore Avenue2. Phillip O'Reilly3. Dermot Rafferty & others4. Marie McGee
Observer(s)	Paddy Marron c/o Rathgar Residents Association
Date of Site Inspection	24 th June 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 300m northeast of Rathgar village centre in a residential area on the western side of Templemore Avenue. It has a stated area of 875 sq.m, with approximately 21m of frontage onto Templemore Avenue and an overall site depth of c. 42 metres. It contains house no.'s 7 & 8 which are a pair of two-storey red-brick semi-detached houses from the Edwardian period. The houses are bounded to the front by wrought iron railings (including pedestrian gates) cast into a concrete plinth and overgrown with hedging. The sides of the front gardens are also bound by hedging and the area is surfaced with a mixture of grass and gravel.
- 1.2. The rear boundaries of the houses back onto a narrow lane which serves properties on Templemore Avenue and other dwellings to the west. Along this lane the appeal site dwellings are bound by a mixture of block wall and timber fencing with pedestrian gates. No. 8 includes a shed to the rear end of the garden.
- 1.3. The site is surrounded to the north, south, and east by other properties along Templemore Avenue. However, the dwellings on the appeal site present a unique house type in this context. The vast majority of other houses on the avenue are terraced and consist of narrower plots. Those to the north and east are 2-storey terraced houses with a mixture of brick and dash finishes, while those to the south are 2 ½ storey red-brick terraced properties.
- 1.4. The avenue consists of a 2-way carriageway with footpaths on both sides. There is no off-street parking (apart from those properties at/near the junction with Highfield Road) and therefore unregulated on-street parking takes places along both sides of the road and largely for the full length of the avenue. Accordingly, there is generally only room for one car to pass on the road.

2.0 Proposed Development

- 2.1. In summary, the proposed development comprises the following for each house:
 - Partial removal of the existing plinth and railing and the creation of a 2.85m wide gated vehicular entrance.
 - Provision of a single car parking space.

- Installation of an electric vehicle charging point.
- Alterations to hard and soft landscaping to the front garden.

2.2. The existing pedestrian gates would be retained, and the proposed gates would be installed in materials, finishes and design pattern to match the existing railings. The footpath and kerb would be dished in accordance with local authority requirements.

3.0 Planning Authority Decision

3.1. Decision

By order dated 21st October 2021, Dublin City Council (DCC) issued notification of the decision to grant permission. Notable conditions can be summarised as follows:

Condition 2 – Proposals to retain a greater proportion of the soft landscaping to the front garden shall be agreed with the planning authority.

Condition 3 – Outlines the requirements of the Transportation Planning Division.

Condition 4 – Requires paving over green areas to be in a sustainable manner with no increase in storm water run-off.

3.2. Planning Authority Reports

Planner's Report

3.2.1. The report reflects the planning authority decision to grant permission. The assessment can be summarised as follows:

- The dwellings are one of only two pairs of semi-detached dwellings on this road. They are of unique architectural character and their front gardens are wider than most.
- The infill dwelling 'Templemore House' (formerly part of the rear of 63 Highfield Road) was granted under P.A. Reg. Ref. 1156/08 and included vehicular access.
- Both properties would retain soft landscaping to the front gardens, including hedging and a tree to the front of no. 7. However, there is scope to retain additional soft landscaping.

- The proposed gates would re-use the materials and design patterns of the existing railings, thereby preserving the character of no.'s 1-8.
- The properties do not have vehicular accesses to the rear. The rear lanes are narrow, and it is accepted that the majority if not all residents rely on on-street parking.
- There is no off-street or parking control measures on Templemore Avenue. Cars are parked partially on the adjoining footpaths to maximise the road width. The Transportation Planning Division has noted that this causes obstruction to the footpath use.
- Having regard to the characteristics of these properties and the design of the proposed development, it is considered that the entrances can be accommodated without causing undue harm to the character of the existing buildings or streetscape.
- The report concludes that the proposal would result in the loss of on-street parking and would be contrary to policy MT14 of the Development Plan. However, it is recommended to grant permission, and this forms the basis of the DCC decision.

Technical Reports

- 3.2.2. The Engineering Department (Drainage Division) outlines that there are no objections subject to standard conditions.

The Transportation Planning Division comments are largely reflected in the Planner's Report. It acknowledges that parking currently obstructs that the footpath and accepts that vehicular widths need to be balanced against the loss of on-street parking and pedestrian safety. It concludes that there are no objections subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

Several 3rd Party submissions were received by the planning authority. The issues raised are covered in more detail in the grounds of appeal (section 6.0 of this report) but can be summarised as follows:

- Loss of parking spaces in an area of high demand
- The planning history of decisions for similar proposals and potential precedent
- Traffic hazard associated with vehicle manoeuvres
- The alternative option of rear site access
- Loss of trees and other vegetation
- Conflict with Development Plan policies
- The proposal does not result in a net loss of spaces and is sympathetic to the character of the area
- Adverse impacts on the integrity of the streetscape.

4.0 Planning History

P.A. Reg. Ref. 2294/02, ABP Ref PL29S.200731: By order of 31/1/03 the Board refused permission for the provision of vehicular access and 1 no. parking space replacing existing pedestrian entrance with matching ironwork gates at 7 Templemore Avenue. The reason for refusal was as follows:

The site of the proposed development is located in an attractive street lined by terraces of houses – all of which have vehicular access to the rear (via laneways) and all of which have pedestrian access to front gardens only. The proposal to introduce a car parking space in the front garden of number 7 would result in no net parking gain for the residents of the street, would be out of character with adjacent dwellings, would be detrimental to the residential and visual amenities of the area and would set an undesirable precedent for other similar developments on Templemore Avenue. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

P.A. Reg. Ref. 4399/06, ABP Ref PL29S.220227: By order of 17/4/07 the Board refused permission for the creation of 2 no. vehicular entrances and associated entrance gates at 6 & 7 Templemore Avenue. The reason for refusal was as follows:

The proposed development is located in an attractive residential street lined predominantly by terraces of houses all of which have vehicular access to the rear (via laneways) and all of which have pedestrian access only to front gardens. The proposal to introduce car parking into two front gardens would have an adverse impact on the architectural integrity of the properties, would be out of character with adjacent dwellings, would be detrimental to the residential and visual amenities of the area and would set an undesirable precedent for other similar developments on Templemore Avenue. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z1', the objective for which is '*To protect, provide and improve residential amenities*'.

5.1.2 Chapter 3 'Addressing Climate Change' sets out a strategic approach towards the challenge. It includes a range of policies and objectives aimed at prioritising climate change mitigation and adaption; reducing energy consumption / loss / waste; and supporting energy from renewable sources. Policy CCO15 is to facilitate the provision of electricity charging infrastructure for electric vehicles.

5.1.3. Chapter 5 'Quality Housing' acknowledges the importance of quality design and sustainable development. Policy QH12 promotes improved energy performance in housing design.

5.1.4. Chapter 8 'Movement and Transport' promotes sustainable forms of transport in the interests of effective traffic management and climate change mitigation. Relevant policies and objectives can be summarised as follows:

MT2: Promotes modal shift from private car usage to more sustainable transport forms.

MT12: Aims to improve the pedestrian environment.

MT14: 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.

MT17: To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking.

MT18: To encourage new ways of addressing the parking needs of residents (such as car clubs) to reduce the requirement for car parking.

MTO45: Promotes best practice road design as per DMURS.

MTO46: To promote the greater use of low carbon fuels.

MT23: To improve facilities for people with mobility impairment and/or disabilities.

5.1.5. Chapter 11 'Built Heritage and Culture' recognises the contribution of built heritage to the city's identity, including areas of Edwardian architecture north and south of the canals. Although the appeal site does not involve protected structures, an Architectural Conservation Area (ACA), or any other 'conservation area', the following policies and objectives are noted:

CHC1 seeks to preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes.

CHC 8 To facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas.

5.1.6. Chapter 16 outlines 'Development Standards'. The design principles include that development should respond creatively to and respect and enhance its context, and that it should incorporate sustainable and inclusive design measures. Other relevant guidance includes the following:

- Avoid the loss of characteristic boundary walls or railings
- Retain existing trees and vegetation where possible
- Section 16.10.18 outlines that off-street parking in the front garden of Protected Structures and in Conservation Areas will not normally be

acceptable in inappropriate site conditions. Extensive guidance is outlined to minimise the impact of such proposals where suitable site conditions exist.

- Section 16.38 outlines car parking standards. The appeal site is located within Parking Area 3, where a maximum of 1.5 spaces per dwelling applies. 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.

5.1.7. Appendix 5 sets out 'Road Standards for Various Classes of Development', including road and footpath standards for residential development. 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 set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply.

5.2. National Policy & Guidance

5.2.1. The Design Manual for Urban Roads & Streets (DTTS & DECLG, May 2019) provides guidance for the creation of safer, more attractive and vibrant roads/streets for the benefit of everyone. The guide generally promotes suitably designed on-street parking.

5.2.2. The National Planning Framework (NPF) recognises that, in line with Ireland's Climate Change mitigation plan, we need to progressively electrify our mobility systems moving away from polluting and carbon intensive propulsion systems to new technologies such as electric vehicles. Regional Policy Objective RPO 7.42 in the EMRA RSES 2019-2031 also requires that local authorities shall include proposals in statutory land use plans to facilitate and encourage an increase in electric vehicle use, including measures for more recharging facilities and prioritisation of parking for EVs in central locations.

5.3. Natural Heritage Designations

None in the vicinity of the site.

5.4 Environmental Impact Assessment – Preliminary Examination

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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 decision of DCC to grant permission has been appealed by Marie McGee (1 Templemore Avenue); Dermot Rafferty & others (of Templemore Avenue); Phillip O'Reilly (18, Grosvenor Place, Rathmines); as well as a group submission from Residents of Templemore Avenue. The grounds of the appeals raise common issues and can be summarised collectively under the headings below.

Policy Context

- The proposal would conflict with the Z1 zoning objective as the traffic and visual impacts would detract from residential amenity.
- Section 16.10.18 of the Development Plan does not apply as it does not involve Protected Structures or an ACA, and the alterations are not proposed as a result of bus priority or other traffic management measures. However, the section does promote rear site access where suitable.
- Section 16.38 of the Development Plan and the DCC publication 'Parking Cars in Front Gardens' does not support such proposals where residents are dependant on on-street parking and there is a high demand.
- DMURS guidance is not relevant in this case.

Traffic Hazard / management

- The proposals have limited space for the safe manoeuvring of vehicles within the site. This would be further reduced by the requirements of condition no. 2

- Cars will be forced to reverse onto a busy road where restricted sightlines exist due to other cars parked on the street.
- Reversing into the spaces would also constitute a risk due to restricted width/space.
- Autotrack drawings are included to demonstrate the hazards associated with manoeuvres in and out of the proposed entrances.
- The road width shown by the applicant is misleading. It is narrower when parked cars are included, which further restricts the viability of off-street parking manoeuvres.
- The proposal may result in the creation of a passing bay but only if other cars are not parked in front of the gates. However, it would not be usable for service and emergency vehicles.
- The site frontage can currently accommodate 3 to 4 cars and the proposal will result in the removal of 2 of those spaces.
- Parking is unregulated, leading to the attraction of commuter parking and a high demand for spaces. It is suggested that the introduction of 'Pay and Display' parking would positively impact on parking problems.

Planning history and precedent

- Given the previous refusals relating to this site, the reasons cited in the Planner's report do not justify a grant of permission.
- The precedent cases suggested by the applicant are addressed and it is contended that different circumstances apply in the appeal case, mainly relating to the lack of off-street parking, the architectural/historic character, and the availability of alternative options.
- The proposal would create an undesirable precedent for similar development in other front gardens.
- The sites are not so exceptional to justify a grant of permission.
- Such proposals have consistently been refused by DCC and ABP and an extensive record of cases is cited.

Visual Amenity

- This is a pleasant road whose character is enhanced by trees in the front gardens and mainly uniform facades. The defining line of unbroken front boundaries and absence of front garden parking permits the facades to be appreciated. Although these sites are larger, other properties could also accommodate similar arrangements, which would detract from the residential amenity and aesthetics of the area.
- No.'s 7 & 8 are two of the finest properties on the street and would be negatively affected by the proposed parking.
- The area has notably managed to retain its character (including front gardens) thus far and this should be protected.
- The area is comparable to the surrounding Z2 zoned areas i.e. residential conservation areas, and should be treated as such.
- The proposal would result in the loss of attractive period features, front garden space, and a fine tree.
- The planning authority's assessment was too narrow and did not consider the overall streetscape impacts.
- There are no kerbside trees along this road, which highlights the importance of retaining front gardens and trees/vegetation.

Alternative rear access

- Autotrack drawings demonstrate that safe and convenient access is available to the rear of the properties via the rear access lane from the north and south.
- The rear lane is no less than 3m in width and several residents currently use it for rear vehicular access.
- A rear access proposal would not cause the same negative impacts as the current proposal.

Other Issues

- The DCC reports contain inadequate assessment of the issues.
- The concerns of local residents have not been properly considered.

- There are no public park amenities in the area and private amenity areas should be retained.
- The conclusions and recommendations of the DCC Planner's report are contradictory.
- Condition no. 2 would not satisfactorily address the concerns raised.
- The proposal benefits only the applicants and does not have due regard for residential amenity and the common good.

6.2. Applicant Response

The applicants' response to the grounds of appeal can be summarised as follows:

- The proposal will help to improve the existing traffic safety and convenience issues at this location.
- The proposal has been designed in cognisance of the site's features, architectural integrity, character, and amenities.
- There would not be any net loss of parking spaces and the proposal would facilitate vehicles passing on the road.
- The charging infrastructure would facilitate the use of electric vehicles as a sustainable form of transport, something which is now included as exempted development.
- The application has addressed Policy MT14 based on the serious traffic management concerns that exist at this location and the proposal would be compliant with sustainable travel policy CCO15.
- Similar conditions apply to that of a previous permission for 6 Wilfield Road, which was granted by the Board (ABP Ref. PL29S.246965).
- Section 16.38.9 of the Development Plan allows for the removal of on-street parking in suitable circumstances. It is also supported by DMURS guidance relating to density and parking.
- National Policy and the Draft Dublin City Development Plan 2022-2028 reflect the need to facilitate increased electric vehicle charging points, particularly 'home charging'.

- The proposal fully upholds the architectural integrity of the railings and the streetscape, including the retention and incorporation of materials.
- The unique typology of the properties facilitates the proposal without compromising the architectural integrity of the street or setting a precedent.
- The removal of minor sections of boundaries to facilitate environmentally friendly vehicles is not undesirable.
- There are 3 other vehicular entrances at the southern end of Templemore Avenue where the carriageway is narrower. They do not experience difficulties and it is submitted that the proposed entrances would have sufficient space to manoeuvre.
- A 'Track and Access Report' is included which more accurately reflects the existing situation of kerb mounted cars. The report contends that the tracking analysis submitted with one of the appeals is inaccurate and has been designed to show the track in the best possible light.
- The rear laneway is not easily accessed and is frequently blocked. There are no provisions for passing traffic, the area is not adequately lit, and there are no current access entrances to the rear gardens. A supporting report from NRB Consulting Engineers confirms that the lane is unsuitable for access, and this was also the view of the DCC reports.
- Recent decisions on Villiers Road and Winton Avenue and other suggested precedents are not comparable to the appeal case due to differing circumstances of policy, parking control, road conditions, and streetscape / character.
- The introduction of a 'Pay & Display' system would be likely to result in a greater loss of on-street parking spaces.
- A Conservation Assessment is included which details the proposed design and concludes that the architectural integrity/language of the railings will be retained without adverse impact on the streetscape.

6.3. Planning Authority Response

None.

6.4. Observations

One observation has been received from Rathgar Residents Association. The submission highlights the attractive character of the area and the issues raised can be summarised as follows:

- The planning history of refusals for such proposals, including a previous refusal on the appeal site. The grounds for previous refusals still apply.
- The proposal would result in the loss of on-street parking and would create a precedent for similar proposals.
- In this case there has been inconsistency in the planning authority reports and decision.
- The proposal would be contrary to Policy MT14 of the Development Plan.
- The proposal would negatively impact on the amenity of the road and would be contrary to long term planning and sustainable development.

6.5. Further Responses

6.5.1. One of the appellants (Phillip O'Reilly) has submitted a response which generally supports the other three appeals and includes further details of planning history/precedent to support refusal of the development. Mr. O'Reilly has also responded to the applicants' response. In addition to points previously raised, the submission can be summarised as follows:

- If a vehicle is too big to negotiate rear access, then it is certainly incapable of negotiating front access.
- The exempted development provisions for charging infrastructure are irrelevant.
- The proposal will not alleviate traffic management/safety concerns and the rear access would be a better approach.
- The precedents suggested by the applicant (including Wilfield Road and Marine Drive) are not relevant.
- References to DMURS are irrelevant given the established environment.

- The Templemore Avenue area covers approximately 2 hectares and the applicants' density arguments are irrelevant.
- Policy CA24 only applies subject to built heritage considerations.
- Exceptional circumstances do not exist to justify the grant of permission. There are other semi-detached houses and large gardens on the road.
- No. 63 Highfield Road is not comparable to the appeal sites.
- The appellants have correctly shown the alignment of the rear access lane.
- The rear lane would be better managed if it was used regularly for access.
- The refusal reasons of the previous applications on the site are still relevant.
- The Draft Development Plan 2022-2028 is not yet in force and would not support the proposed development in any case.
- The fact that the properties are not Protected Structures or within an ACA does not detract from their heritage value.
- Traffic speed, volume, and sightline requirements on the rear lane would be minimal and can accommodate rear entrances.
- Templemore Avenue does not include the properties to the rear of Highfield Road and does not include any properties with off-street parking or front entrances.
- The conditions on Templemore Avenue have been compared to those on Villiers Road and it is suggested that the existing absence of off-street parking on Templemore Avenue should continue in the interests of traffic safety and convenience.

6.5.2. Another of the appellants (Dermot Rafferty & others) has made a submission which generally supports the other three appeals. It again requests that the Board refuse permission. This party has also responded to the applicants' response. The issues raised can be summarised as follows:

- The response highlights a concern for the betterment of the applicants as opposed to the proper planning and sustainable development of the area.
- Disagreement with the applicants' dismissal of precedence. The overriding consideration is the fine streetscape and the heritage aspect.
- The residents would welcome 'pay and display' parking and contend that the rear access lane can facilitate residents parking.

6.5.3. The 'Residents of Templemore Avenue' have responded to the applicants' response. It contends that the response fails to address any of the concerns raised. The proposal would exclude other residents from parking at this location, apart from the applicants who have 2 cars each and would have the exclusive right to park in front of the new entrances.

6.5.4. Marie McGee has responded to the applicants' response. It supports the other appeals and contends that the applicant has not addressed any of the concerns raised. In summary, and in addition to points previously raised, it raises the following issues:

- Policy MT14 continues to apply as the proposal does not credibly improve traffic safety or promote sustainable transport modes.
- The applicants' calculation of density in the application of DMURS guidance is inaccurate and misleading.
- Policy CA24 does not apply in this case as the EV charging points would neither be on an existing street or in a new development. In any case, such points could be located to the rear of the site.
- The presence of cars to the front of the dwellings will have an adverse impact on the streetscape, particularly given the precedent it will create.
- The precedent cases suggested by the applicant involve materially different circumstances. The precedent cases rejected by the applicant should not be disregarded.
- The applicants' 'Track and Access Report' is fundamentally flawed. The following concerns are raised:
 - The car size used is significantly smaller than that used in the appellant's analysis.
 - Not all parking is kerb mounted and the remaining carriageway width is not accurately depicted
 - Tracking does not account for parked cars and does not consider the need to reverse in/out, which is a difficult manoeuvre.
 - The rear lane is wider than shown (varied from 3m to 4.9m, not 2.8m to 3.1m) and has an excellent surface.
 - The northern and southern approaches to the rear lane can and do facilitate large vehicles. It is accepted that the southern corner requires

some correction movements for larger vehicles, but the 'indented lay-by' does exist contrary to the applicants' assertions.

- The limited speed of traffic on the rear lane (less than 10km/hr) means that the SSD is zero and does not constitute a traffic hazard.
- A rear vehicle access could easily accommodate manoeuvres, parked cars and charging infrastructure.
- A 6m wide rear entrance is common and gates etc are widely available for such entrances.
- Rear off-street parking provides various advantages for the applicants, the local authority, and other residents. Otherwise, residents would be expected to park illegally (partially on footpath) to suit the applicants' desires.

6.5.5. The Rathgar Residents Association (Observer) has responded to the applicants' response. In summary, the following points are made:

- The proposal will result in the loss of at least 3 on-street parking spaces, which would be a loss to residents and no gain for other road users.
- The proposal is contrary to DCC policy and would result in a deterioration in the public realm.
- The proposal would set a precedent for further development which would detract from the streetscape and character of the area.

6.5.6. There is also correspondence on file from two of the parties included in the 'Residents of Templemore Avenue' appeal. The correspondence indicates that they do not support the appeal against the proposed development.

7.0 **Assessment**

7.1 **Introduction**

7.1.1 At the outset I acknowledge that the applicants' submissions refer to some provisions contained within the Draft Dublin City Development Plan 2022-2028. In the interest of clarity, I confirm that this Draft Plan has not been adopted and I will rely on the provisions of the current Dublin City Development Plan 2016-2022.

7.1.2. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues for assessment in this appeal case are as follows:

- The principle of the development
- Built heritage and visual amenity
- Traffic

7.2 The principle of the development

7.2.1. I acknowledge that the proposed development involves the facilitation of electric vehicles and that the shift towards electric vehicles is supported by local and national policy regarding climate change and sustainable transport.

7.2.2. However, in my view, the Development Plan includes a range of more specific policy and guidance which addresses the question of off-street parking proposals. Policy MT14 aims to minimise the 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 16.38.9 outlines a presumption against the removal of on-street parking spaces in predominantly residential areas where residents are largely reliant on on-street car-parking spaces. This position is supported by the DCC publication 'Parking Cars in Front Gardens', which also highlights the question of 'strong demand' for such on-street parking.

7.2.3. Having regard to the above, I consider that there is a general presumption against the principle of such proposals, subject to certain criteria. In assessing the criteria outlined in Policy MT14, it is clear that the proposal does not involve access to a new development, and I do not consider that it would involve any appreciable public realm improvement. The reference to 'sustainable transport provision' is not clearly defined in this context. However, while I accept that electric vehicles are promoted as a more sustainable transport option, I feel that the benefits of the current proposal are limited in scale and this policy provision would certainly be more applicable to a more substantive sustainable transport proposal.

7.2.4. Regarding section 16.38.9 and the 'Parking Cars in Front Gardens' publication, I am satisfied that the presumption against the removal of on-street parking spaces applies given that this is a residential area where residents are largely reliant on on-street car-parking spaces and there is a high demand for such spaces.

7.2.5. In conclusion, I consider that the Development Plan outlines a general presumption in principle against the removal of on-street parking spaces to facilitate off-street parking as proposed. This is considered reasonable. And while the benefits and policy support for electric vehicles are acknowledged, I am not convinced that the current proposal warrants exceptional consideration as a sustainable transport provision. Ultimately, I consider that the specifics of the site conditions require further assessment in relation to impacts on built heritage, visual amenity, and traffic safety and convenience.

7.3 Built heritage and visual amenity

7.3.1 I acknowledge that No.'s 7 & 8 Templemore Avenue are not listed as Protected Structures and are not located within an ACA or any other designated conservation area. Notwithstanding this, Policy CHC1 of the Development Plan seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

7.3.2. In this regard, I consider that the subject properties form an important part of a group of Edwardian properties. And while a limited number of exceptions exist further south near Highfield Road, I would acknowledge that the extent of front garden retention and the absence of off-street parking is a rare surviving feature of this street when compared with the wider surrounding area. It adds considerably to the period character of the area, providing a pleasing uniform treatment of street frontage and allowing for the retention of historic boundaries and attractive soft landscaping.

7.3.3. I note that the application attempts to minimise the impact of the development through the retention and reuse of the existing railings in the proposed new gates, the restricted width of the proposed entrances, and the retention of soft landscaping. However, the proposal still necessitates significant alteration to the existing front boundaries and the loss of one tree and boundary hedging. Most significantly, I

consider that the very placement of vehicles in the front garden would detract from the setting of the host properties and would be out of character with the established streetscape and pattern of development.

7.3.4. In addition to the impact on the subject properties, I would also have serious concerns about the precedent that this development would set and the potential cumulative impact for the wider streetscape. I acknowledge that these house types are unique when compared to the rest of the street and that the front gardens are wider and larger than the vast majority of other properties. However, while the character of the houses may be unique, I consider that the important factor is that treatment of front gardens is generally consistent at this location i.e. pedestrian access only and attractive soft landscaping. As previously outlined, these front gardens are an important part of the character of the area, and I do not consider that the subject properties warrant exceptional consideration on grounds that the houses are of a different character and the front gardens are larger.

7.3.5. In conclusion, I consider that the historic and prevailing treatment of the front gardens makes a positive contribution to the character, appearance and quality of the local streetscape. The proposed alterations to the properties, including the alteration of historic fabric, the loss of vegetation, and the introduction of unattractive parked vehicles to the front of the properties, would detract from the setting of the properties and the character of the wider streetscape. The proposal would set an undesirable precedent for further such development and would be contrary to the proper planning and sustainable development of the area.

7.4 Traffic

7.4.1 Given that there is generally no off-street parking for the houses along this stretch of road, it is clear that residents would rely on on-street parking and that there would be a high demand for spaces. This was evident at the time of my inspection when on-street spaces were extremely limited.

7.4.2 I also note the limited width of the adjoining road carriage and footpaths. It was my experience that cars generally parked partially on the footpath, although not exclusively. Accordingly, there is generally only space for one car to pass on this road unless pull-in can be achieved in some of the limited on-street parking spaces.

- 7.4.3 Within the front gardens of No.'s 7 & 8, I acknowledge that space for manoeuvring is also limited, notwithstanding that the gardens are larger than other properties. This would be reduced further if condition no. 2 of the DCC decision was applied. The applicants' 'Track and Access Report' by NRB Consulting Engineers shows 'autotrack' drawings for a saloon car entering and exiting both properties in forward gear. However, it does not show how the car can be turned within the front garden to avoid reversing manoeuvres in and out of the site. Given the limited space available, I consider it reasonable to conclude that reversing manoeuvres would be highly likely if not inevitable in these cases.
- 7.4.4 I also note that concerns raised by the appellants regarding the alleged inaccurate depiction of adjoining road conditions. Ultimately the road conditions in this case are largely influenced by the extent, positioning, and proximity of parked cars. This may vary significantly depending on car type/size or driver habits and I would accept that it is difficult to accurately assess these variables. However, given the extensive on-street parking and limited carriageway width, I am satisfied that vehicle speeds at this location would be low and there is no real likelihood of a serious traffic hazard as a result of vehicle collision. I am satisfied that vehicles could enter and exit the properties, although it is likely to involve reversing and/or multiple movements depending on specific circumstances. And while this may have some implications for the convenience of vehicles, pedestrians and other road users, I do not consider that it would constitute an unacceptable risk to public safety.
- 7.4.5. Notwithstanding this, the proposal would ultimately result in the loss of at least two on-street car-parking spaces. And while the applicant contends that there would be no net loss as a result of the creation of 2 off-street spaces, this argument misses the point that the spaces lost are shared spaces for the common good and traffic management of the area, while the proposed new spaces would benefit only the applicants. Furthermore, I do not consider that the proposal would result in any appreciable improvement to traffic safety or convenience and there is no guarantee that the space adjoining the entrances would be kept free to provide even the limited benefit of a passing bay. Therefore, I consider that the proposal would result in the loss of on-street parking which would be contrary to Policy MT14 and section 16.38.9 of the Development Plan.

- 7.4.6. The appeal submissions contain significant debate on the matter of alternative access via the rear laneway. The applicants' 'Track and Access Report' contends that this is not suitable due to its surface, high boundary walls, limited width and lack of visibility at corners. Much of the debate focuses on the correct alignment of the southern corner on the laneway ('Corner A' as per the applicants' report). Having inspected the site, I can confirm that this corner does have an 'indented lay-by' which is consistent with the appellant's autotrack drawings and is contrary to the applicants' contentions.
- 7.4.7. It would appear to be generally accepted by parties that 'Corner A' is the most restricted in terms of movement. However, consistent with the appellants' submissions, I would accept that it can be readily manoeuvred even if additional movement would be required for larger cars. I am also satisfied that the rear lane is of adequate width to facilitate access to the rear of the appeal sites, subject to appropriate entrance design and layout and potential setback of the rear site boundary. Clearly the rear lane cannot facilitate two passing vehicles, but traffic volumes are likely to be extremely limited and the lane has two exit/entrance points, thereby allowing for adequate dispersal of traffic flow. The potential for blockage of the laneway is acknowledged but this would be a matter for resolution between the residents and/or the local authority. And while visibility is limited at the lane corners, I would accept that traffic speeds would be extremely low and that any associated movements are not likely to create a traffic hazard.
- 7.4.8. Ultimately, the rear access is clearly not proposed in this case and its suitability as a solution would require full assessment as part of a new application. Indeed, the wider solutions to the issue of parking on Templemore Avenue may require a range of traffic management issues which are clearly outside the scope of this case. However, I consider that the current proposal would result in the loss of shared on-street parking spaces which would exacerbate the existing situation. Furthermore, while the subject gardens are larger and wider than most properties, I would acknowledge that other end-of-terrace properties contain large gardens and I feel that the proposed development would set an undesirable precedent for further off-street parking which would be difficult to resist, even for the smaller properties. Accordingly, I do not consider that exceptional circumstances exist to justify the granting of permission in this case.

7.5 Other Issues

- 7.5.1. The submissions from the applicants and some appellants have commented extensively on the issues of planning history and precedence. The cases cited include both neighbouring streets as well as those in the wider city area. Ultimately, each case must be determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. The cases relating to Templemore Avenue are therefore most relevant.
- 7.5.2. In this regard, I have previously outlined (see section 4 of this report) the planning history of refusals by the Board for similar proposals on/adjoining the appeal properties. And having regard to the reasons outlined in my assessment, I do not consider that grounds exist to warrant a change to those previous Board decisions to refuse permission. I note that the planning authority has referred to the granting of an entrance associated with the site to the rear of no. 63 Highfield Road as part of the reasoning for its decision in this case. However, given that this permission involved the construction of a new house on a site that is separated from the historic extent/pattern of development on Templemore Avenue, I do not consider that it should justify the current proposal.
- 7.5.3. I note the other precedents suggested by the applicant. However, having regard to the particular characteristics of the appeal site and surrounding properties, I do not consider that any of the suggested cases establish a reasonable basis to grant permission in the current case.

8.0 Appropriate Assessment

Having regard to the minor scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to 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.

9.0 Recommendation

Having regard to the above, it is recommended that permission should be refused based on the following reasons and considerations.

10.0 Reasons and Considerations

1. It is the policy of the planning authority, as set out in Policy CHC1 of the Dublin City Development Plan 2016-2022, to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes. The proposed development is located in an attractive residential street lined predominantly by terraces of houses and front gardens with attractive boundaries and landscaping, and where access is limited to pedestrians only. The proposal to introduce car parking into two front gardens would have an adverse impact on the setting and architectural integrity of the properties, would be out of character with adjacent dwellings, would be detrimental to the visual amenities of the area and would set an undesirable precedent for other similar developments on Templemore Avenue. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the removal of on-street parking to accommodate private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy MT14 and section 16.38.9 of the Dublin City Development Plan 2016-2022, which aims to minimise the loss of on-street parking in residential areas where residents are largely reliant on on-street parking. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties and would set an undesirable precedent for other similar developments on Templemore Avenue. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Ward
Senior Planning Inspector

13th July 2022