



An
Bord
Pleanála

Inspector's Report ABP 312103-21.

Development	Alterations to front boundary and widening of vehicular entrance, relocation of pedestrian entrance raising of front granite wall height and removal of railings, new hardwood gates, additional off-street parking space, removal of stone wing wall to granite steps leading to front door and replacement with decorative railing.
Location	No 2 Tower Hill Harbour Road, Dalkey, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
P. A. Reg. Ref.	D21A/0501
Applicant	Conor and Heather Lonergan
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First / Third Party
Appellant	Conor and Heather Lonergan
Date of Inspection	25 th February, 2021
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development is that of a semi-detached nineteenth century two storey over garden level house with a granite stone staircase to the front and with a single storey over basement/garage element to the side on the northern western side of Harbour Road. It is setback from the road frontage, the front curtilage is divided by a granite stone walling separating the curtilage in front of the main dwelling and the curtilage in front the single storey over basement element. Midway along this wall there is an opening allowing for pedestrian access between the front garden in front of the main house and the hard surfaced space on the frontage of which is the existing vehicular access and off-street parking. There are historic cast iron gates hung between stone gate piers to each side of the vehicular entrance. Similar cast iron railings and piers are located at the pedestrian entrance also on the frontage and cast-iron railings are mounted on top of plinth walling on the remainder of the front boundary. On the inner side and at a height above the front boundary some willow screening has been erected.
- 1.2. To the west side and the north sides are the Bailey View and Bartra Rock apartments, the main vehicular entrance to the former of which is circa twenty-five metres from the existing entrance to the application site property. Harbour Road rises from the northwest towards the south-east. On street parking is available on both sides of the road and traffic volumes are low.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for Alterations to front boundary providing for:
- widening of vehicular entrance,
 - relocation of pedestrian entrance
 - raising of front granite wall height and removal of existing railings,
 - installation of new hardwood gates,

provision of an additional off-street parking space in the front curtilage including, removal of the existing stone wing wall to the granite steps leading to front door and replacement with decorative railing and, all associated site works.

The lodged plans show the proposed entrance increased in width to 3.5 metres with associated removal of existing fabric and cast-iron gates at the north-western end of the site frontage and a pedestrian entrance 1100 mm in width at the south-eastern end. Sight lines to forty-five metres in both directions from a 2.4 metre setback and turning areas within the site curtilage to allow for access and egress in forward gear are also indicated.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 5th November, 2021 the planning authority decided to refuse permission based on two reasons:

Reason One is that the proposed development, due to intensification of use and the design for the frontage, would cause adverse impact on safety and free flow of traffic and would result endangerment of public safety due to traffic hazard and obstruction of other road users.

Reason Two is that of negative impacts in loss of built heritage and visual disruption to the legibility in the streetscape and character and undesirable precedent due to the proposed removal of iron railings which would be contrary to Section 8.2.4.9 of the CDP.

3.2. Planning Authority Reports

- 3.2.1. Prior to determination of a decision, an additional information request was issued to the applicant in respect of several matters of concern raised in the initial planning officer and Transportation Department reports in respect of several issues including the layout and configuration of the proposed carparking spaces and turning area having regard to the provisions of section 8.2.4.9 of the CDP on Vehicular entrances

and hardstanding and visibility at the entrance onto the public road, the intended purpose for the entrance, number of parking spaces and layout and alterations and replacements proposed in respect of the existing historic fabric to facilitate the development.

- 3.2.2. The transportation department's final report issued following review of the further information submission, indicated a recommendation for refusal of permission, on grounds relating the proposed two metres' height for walls which obstruct vision, a maximum height of 1.1 metres being suitable, in conjunction with intensification of use associated "intensification if use" resulting in adverse impact on safety and free flow of traffic and would result endangerment of public safety due to traffic hazard and obstruction of other road users, as reflected in the second reason for refusal of permission. The planning officer had recommended refusal of permission on ground relation to protection of built heritage, in that the gates and railings positively contribute to visual amenities and the streetscape character and legibility.

4.0 Planning History

- 4.1. There is no record of planning history for the application site. According to the written submissions the existing access and parking arrangement precede the bringing into effect of the Local Government (Planning and Development) Act, 1963.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dun Laoghaire Rathdown County Development Plan, 2016-2022 according to which the site location comes within an area subject to the zoning objective A; *to protect and/or improve residential amenity*.
- 5.1.2. The Martello Tower, located to the east is included on the record or protected structures.
- 5.1.3. Policies, objectives and standards for Vehicular Entrances and Hardstanding are set out in section 8.2.4.9 along with general specifications in subsection (i) and include provision for maximum entrance width of 3.5 metre, and minimum length for parking space of 5.5 metres amongst other considerations having regard to DMURS

standards and providing for vehicular and pedestrian safety and visual and residential amenities.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Rogers Brassil on behalf of the applicant on 2nd December, 2021 in which it is submitted that the planning authority assessment, in which the further information submission was ignored was erroneous and determination of the decision was onerous and unreasonable. According to the appeal.

- Intensification of use of the vehicular access is not involved. The existing arrangement which is "Pre 1963" allowed for three cars in a line in the long driveway in front of the garage. The current proposal provides for two parking spaces and as such the intensity of use would be reduced.
- The sightlines are not dependant on the existing railing and gates because the site steeply graded. The railed gate and railing on the wall do not affect safety or otherwise of vehicles exiting the site. The proposed alterations would improve the safety of the entrance in that cars can enter and exit in forward gear (with reversing out eliminated) so safety would be improved.
- The site is almost unique in that permission has not been granted for extensive alterations to the boundaries. If the required sightline and setbacks were provided the front boundary would *be "a glorified vehicular entrance in practically its entirety making a mockery of the notion of setting and 'undesirable precedent' in the area."*

The applicant would accept a condition for retention of decorative railing over a lower stone wall as exists, but the gates are too narrow safe access and egress and are in poor condition.

- It is inappropriate to include a requirement for traffic surveys and for compliance with DMURS standards in that the entrance is an existing entrance involving no intensification of use.

- There is no reference in the decision of the planning authority to the removal of a section of the stone wing wall to the granite steps leading to the front door and its replacement with a decorative railing to match the opposite side referred to in the application.

6.2. Planning Authority Response

- 6.2.1. The planning authority in a letter dated, 15th December, 2021 confirms that the appeal contents do not warrant a change in the planning authority assessment and decision.

7.0 Assessment

- 7.1. The issues central to the determination of the decision having regard to the reasons attached to the decision of the planning authority to refuse permission can be considered under the following two subheadings:

Vehicular and pedestrian safety and convenience.

Architectural character, integrity, fabric, context and visual amenities.

Environmental Impact Assessment Screening and
Appropriate Assessment Screening

7.2. Vehicular and pedestrian safety and convenience.

- 7.2.1. Harbour Road which rises towards the northwest from the southeast along on both sides of the frontage of the application site has very low traffic volumes, with potentially some increase in volumes on summer weekends by day-trippers. It does not serve any public transport routes and there are no cycle lanes. There is ample availability of public parking spaces on both sides of the road in the vicinity of the application site. The existing arrangement for vehicular access to the application site is understood to have been in place prior to the bringing into effect of the Local Government (Planning and Development) Act, 1963. (The 1963 Act)
- 7.2.2. With regard to potential for intensification of use of the entrance, neither case made for or against this claim, on the part of the planning authority or the applicant is persuasive. It is agreed with the applicant that the entrance, if permitted with the

removal of fabric and alterations proposed, would facilitate access and egress in forward gear and improvement, subject to the somewhat radical interventions for the front boundary, to sightlines further to widening of the existing entrance.

7.2.3. Increased use of the vehicular entrance may arise in that it would be possible for two vehicles to be parked in the curtilage without one blocking the other as would be the case at present if a second, (or third) car were to be parked on the lane in front of the single storey element/garage. However, there is ample parking space available on the street at the front of the property, and in the vicinity on both sides of the road which is available for use in connection with the dwelling.

7.2.4. It is agreed that requirements for traffic counts and consistency with DMURS standards for proposals for alterations to an existing entrance for a single dwelling unit as advocated by the planning authority in its assessment is excessive and somewhat inappropriate and the appeal in this regard is reasonable.

7.3. Given the existing situation with regard to the entrance arrangements, traffic and parking, notwithstanding possible increased movements in and out of the proposed entrance it is considered that the first reason for refusal of permission could be disregarded and is somewhat unreasonable. However, the following should be taken into consideration.

7.4. **Architectural character, integrity, fabric, context and visual amenities.**

7.4.1. It appears, although this has not been verified through review of historical maps that the area to the front of the single storey element over the garage used for parking in connection with the main dwelling house, may have been an access lane serving the property and that the original existing double gated entrance may have been a coach entrance. Access to the main house via the front garden and granite steps would have been confined to pedestrian entrance gate. It appears that a similar arrangement may have originally been in place for No 3 the adjoining house in the semi-detached pair to the south-east side but it is noted that alterations were made, possibly also prior to the bringing effect of the 1963 Act.

7.4.2. However, as previously stated, this supposition has not been researched and confirmed but it may clarify the of the unusual arrangements in place at present and as such, the existing cast iron gates and railings appear original and in conjunction with the configuration and existing site frontage, not least the widths of both

entrances are of special interest in relation to the setting and context of the houses and the streetscape. As such, it is considered that a strong case would be necessary to justify removal and replacement of fabric and other interventions and alterations of the nature and extent proposed.

7.4.3. Bearing the foregoing in mind, the proposed development would erode the plot by way of the substantive removal of the wall separating the existing lane area used for parking from the front garden and would also, by way of the extent of hardstanding required for parking, erode the platform, proportions and context of the front garden and its function for pedestrian routing toward the granite steps and entrance over the garden level (semi basement) from the pedestrian gate at the street frontage. It is agreed with the planning officer that the proposed removal of the historic cast iron gates and the railings (and replacement with timber gates) notwithstanding the revised proposal for some continuation of use on a lower front boundary is destructive to the setting and context. This impact would be exasperated by the widening of the vehicular entrance while alterations to the pedestrian entrance width is undesirable.

7.4.4. As such, the convenience benefiting the applicant, if the proposed development is permitted, is acknowledged but the development is not considered essential or warranted given the existing on site and on street facilities available for use. Favourable consideration would be at a significant and unacceptable adverse impact and loss to the historic context of the existing dwelling house and to the amenities and historic character of the streetscape which is unwarranted and unjustified by the current proposal

7.5. In view of the foregoing, it is considered that the planning authority decision to refuse permission should be upheld but solely on the basis, generally as indicated in Reason 2 for the decision to refuse permission. Refusal of permission based on reasoning relating to traffic hazard and vehicular and pedestrian safety and convenience is not supported.

7.1. **Environmental Impact Assessment Screening**

7.1.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.2. Appropriate Assessment Screening.

- 7.2.1. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that due to the proposed Interventions to the front curtilage by way of partial amalgamation the original front garden with the side lane, removal of historic cast iron gates and railings, significant widening of the vehicular entrance and substantive hardstanding to facilitate the proposed carparking spaces and capacity for access and egress from the public road in forward gear would erode the front garden in its historic linkage with the street between the main entrance, granite steps and footpath through gardens to the pedestrian gate at the public road frontage and would seriously injure the setting and context of the existing building, one of a semi-detached pair and that of the streetscape along Harbour Road. As a result, the proposed developed would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
26th February, 2022.