



An
Bord
Pleanála

Inspector's Report

ABP-312305-21

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| Development | Construction of four off road car parking spaces to front of house. |
| Location | 80 Pearse Park, Drogheda, Co Louth. |
| Planning Authority | Louth County Council |
| Planning Authority Reg. Ref. | 211324 |
| Applicant(s) | Sinead Connolly |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Sinead Connolly |
| Observer(s) | None. |
| Date of Site Inspection | 18 th of March 2022 |
| Inspector | Karen Hamilton |

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1.0 Site Location and Description

- 1.1. The subject site consists of a semi-detached dwelling, located at 80 Pearse Park, Drogheda, Co. Louth. No. 79 Pearse Park is located to the south of the site (semi-detached) and there is a low block wall separating the front gardens. Both properties face east onto a small area of public open space located between a road junction.
- 1.2. The R166, Crushrod Lane, runs along the north of the site. The Crushrod Lane is a busy through route along the northern suburbs of Drogheda. The side garden associated with the subject site runs along the boundary of the site, adjoining the public footpath. There is on street parking (not delineated) along the side of Crushrod Lane, adjoining the site.
- 1.3. Permission has been granted for an infill dwelling (Reg Ref 21/139) in the side garden of No. 80 Pearse Park (the subject site) subject to the removal of 4 no car parking spaces in the front garden.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of four off road car parking spaces at the front of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reason:

1. The proposed development, by reason of its scale and location would detract from the visual amenities of the area which is considered to be contrary to the zoning objective of these lands, as set out in the Louth County Development Plan 2021-2027, which requires development *“To protect and/or improve the amenity of developed residential communities.”*

In addition, the proposed development, by reason of the requirement to reverse onto the public road would cause disruption to traffic flow and conflict with existing pedestrian movements along the footpath and would have an

adverse impact on the safety of road users using the Crushrod Lane by reduced stopping sight distances cause by vehicles parking along the public road resulting in a traffic hazard. Such development is contrary to the proper planning and sustainable development of the area and would set and undesirable precedent for further such development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planner reflects the decision to refuse permission and is summarised below:

Principle of Development

- The site is zoned as residential, and the principle of development is acceptable.

Planning History

- The planners report on Reg Ref 21/881 and Reg Ref 21/139 recommended refusal as the 4 no. car parking spaces would seriously detract from the visual amenities and create a traffic hazard.
- Permission was permitted for 1 no. car parking space under Reg Ref 21/139 (one dwelling).
- Infrastructure recommend refusal on the previous applications
- The planners report concurs with both the previous planners report and the infrastructure report in relation to the refusal

Infrastructure

- The infrastructure section previously recommended refusal for the parking spaces crossing the pedestrian footpath, the requirement movements onto Crushrod lane which could cause disruption to traffic flow and have an adverse impact on the safety of road users reducing stopping distances.

Surface Water

- No details have been submitted in relation to surface water management to indicate it will not be disposed off on the road.

3.2.2. Other Technical Reports

Infrastructure Directorate: Recommend refusal of permission.

3.3. Prescribed Bodies

None submitted

3.4. Third Party Observations

None submitted

4.0 Planning History

Reg Ref 21/881

Permission refused for the construction of 4 no. off road car parking spaces for one reason detailed below:

1. The proposed development, by reason of its scale and location would detract from the visual amenities of the area which is considered to be contrary to the zoning objective of these lands which requires development *“To protect and/or improve the amenity of developed residential communities.”* In addition, the proposed development, by reason of the requirement to reverse onto the public road would cause disruption to traffic flow and conflict with existing pedestrian movements along the footpath and would have an adverse impact on the safety of road users using the Crushrod Lane by reduced stopping sight distances cause by vehicles parking along the public road resulting in a traffic hazard. Such development is contrary to the proper planning and sustainable development of the area and would set and undesirable precedent for further such development.

Reg Ref 21/139

Permission granted for an infill dwelling in the side garden of No. 80 Pearse Park subject to 8 no conditions of which the following condition is of note:

Condition No. 3

- a) The 4 off road car parking spaces to the front of the proposed dwelling shall be omitted.
- b) One car parking space shall be provided within the curtilage of the dwelling house, parallel with the rear (west) boundary.

Prior to commencement of development, the applicant shall submit a revised layout drawing illustrating the above amendments for the written agreement of the planning authority.

Reason- To protect the visual amenities of the area and in the interest of pedestrian and traffic safety.

5.0 Policy Context

5.1. National Policy

- Design Manual for Urban Roads and Streets (DMURS)(2019)

5.2. Louth County Development Plan 2021-2027

Land use zoning

The site is located on lands zoned as residential where it is an objective *“To protect and/or improve the amenity of developed residential communities.”*

Car parking

Section 13.16.6 Car Parking

- Any on-site parking areas provided within developments shall be suitably lined and surfaced.

Section 13.16.1- Dimensions of Parking Spaces (Table 13.9- Standards)

Section 13.16.12- Carparking Standards (Area 1- 1 per unit)

5.3. Natural Heritage Designations

The site is located c. 600m to the north of the River Boyne and River Blackwater SAC (site code 002299) and c. 1.4km to the north west of the Boyne Estuary SPA (site code 004080).

5.4. EIA Screening

Having regard to 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

The grounds of appeal are submitted by an agent on behalf of the applicant in relation to the refusal of permission. The issues raised are summarised below:

Planning History

- Permission was granted for a new dwelling at the side of the subject site (Reg Ref 21/139). A condition was included to omit the car parking spaces.
- A previous grant of permission (Reg Ref 14/455) included permission for 4 no. car parking spaces. This permission has expired.
- There are no significant changes to the site since the previous grant.
- Planning permission Reg Ref 21/139 requires a parking space at the back of the house which will remove the open space at the rear of the property. The proposed development will enable this space to be removed.

Reason for refusal and site conditions

- The reason for refusal appears to be subjective.
- One carparking space is inadequate for modern households.

- There will be two houses on the site and there is a need for car parking spaces to avoid congestion along the street.
- Pearse Park is a built-up area in the centre of town.
- Houses in the vicinity have parking facilities in their front gardens and this is not unusual.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response (PA)

A response was received from the PA in relation to the grounds of appeal, as detailed below.

- The file has been fully assessed and reported by the Infrastructure Dept and a refusal was recommended for the 4 no car parking spaces because of the impact on Crushrod Lane (Reg Ref 21/139 and Reg Ref 21/881).
- The applicant was granted permission for one no dwelling with a car parking space to the rear of the proposed dwelling. This is sufficient.
- The location of the site in a residential area is acknowledged. Residents park in their front gardens. However, the proposed development is not comparable to this precedent.
- The green space is at a junction of two roadways which adds greatly to the visual amenity of the area.
- The proposed development would require reverse parking onto a public road which would cause disruption to the traffic flow and conflict with the existing pedestrian movements along the footpath.
- The proposal would have an adverse impact on the safety of the road users along Crushrod Lane by reduced stopping sight distances caused by vehicles parking along the public road.
- The proposal would set an undesirable precedence for further developments in the vicinity.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Principle of Development
- Traffic & Transport
- Impact on Visual Amenity
- Appropriate Assessment

Principle of Development

Introduction and Land use zoning

7.2. The site includes an existing modest semi-detached dwelling with large side and front gardens. The site adjoins Crushrod Lane, and the public footpath runs adjacent to the side garden. The existing dwelling does not have any off-street car parking and the area beside the site, along Crushrod Lane, is unrestricted and used for on-street car parking. Permission has been granted for an infill dwelling in the side garden on the subject site, further detailed below. The proposed 4 no. car parking spaces are proposed to serve the existing and proposed dwelling. The site is zoned residential where it is an objective *“To protect and/or improve the amenity of developed residential communities”* and therefore the principle of car parking associated with residential is permitted in principle, subject to additional planning assessment.

Planning History

7.3. Planning permission has been granted for an infill dwelling at the side of the existing dwelling (Reg Ref 21/139). This proposal also included 4 no spaces to the front of No 80 Pearse Park (subject site) although a condition (no. 3) was included for the removal of the 4 no spaces and replacement with one off street parking space at the rear of the dwelling. A planning application was subsequently resubmitted to the PA (Reg Ref 21/881) for the 4 no carparking spaces and the application was refused for

reasons of visual impact, adverse impact on the traffic flow and conflict with the pedestrian movements along the footpath. The reason for refusal noted a reduction in the stopping sight distance along the Crushrod lane, having regard to the on-street parking.

- 7.4. This proposed development for 4 no car parking spaces is the same as the previous application refused by the PA (Reg Ref 21/881) and the reason for refusal is nearly identical to the PA previous reason. The grounds of appeal, submitted by the applicant, refers to an older permission, previous to the above 2 decisions, which included 4 no car parking spaces at this location (Reg Ref 14/455) and notes that there have been no significant changes since this permission expired. This issue is further discussed in detail below, although I note the introduction of national guidance Design Manual for Urban Roads and Streets (DMURS) introduced in 2015 and updated in 2019.

Conclusion

- 7.5. Whilst I note the land use zoning allows for car parking associated with the residential use on the site, I have concerns in relation to the location, design and layout of the parking spaces, as detailed below. I do not consider a permission for parking spaces on the site in 2014 is precedence for a grant of permission and I have assessed the proposal in light of the DMURS guidance below.

Traffic & Transport

Design and Layout

- 7.6. The proposed 4 no car parking spaces are proposed in the front garden of No 80 Pearse Park. The front garden is slightly raised above the adjoining footpath and there is a small iron fence along the boundary of the front garden. The planning documentation also includes the recently approved house (Reg Ref 21/139). It appears from the permission and documentation this is a shared front garden.
- 7.7. The 4 no car parking spaces are located together, perpendicular to the Crushrod Lane. Section 13.9 of the LCDP 2021-2021 includes criteria for the dimensions of parking spaces where the dimensions of a space perpendicular to a kerb is 5.0m x 2.5m. The 4 no spaces measure 5.0m x 2.5m and can therefore meet the requirements of Table 13.9 of the development plan.

- 7.8. The use of the 4 no car parking spaces requires the cars to cross over a public footpath. The plans state that the pavement will be dished with slopes of 5% with 25mm kerb along edge. The application does not include any illustrations of the proposed works along the footpath, nor does it include any proposals to prevent on-street parking along Crushrod Lane, in both directions.
- 7.9. Whilst I note the dimensions of the parking spaces comply with the requirements of the development plan, I have concerns that the documentation does not provide sufficient detail to undertake an assessment of the proposed access into the site. It is my opinion that the proposed access is substandard and the four no parking spaces would have a negative impact on the receiving environment.

Visibility Splays

- 7.10. Section 4.4.4 of DMURS provides a breakdown of the necessary visibility splays for new accesses. The minimum level of forward visibility along a street for a driver to stop safely is based on the Stopping Sight Distance (SSD). Table 4.2 states that a visibility of 45m is required along a road with a design speed of 50km/h. Section 4.4.5 of DMURS provides further guidance for appropriate visibility spaces and notes a required set back (x distance) of 2.4m.
- 7.11. The report of the Infrastructure Department on Reg Ref 21/881 recommended a refusal of permission, *inter alia*, having regard to the sightline requirements at the proposed entrance as per DMURS. The Infrastructure Report on Reg Ref 21/139 noted the maneuvering required for reversing cars from the proposed spaces and the impact of the Stopping Sight Distance from cars parked along Crushrod Lane. The Infrastructure report of this application provides reference to the previous reports and recommends refusal based on the previous reports (Reg Ref 21/881 and Reg Ref 21/139). I have had regard to all the Infrastructure Reports associated with the proposed 4 no parking spaces.
- 7.12. I note the submitted documentation highlights sight distance of 2.4m (x distance) and 49m (y distance) in both directions at 1.05. This sight distance is taken from a central location and is not representative of the four no car parking spaces. In addition, I note the applicant has not factored the visibility splays cars parked along Crushrod Lane.

7.13. Therefore, having regard to the absence of sufficient information it is my opinion that the proposal represents a substandard proposal and the access proposed does not meet the required minimum standards of DMURS. Therefore, the proposed access into the site and movement of 4 no carparking spaces would cause a disruption to the movement of traffic and pedestrians along Crushrod Lane and cause a traffic hazard.

Conclusion

7.14. Having regard to the absence of any sufficient sightlines and the lack of information submitted within the plans and particulars in relation to proposed works along the public realm, I do not consider the applicant can provide the necessary visibility splays required to meet the minimum DMURS standards. In this regard, and in combination with the proposed on-street parking along Crushrod Lane, I do not consider the proposed development can provide an access which would free of any potential traffic hazards.

Impact on Visual Amenity

7.15. The site is located on the corner of a junction between Crushrod Lane and Pearse Park. The front garden is substantial in comparison to surrounding residential plots and there is an area of public amenity space to the front of the site, along the public road.

7.16. The 4 no car parking spaces will remove a substantial amount of the front garden at No 80 Pearse Park. The documentation submitted indicates that the garden will be shared with the new permitted infill dwelling (Reg Ref 21/139). The area planner's report on the proposed development makes reference to previous planner reports under Reg Ref 21/139 and Reg Ref 21/881, which they concurred with. The area planner's report on Reg Ref 21/139 assessed the layout of the 4 no car parking spaces, considered them unsatisfactory and would seriously detract from the visual amenities of the area.

7.17. Section 4.2.3 (Active Street Edges) of DMURS, provides guidance for the appropriate location of parking and treatment of the street environment. This national guidance states that active street edges and an appropriate street environment can promote pedestrian activity. Specific guidance on in-curtilage parking refers to the inclusion of parking in the front gardens which substantially reduce the sense of

enclosure and scenarios where the parking dominates the interface between the building line and footway should be avoided.

7.18. As stated above the front garden is large in comparison to other plots and it is my opinion that in combination with the public amenity space to the front of the site, the site adds visual value within an urban setting. I consider a substantial reduction of the front garden for use as car parking would change the overall balance of green space in the area. Both the location of the parking spaces in the front garden and the movement across a footpath would have a negative impact on the street environment and the pedestrian activity. In this regard, I consider the 4 no carparking spaces would dominate the site and have a negative impact on the visual amenity of the surrounding area.

7.19. Therefore, having regard to the location of the site and the dominance of car parking in the front garden of a corner site, I consider the proposed development would have a negative impact on the visual amenity of the area, in particular the occupants of the dwellings in the immediate vicinity and those in the new permitted infill dwelling. Therefore, the proposed development would be contrary to the residential zoning on the site where it is an objective *“To protect and/or improve the amenity of developed residential communities.”*

Appropriate Assessment

7.20. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that planning permission should be **refused**, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development includes the creation of a new access for four in curtilage car parking spaces. The plans and particulars have failed to provide sufficient information necessary to comply with the minimum standards in Design Manual for Urban Roads and Streets (DMURS) (2019) for forward visibility splays. Having regard to absence of appropriate sightlines and the movement of four cars across a public footpath, it is considered the proposed development would endanger public safety because of the additional traffic turning movements the development would generate and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard.
2. The site is located on lands zoned as residential, where it is an objective *“To protect and/or improve the amenity of developed residential communities.”* Having regard to the prominent location of the site, at a junction and beside an area of public amenity, it is considered that the proposed development by reason of its scale, form and design would dominate the area with car parking, would be visually obtrusive on the streetscape and have a negative impact on the visual amenities of the existing and future occupants of the surrounding dwellings. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to land use zoning objective and the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

21st of March 2022