



An
Bord
Pleanála

Inspector's Report ABP-312443-22

Development	Widen existing vehicular entrance from 2.970m to 3.6m with kerb dishing to facilitate off street parking for 2 no. cars.
Location	4 Beresford Lawn, Griffith Avenue, Drumcondra, Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3723/21.
Applicant	Mark and Eavan Jennings.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Mark and Eavan Jennings.
Observer	None.
Date of Site Inspection	11 February 2022.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is within a low-density residential estate located off Griffith Avenue. The estate would appear to have been constructed in the last thirty years. It comprises detached dwelling houses which are set around a series of winding cul de sacs. The subject house faces onto a landscaped open space and is in a cul-de-sac of 13 no. houses.
- 1.2. The site contains a detached dwellinghouse which is one of a row of houses of similar scale and form. All of the dwellinghouses have front garden parking spaces. The original layout provides for one parking space in the front of each dwelling house. The subject site front garden area is paved. One car was parked in the front garden at the time of inspection. A number of other cars were positioned adjacent the open space at the southern side of the cul-de-sac road.
- 1.3. Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to widen the vehicular entrance from 2.970 m to 3.6 m. It is also proposed to dish the kerb.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reason summarised below:

- Under the development plan entrances shall be at least 2.5 m or at most 3.6 m in width. Narrower widths are considered more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist. It is considered that the existing entrance width is sufficient to facilitate off street parking and allow ease of movement from the property and exceptional site circumstances do not exist. Having regard to the site location, residential nature and scale of the site the proposed 3.6 m wide vehicle

entrance combined with the associated extended kerb dishing is excessive in width.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points in the planner's report are:

- The proposed development and associated works would be permitted in principle under the Z1 zoning objective subject to compliance with the provisions of the development plan.
- Appendix 5 of the development plan is referenced as is the guidance document 'Parking Cars in Front Gardens'.
- The recommendation of the Transport Planning Division to refuse permission is quoted.
- Permission should be refused.

3.2.2. Other Technical Reports

Transportation Planning Division - the report notes as follows:

- Appendix 5 requirements are described.
- Narrow widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist as outlined in the development plan and associated guidance.
- The creation of excessively wide vehicle entrances and extended dishing of the public footpath and kerb results in loss of on street parking provision and impacts on pedestrian safety and street character.
- Excessive vehicle entrance widths can also result in hazardous manoeuvres by a vehicle across the public footpath.
- Proposals for new extended vehicular entrances need to be balanced against loss of on-street car parking and the safety of pedestrians and other road users.

- The width of the existing entrance is sufficient and there are no exceptional circumstances.

Drainage Division – no objection subject to standard requirements.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

There is no recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

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

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

- narrow widths are recommended
- widths shall be minimum except in case of exceptional circumstances
- sustainable drainage should be incorporated
- alterations to front boundary treatment should be minimal and aim to be complimentary and consistent with others in the area
- the front garden shall give the impression of being a front garden.

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

5.2. **Natural Heritage Designations**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the first party appeal are:

- There are precedent cases including at no. 3 Beresford Green, which was permitted on 22 January 2019.
- Under the present arrangements we have concerns relating to safety including with respect to an inability to effectively move into the entrance without numerous attempts giving rise to safety concerns with respect to pedestrians.
- We are unable to erect effective gates to ensure the safety of our children within the property grounds as the erection of gates narrows the existing entrance.
- The existing vehicular entrance does not have sufficient weight to facilitate the parking of two cars simultaneously and allow for ease of entry/exit.
- We are envisaging transitioning to electric vehicles in due course and would require access to charging points.
- It is envisaged that the overall appearance of the property will be improved.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. I propose to separately assess the vehicular entrance and the garden layout.

7.2. Vehicular Entrance

The proposal relates to an extension of the width of the entrance gates. The proposed 3.6 m wide vehicle entrance would still be within the maximum allowable under the provisions of the development plan. The planning report and report of the Transport Planning Division both rely on the development plan policy Appendix 5 and the associated leaflet 'Parking Cars in Front Gardens'.

In terms of the wording of the development plan I note that section 5.1 sets a maximum of 3.6 m wide but does not explicitly reference the need for exceptional circumstances. That requirement is however presented in the associated leaflet relating to parking in front gardens.

I have also examined section 16.38 of the development plan, which also sets out requirements relating to standards. I note that this references a predisposition to consider residential street car parking and states that such development will not be facilitated in the front gardens of single dwellings where residents are largely reliant on on-street car parking and there is a strong demand for such parking.

I now turn to the particular circumstances of this case:

- Having regard to the particular arrangement of houses and open space all on street parking takes place at the southern side of the cul-de-sac road. Widening of this vehicle entrance will not result in a loss of on street parking.
- The site is close to a junction within a housing estate. Approaching vehicles would not be travelling at speed. For this reason, I do not accept the premise that widening of the vehicle entrance would give rise to vehicular movements across the pavement which would endanger pedestrians.

For these reasons I find no basis to refuse permission for the proposed development by reason of loss of on street parking or endangerment of pedestrians.

7.3. Garden layout

The planning authority has referenced aesthetic considerations. The majority of front gardens in this estate retain at least 50% soft landscaping. It is a core principle in the development plan that residential areas retain a level of visual interest. I consider that the complete paving of front gardens, if undertaken at a large number of houses in this housing estate would give rise to a deterioration in its visual and residential amenity.

The detailed guidance contained in the associated leaflet relating to parking of cars in front gardens set out a core principle that the front garden 'shall still give the impression of being a front garden'. It also notes that even a narrow strip can provide scope for planting of trees and hedgerows. While this guidance is relevant to a wide range of circumstances to be found across the city, including areas of greater architectural interest than the subject housing estate, I consider that the core principle is reasonable and should be adhered to.

In the event of a grant of permission I recommend that a landscape plan for the front garden be agreed with the planning authority. I have recommended a condition to this effect.

Subject to appropriate landscaping I consider that the proposed development would not be contrary to the development plan or to the visual and residential amenities of the area. I also consider it relevant to reference the requirements of the drainage division with respect to surface water.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning of the site and the provisions relating to parking within the curtilage of dwellinghouses as set out under Appendix 5 of the current

development plan for the area, the limited scale of the proposed development and the arrangements for on-street parking, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to traffic hazard or injure the amenities of the area.

10.0 Conditions.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The front garden shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall maximise the use available areas within the front garden for soft landscaping or tree planting and shall contain details of all planting.

Reason: In the interest of visual amenity and to comply with the requirements of the development plan and associated guidance leaflet 'Parking Cars in Front Gardens'.

3. Gates shall not open outwards over the pavement.

Reason: In the interest of safety.

4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The attenuation and disposal of surface water within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of sustainable drainage.

Mairead Kenny
Senior Planning Inspector

12 February 2022