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Bord  
Pleanála

## Inspector's Report ABP 312517-22

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<b>Development</b>	Demolitions, extensions and internal connections between the dwellings for use as a single dwelling.
<b>Location</b>	137-139 Terenure Road West, Terenure, Dublin 6W.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3746/21
<b>Applicants</b>	Ann Kelsey and other
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. condition
<b>Appellants</b>	Ann Kelsey and other
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16/03/22
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site comprises 2 no. 2 storey semi-detached dwellings on the northern side of Terenure Road West c. 1km to the west of Terenure village and 100 metres to the east of Kimmage Crossroads. The dwellings have hipped roofs with gable fronted double storey bays. A hedge separates the front garden areas with a wall to the roadsides. Each dwelling is served by a vehicular entrance located to either side of a bus stop and shelter.

## 2.0 Proposed Development

To connect the two dwellings for use as a single dwelling. Works include:

- Demolition of rear ground floor extensions/sheds and side garage and 1<sup>st</sup> floor side structure to No. 139 and construction of rear and side single storey extension and 1<sup>st</sup> floor side extension.
- Upgrade of finish to No. 137 rear extension
- Internal connections and alterations
- New window layout to the rear elevation
- Ancillary works including replacement of rear boundary wall in agreement with neighbour.
- Maintenance of the front door and vehicular entrances to each unit.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission for the above described development subject to 8 conditions. Of note:

Condition 4: (a) the vehicular entrance to No.139 to serve as the primary entry/exit. The entrance to No. 137 to be removed and a front boundary wall matching that existing to be provided.

(b) footpath and kerb to front of No. 137 to be raised and reinstated.

(c) costs incurred by City Council including any repairs to the public road and services to be at the expense of the development.

(d) obligation to comply with the requirements set out in the Code of Practice

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's report notes:

- There is no development plan policy that restricts the amalgamation of residential units to a single residential unit.
- The dwelling will read as a pair of dwellings, therefore the works do not result in harm to the visual amenity of the area that is mainly comprised of single family dwellings.
- The dwellings are not protected structures and are not located within an ACA.
- The Transportation Planning Division report (summarised below) noted. A condition to remove one of the entrances would benefit traffic and pedestrian safety.

A grant of permission subject to conditions recommended.

#### **3.2.2. Other Technical Reports**

Engineering Department – Drainage Division has no objection subject to conditions

Transportation Planning Division notes that the proposal results in the provision of a single dwelling. The parking requirements for a single dwelling in accordance with development plan policy and in the context of traffic and pedestrian safety need to be considered. To reduce the conflict between users of the bus stop and the footpath it is recommended that the existing vehicular entrance at No.137 is omitted. 2 no. vehicular entrances for one dwelling is generally not supported due to the impact on pedestrians and the road network. There will be sufficient area within the front garden to allow for manoeuvres to allow for a vehicle to exit in a forward motion without the need to use each entrance as an entry/exit point.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

Details of the planning history on the site are detailed in the City Council's Planner's report. The most recent permission dates back to 2004 relating to an extension to No.137 (planning ref. 1985/04).

## **5.0 Policy Context**

### **5.1. Development Plan**

Dublin City Development Plan 2016

The site is within an area zoned Z1 the objective for which is protect, provide and improve residential amenities.

Sections 16.2.2.3 and 16.10.12 set out the development management requirements for extensions.

Appendix 17 sets out the guidelines for residential extensions.

### **5.2. Natural Heritage Designations**

None in the vicinity.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The 1<sup>st</sup> party appeal is against condition 4, only, which requires the removal of the entrance to No. 137. The submission can be summarised as follows:

- The view that single dwellings should have a single access point as per city development plan requirements is valid for new developments. This is not the case in this instance. The interconnection resulting in a single dwelling is transient and may change as family circumstances alter.
- Both properties can and could be used separately. The maintenance of the two entrances is required to allow for same.
- Both dwelling have their separate (front door) entrance. It is important to retain the streetscape's prevailing character and rhythm of vehicular entrances and that each vehicular access leads to the entrance of the relevant building. The removal of the entrance will have a negative impact on the character of the streetscape and would be in contravention of the development plan policy to protect residential amenities and public realm of the Z1 zoning.
- The bus stop is a high quality shelter with raised kerb for access. It is located between the entrances at a distance of 3 metres from each.
- There are no recorded collisions with pedestrians.
- The proposal will not increase traffic use and thus there would be no increased risk to traffic safety.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 7.0 **Assessment**

I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Planning and Development

Act 2000, as amended, and to consider the issues arising out of the disputed condition only.

Condition 4 attached to the planning authority's notification of decision to grant permission requires the amalgamated properties to be served by one vehicular, only, and that the 2<sup>nd</sup> existing entrance serving No. 137 to be removed. The basis of the requirement is set out in the Transportation Planning Division report. In summary the consolidation and removal of 1 entrance is so as to reduce conflict between users of the bus stop and footpaths.

The agent for the applicants considers that the retention of the 2 entrances would allow for the potential reversal of the amalgamated unit to two separate dwellings. It is also considered that the rhythm of the streetscape would be adversely affected. In addition it is argued that the vehicular movements would not be altered and traffic and pedestrian safety would not be adversely affected.

The prevailing situation is that each dwelling is served by a separate entrance located to either side of a bus stop and shelter. The footpath is noted to be relatively narrow. Whilst the dwellings are to be connected internally providing for one unit it will appear externally as two units with the two front door entrances to be retained. This, coupled with the nature of the internal connections, allow for the units to revert to separate dwellings in the future if required. Providing for such adaptability is a very reasonable approach.

The amalgamation of the two units into one dwelling would most likely result in a reduction in vehicular movements relative to that generated by two separate units. The enlarged front garden area would also remove any necessity for vehicles to reverse out onto the road. In addition, there is no evidence of issues arising in terms of conflicting vehicular or pedestrian movements at this location with the two separate entrances as existing. Vehicles entering and exiting the amalgamated site would be aware of the bus stop. Such juxtaposition of entrances and bus stops is prevalent throughout the city. I would also concur with the agent for the applicants' view that the retention of the entrances allows for the maintenance of the rhythm of the streetscape. As noted above the dwellings are to retain and present as individual units thereby respecting the rhythm and character of development in the vicinity.

On the basis of the above I have no objection to the retention of the existing two entrances and I consider that the retrospective application of current requirements for new residential development whereby one entrance, only, is generally allowed, is not appropriate in this case.

#### *Appropriate Assessment – Screening*

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as 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**

Having regard to the documentation on file, the grounds of appeal, my site inspection, and the assessment above I recommend that the planning authority be directed to **OMIT** condition 4 for the following reasons and considerations.

### **9.0 Reasons and Considerations**

It is considered that the retention of the two vehicular entrances to serve the amalgamation of the two dwellings would not endanger public safety by reason of traffic hazard and would not lead to conflict between road users, that is vehicular traffic, pedestrians and cyclists.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**March, 2022**