



An
Bord
Pleanála

Inspector's Report ABP 313023-22

Development	New vehicular access to front. removal of pillar and part of wall and construction of new pillar with capping of both pillars.
Location	1a Vernon Grove, Clontarf, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4163/21
Applicant	Alan Byrne
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellant	Alan Byrne
Observer(s)	None
Date of Site Inspection	22/04/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

Vernon Grove is within a mature residential area of semi-detached and terraced single and two storey dwellings in Clontarf. The 30kph speed limit applies. 1a is a two storey, semi-detached dwelling at the corner with Brian Boru Street with front pedestrian access only. The front boundary is delineated by a low wall backed with boxed hedging. The wall to the side of the dwelling onto Brian Boru Street is c. 1.8 high topped with a timber fence. The dwellings are served by a rear lane off Brian Boru Street, some of which have rear garages. That to the rear of the appeal site has been blocked up.

Save for 4 no. all dwellings on Vernon Grove have vehicular access with off road parking. On street parking was noted to be prevalent on day of inspection.

2.0 Proposed Development

Permission is sought to replace the pedestrian access with a 3 metre wide vehicular entrance to allow for off street parking on a gravel driveway.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development on the grounds that the location of the entrance on the curved radii would result in potential vehicular and pedestrian conflict and would endanger public safety by reason a traffic hazard and obstruction of road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner notes the report from the Transportation Planning Division. A refusal of permission for one reason recommended.

3.2.2. Other Technical Reports

Transportation Planning Division considers the proposal not to be desirable from a traffic safety perspective. It would result in a traffic hazard and remove the pedestrian dropped kerb for safe crossing at the curved radii of Vernon Grove and Brian Boru Street. It would set an undesirable precedent. Consideration should be given to utilising the access to the rear or an access onto Brian Boru Street. A refusal of permission recommended.

Engineering Department – Drainage Division has no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

I am not aware of any recent planning applications on the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. *Dublin City Development Plan*

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

Policy MT14 – to minimise loss of on-street car parking, whilst recognising that some of loss spaces is required for, or in relation to sustainable transport provision, access to new developments or public realm improvements.

Section 16.38 - proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are

largely reliant on on-street car parking and there is a strong demand for such parking.

Appendix 5 - 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.

5.1.2. **Guidance document Parking Cars in Front Gardens**

The basic dimension to accommodate the footprint of a car within a front garden area is 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary (be it a wall, railing or otherwise) and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden and provide safe access and egress from the proposed car parking space, for example near a busy road or a junction with restricted visibility.

Narrow widths are generally desirable and maximum widths will generally only be acceptable where exceptional site conditions exist. Generally the vehicular opening shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates.

The summary principles are:

- a) The front garden shall still give the impression of being a front garden.
- b) New work to the front boundary should be sympathetic to that existing and to the street
- c) Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st party appeal, which is accompanied by supporting details including a report and drawings from Pinnacle Consulting Engineers, can be summarised as follows:

- The need for on-street parking is acknowledged. The increase in on-street parking results in difficulties parking outside his property.
- The proposed driveway would improve his residential amenity in accordance with the zoning objective.
- The majority of houses on Vernon Grove and Clontarf Park have vehicular access. His house is 1 of 4 which do not.
- The proposal complies with the section city development plan and Council guidance for parking of cars in front gardens.
- Following the necessary removal of some of the box hedging in order to create the proposed access, coupled with the current aperture of 500mm between each of the retained box hedging, a pedestrian walking on Brian Boru Street approaching the proposed access can clearly see an exiting vehicle and the driver would see the pedestrian.
- The entrance would prevent reckless parking on the corner and improve sightlines.
- Any replication of the boundary wall will be sympathetic to existing walls. Save for removal of some box hedging the mature planting would be retained.
- The vehicular access to the laneway behind the house is not desirable to use. It is inconvenient and dark with concerns about personal safety. The garage is blocked up and there is no access. The laneway can be subject to anti-social behaviour. Sightlines are worse than at the intersection of Vernon Grove and Brian Boru Street. No other property on Vernon Grove uses the back lane and accompanying garages as a compromise or substitution for front of house parking.

- A precedent for vehicular access on the radii of corners have been set in the area. Examples provided.
- The proposed entrance width of 3 metres is not excessive. It would allow for retention of on-street parking whilst improving sightlines.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None

7.0 **Assessment**

The subject site is at the corner of Vernon Grove and Brian Boru Street where the 30 kph speed limit applies. Vehicular movements were noted to be relatively light with vehicles travelling at low speeds. The original layout of Vernon Grove and indeed Clontarf Park to the south entailed pedestrian access, only, to the front of the dwellings with rear laneway access available. The majority of the properties have developed vehicular entrances with in curtilage parking. Accesses vary in width and treatment. 1a is one of only four properties on Vernon Grove which retain the pedestrian access. I note that whilst access to the rear of the dwellings is available from the lane off Brian Boru Street none appear to use same for parking of vehicles.

Although on street parking was noted to be prevalent along the roads in the area dwellings in the vicinity are not reliant on same with the main, localised demand for on-street parking likely to come from the residents with second cars and visitors. By reason of the site's location on a corner the proposed development, itself, would not result in the loss of on-street parking. On this basis I do not consider the provisions of section 16.38 of the city development plan, which precludes proposals for off-street parking where residents are largely reliant on on-street car parking, to be applicable.

The front boundary of the site which extends around the corner is delineated by a low wall backed with boxed hedging. Having regard to the details submitted in

support of the appeal including auto track analysis there would be adequate sight lines at the entrance and sight stopping distances on approach. I accept the appellant's assertion that both approaching pedestrians and vehicles will have full visibility of a vehicle entering and exiting the site and that the driver of the said vehicle would have the same visibility. On the basis of the information provided and having regard to the level of vehicular movements and speeds in the area I do not consider that the proposal would give rise to a traffic hazard or an obstruction to road users.

The proposed access is to be 3 metres wide with the existing boundary wall to be retained, save as required to facilitate the said access with the relocated gate pillar to match that existing. The proposal would accord with the guidance for in curtilage parking as set out development plan and the design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens.' A condition ensuring that any gate is not outward opening is recommended in the interests of clarity.

Appropriate Assessment

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 foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the vicinity of the site including the pattern of vehicular accesses serving residential properties on Vernon Grove, it is considered that, subject to compliance with the conditions set out below, the proposed development

would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development 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. Entrance gates shall be designed so as not to open outwards.

Reason: In the interest of pedestrian and vehicular safety

Pauline Fitzpatrick
Planning Inspector

April, 2022