



An
Bord
Pleanála

Inspector's Report ABP-313066-22

Development	Remove 2.5m of on-street parking, widen existing vehicular entrance to provide one electric vehicle charge point.
Location	4 Leicester Avenue, Rathgar, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	5230/21.
Applicant	Brendan O Connor.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Brendan O Connor.
Observer	Philip O Reilly.
Date of Site Inspection	2 May 2022.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The area in which the site is located contains a wide range of building types and styles including some institutional buildings. The on-street parking is regulated pay-and-display scheme.
- 1.2. The site contains a mid-terrace two storey dwellinghouse. It is one of a short terrace of 5 no. houses of similar design and era. One of these dwellinghouses has been developed to provide for front garden parking and the other houses retain their original front garden layout. The parking developed in the front garden of no. 5 appears to be shared between the houses at no. 5 and no.6.
- 1.3. The stated floor area of the front garden is 69 m² and the width of the frontage is given as 6800mm.
- 1.4. Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to develop a front garden parking space.
- 2.2. The indicated vehicular entrance width is 2600mm.
- 2.3. The development is described as being for the provision of one electric vehicle charge point and parking of a vehicle.
- 2.4. The description of the development includes the removal of 2.5 m of pay and display on street parking and the widening of the existing access.
- 2.5. 50% of the garden area would be devoted to hard surface and 50% to planting.
- 2.6. Existing granite pillars are to be retained.

3.0 Planning Authority Decision

3.1. Decision

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

- Directly contravene policy MT14 which seeks to retain on-street parking as a resource for the city as far as practicable.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points in the planner's report are:

- The policy MT14 is noted. The removal of pay and display parking to facilitate vehicular entrances is not supported and is contrary to the development plan. CCO15 relating to provision of electricity charging infrastructure is noted.
- The Transport Planning Division comments note that the removal of 2.5m pay and display does not reflect the impact on dishing requirements and the impact on the wider area, noting the distance from the site to Rathmines and Rathgar District Centres. A recent decision at 60 Kenilworth Square is referenced.
- Although the soft landscaped area would be reduced, the existing gate pillars would be retained, and the new gate would be in keeping with the existing railings. On this basis and given the extent of intervention at other properties it is considered that the proposal would be acceptable with regard to visual impact and conservation.
- Permission should be refused.

3.2.2. Other Technical Reports

Transportation Planning Division – recommends refusal as would reduce the available on-street parking contrary to policy MT14.

Drainage Division – no objection subject to standard requirements.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

A letter from Philip O'Reilly (observer) refers to a previous application for this proposal under reg. ref. 1322/20, other applications and policy MT14.

4.0 Planning History

Site

PL29S.245207 refers to a decision of the Board to refuse permission for widening of the existing pedestrian gates to accommodate off-street parking for one car.

The reason for refusal references policy to retain on-street parking as a resource for the city under the 2011-2017 development plan.

Other

A number of other cases relevant to the similar developments are referenced in submissions on the file.

5.0 Policy Context

The site is **zoned Z2** the objective of which is 'to protect and /or improve the amenities of residential conservation areas.

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

Policy CCO15 is to facilitate the provision of electricity charging infrastructure for electric vehicles.

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.

5.1. Natural Heritage Designations

The nearest European sites are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC, 5km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the first party appeal are:

- The Transportation Planning Division Officer in the assessment, measurements, calculations and ultimately misled the planner. The errors and omissions explained in detail.
- This application is different to the previous applications as it is for removal of a 2.5 m parking bay outside of our property, addresses the restrictions of the development plan and includes a survey of the street.
- The removal of 2.5 m of on-street parking will not impact visitors or residents.
- Of 24 dwellinghouses, 15 no. have off-street parking and there is over 200m on street parking remaining for residents and visitors.
- By aligning the entrance and driveway with the existing driveway at no. 5 there will be a short break in the parking bay resulting in efficiency.
- The bay outside of no. 4 Leicester Avenue is approximately 29 m long which is long enough for five cars to park but not long enough for six cars. Therefore, the development does not impact the availability of on street parking for residents.
- Leicester Avenue has ample parking resources for residents, and off-street, just like in Palmerston Road and Frankfort Avenue. Precedents in the area are referenced.
- The development plan contains a range of reasons to grant permission.

6.2. **Planning Authority Response**

No substantive comments.

6.3. **Observation**

The observer states that this application is identical to others which have been refused.

The street is a very busy thoroughfare from Frankfort Avenue to Rathgar Avenue and there is a bend in the road and potential safety concerns related to restricted sightlines.

Other similar proposals have been refused at different locations and examples are given.

6.4. **Further Responses**

None.

7.0 **Assessment**

I propose to separately assess the policy for parking under MT14, the detail of the vehicular entrance and the impact on visual amenities and architectural conservation.

7.1. **Policy MT14**

- 7.1.1. The decision of the planning authority relies on policy MT14 which seeks to retain on-street parking as a resource for the city as far as practicable. The policy is connected with section 16.38.9 of the development plan which outlines a presumption against the removal of on-street parking spaces to facilitate vehicular entrances in predominantly residential areas where residents are largely reliant on on-street parking spaces.
- 7.1.2. The appellant goes into detail with respect to a number of the circumstances in this case. I accept that it is demonstrated in the appeal that a majority of dwellinghouses in the immediate vicinity can avail of off-street parking. However, I do not agree with

this approach to interpreting the policy MT14. The policy relating to parking in front gardens and the retention of on street parking spaces is one which serves the entire district governed by the Dublin City Development Plan. As such it is intended to deal with situations including suburban residential estates where the dominant housing type would provide for parking within front gardens as part of the original layout. The policy is intended to deal with areas of low-density development and locations which may be distant from District Centres. It is these types of areas which would fall under the category of 'areas where residents are largely reliant on on-street parking spaces' in my opinion.

- 7.1.3. The site is in an inner suburban location positioned close to District Centres and where there is traditionally a reliance on on-street parking for residents and other users. I agree with the general thrust of policy MT14. I consider that its application is appropriate in this inner suburban location. I note the policy relating to supporting the move to electrical vehicles, but I do not consider that this policy overrides policy MT14; there is no specific exemptions in the development plan to support such an interpretation. The policy does make allowance for removal of on-street parking where public realm works, public transport is involved and to allow for access to new developments. I consider that the policy is clear, and I agree with the decision of the planning authority in relation to its application in this case.

7.2. Vehicular Entrance

- 7.2.1. The other main thrust of the argument presented in the appeal relates to the limited impact of the proposed development on the provision of on-street parking. It is stated by reason of the detailed design and specifically the alignment of the entrance and driveway with the existing driveway at the adjacent house that there will be a short break in the parking bay. As the existing bay outside of no. 4 Leicester Avenue is approximately 29 m long there will be no change in the number of cars (5 no.) which can be accommodated.
- 7.2.2. The internal reports provided do not accept this argument. The overwhelming basis for the recommendation to refuse is related to policy MT14 and is one of principled opposition to the reduction in on street parking. In the circumstances of this case the argument that there would be no reduction in the overall quantum of car parking has merit only if it is assumed that vehicles are of standard length. The public road is not

marked out in separate standard car lengths but is a single open bay. The appellant's case does not take into account the use of the street by non-standard vehicles of longer or shorter length and by motorcycles. I do not consider that the appeal submission should be accepted. The principle established under the development plan policy would be undermined by a grant of permission in this case and the length of available on-street parking would be diminished. I do not accept that this would be in the interest of the proper planning and sustainable development of the area.

7.3. Garden layout

- 7.3.1. It is a core principle in the development plan that residential areas retain a level of visual interest. I consider that the detailed design of the proposed development which retains 50% of the front garden area for soft landscaping is noteworthy. The detailed guidance contained in the leaflet relating to parking of cars in front gardens sets out a core principle that the front garden 'shall still give the impression of being a front garden'. I consider that the core principle is reasonable and should be adhered to. Taking into account the layout were presented I am satisfied that subject to suitable planting the proposed development would not be contrary to the development plan or to the visual amenities of the area and would not detract from the architectural character of the area. I note in this respect the comments in the planner's report which draw the same conclusion.

8.0 Recommendation

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

9.0 Reasons and Considerations

It is an objective of Dublin City Council under Policy MT14 of the Dublin City Development Plan 2016-2022 to seek to retain on-street parking as a resource for the city as far as practicable. It is considered that the site is located in an area where there is heavy reliance on on-street parking and that the proposed development would result in the loss of available on street parking by reducing the available length by 2.5m. The proposed development would therefore reduce the

area available to residents on the street and in the wider area and contravene Policy MT14 and be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

2 May 2022