



An
Bord
Pleanála

Inspector's Report ABP-313446-22

Development	Retention permission for the front yard of this residential property to provide a car parking space and vehicular access from the road.
Location	22, Anner Road, Inchicore, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1083/22
Applicant(s)	Aoife Concannon
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Aoife Concannon
Observer(s)	None
Date of Site Inspection	16 th September 2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The application site comprises a mid-terraced property with a mature street tree located to the front of the site on the boundary with No. 23 Anner Road.

2.0 Proposed Development

- 2.1. Retention permission is sought for a vehicular access and off-street car parking space. The vehicular access measures 4.1 metres in width.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the following reason:

1. The development would result in an adverse impact on the tree root zone of an existing mature street tree, potentially resulting in the loss of one street tree to the front of No. 22 Anner Road and would seriously injure the residential amenities of property in the vicinity. The development is contrary to the Section 16.3.3 of the Dublin City Development Plan 2016-2022, the Dublin Tree Strategy, and Appendix 5, Parking Cars in Front Gardens. The development would set an undesirable precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- The Transportation Planning Division considers that the retention of the vehicular entrance and dishing of the kerb would be contrary to the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy. Retention permission for the vehicular entrance should therefore be refused and the front boundary wall should be reinstated.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division- recommends a refusal of permission

Drainage Division- no objections, subject to conditions

4.0 Planning History

No recent planning history.

5.0 Policy and Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area.

Zoning: 'Objective Z1' which seeks 'To protect, provide and improve residential amenities'.

Appendix 5: Roads Standards for Various Classes of Development

Section 5.1 of Appendix 5 sets out the standards for roads and footpaths for residential development, including driveways, and states that where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest 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 main points of the appeal are:

- No intention to remove mature tree
- Dishing of footpath/kerb to be 3m in width not 4.1m- would accommodate vehicular access but not interfere with tree
- Dishing of kerb outside neighbouring property has been undertaken by DCC in 2021
- Precedent already set as vehicular access already in place to 23 Anner Road
- Arborist Report included which concludes that if care is taken to avoid damage to the tree trunk and the tree root system, the tree should continue to live and thrive healthily. Recommended construction measures put forward

6.2. Planning Authority Response

No substantive response

6.3. Observations

None.

6.4. Further Responses

None

7.0 Assessment

7.1. I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. The primary

issues, as I consider them relate to compliance with Development Plan, impacts on mature street tree and traffic safety.

7.2. I note the following:

- Proposed vehicular access for retention measures 4.1m in width. The width exceeds the maximum standards of the Development Plan which states that vehicle entrances shall be at least 2.5 metres, or at most, 3.6 metres in width (Appendix 5).
- Many properties within the wider area have provided in-curtilage parking and vehicular access to their property- some with and without the benefit of planning permission. May be argued that a precedent has been set for such works in the vicinity. Would appear that adjoining property, No. 23 Anner Road referred to in appeal submission does not have the benefit of planning permission.
- Concerns of the planning authority in relation to tree protection and impacts on its root zone are noted. I acknowledge that this is a mature tree, which provides a significant positive impact to the visual amenities of the street and appropriate measures should be undertaken to ensure its protection
- Arborist Report included with appeal concludes that works can be undertaken without damage to the tree or its root system, if undertaken sensitively.
- I recommend that the proposed vehicular access for retention be reduced to three metres in width and that any gates be inward opening. I recommend that dishing of footpath should be a maximum of three metres in width, removed as far as possible from the existing street tree. A qualified arborist should oversee the proposed works. These matters could be adequately dealt with by means of condition.

7.3. As amended by condition, I am satisfied that the proposed development would not impact negatively on the residential amenities of the area. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users. I consider the proposed works for retention, as amended by condition, to be in accordance with the zoning objective of the City

Development Plan, in keeping with the pattern of development in the area and in accordance with the proper planning and sustainable development of the area.

8.0 **Appropriate Assessment Screening**

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 **Recommendation.**

9.1. I recommend permission be GRANTED subject to conditions.

10.0 **Reasons and Considerations**

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development to be retained would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1.	The development shall be retained 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.
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	<p>Reason: In the interest of clarity</p>
2.	<p>a) Vehicular entrance shall be a maximum of 3.0 m in width and shall not have outward opening gates.</p> <p>b) Footpath and kerb to be dished and revised entrance provided to the requirements of the planning authority. The dishing shall be a maximum of 3.0 metres in width and shall be located away from the existing street tree, in as far as possible</p> <p>c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
3.	<p>a) All works shall be carried out under the supervision of a specialist arborist, in manner that will ensure that all major roots are protected and branches retained.</p> <p>b) No further works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the street tree, together with proposals to prevent compaction of the ground over the roots of the tree, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection area shall be carried out using non-mechanised hand tools only.</p> <p>Reason: To ensure that the street tree is not damaged or otherwise adversely affected by building operations</p>
4.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p>

	Reason: To protect the residential amenities of property in the vicinity.
5.	Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.

Lorraine Dockery
Senior Planning Inspector

20th September 2022