



An
Bord
Pleanála

Inspector's Report ABP-313578-22

Development	Widen the existing pedestrian access to create a vehicular entrance for off street parking with associated kerb dishing.
Location	39, Clonliffe Road, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3366/22
Applicant(s)	Patrick Wilkinson and Catherine McCormack
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Patrick Wilkinson and Catherine McCormack
Observer(s)	None
Date of Site Inspection	16 th September 2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Clonliffe Road and consists of a mid-terraced red brick dwelling presenting as single storey to the street.

2.0 Proposed Development

- 2.1. Permission is sought to widen the existing pedestrian access to create a vehicular entrance for off-street parking with associated kerb dishing

3.0 Planning Authority Decision

3.1. Decision

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

1. Having regard to the insufficient depth of the driveway and the provisions of Appendix 5 of the City Development Plan 2016-2022, it is considered that a car cannot be safely accommodated in the proposed driveway and may result in a parked car over-sailing the public footpath causing an obstruction. The development would therefore, by itself and by reason of the undesirable precedent it would set for other similar substandard development in the area, 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:

- Provision of a new substandard vehicular access would impede pedestrian safety as a result of overhanging vehicles on the footpath and set an undesirable precedent for similar developments in the area.
- As the site has insufficient depth to accommodate a reasonable sized vehicle, the Planning Authority recommends refusal of the application.

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:

- On-street parking is an on-going issue given the location of the site
- Two neighbours have a driveway with dished kerb with the same dimensions
- Measurement of 4.7m is close to 5m requirement
- Lack of parking has serious impacts on daily family life and decision making
- Need driveway to charge electric car

6.2. Planning Authority Response

None

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 standards and traffic safety.

7.2. I note the following:

- Proposed vehicular access measures 3m in width. It is proposed to retain the remaining 3m of railing along the front boundary of the property. The width complies with 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).
- The depth of the proposed driveway is stated as 4.74 metres. The planning authority refer to a 5m standard for parking bay lengths within Appendix 5, however I can find no reference to this. I note section 16.38.9 Design Criteria which states that short-term parking bays shall be 2.5 m wide by 4.75 m in length. This section continues by stating that parking bay widths for people with disabilities will be a minimum of 3.0 m wide by 4.75 m long. The proposal is substantially in compliance with these standards.
- Many properties within the wider area have provided in-curtilage parking and vehicular access to their property- many it would appear without the benefit of planning permission.
- The location of the nearest street tree is such that it is not anticipated that the proposal would cause damage to either the tree and its root zone
- Concerns of the planning authority are noted.

7.3. I am generally 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, given the anticipated limited traffic movements associated with one parking space. I recommend that a condition be attached to any grant of permission that any car utilising the space not overhang the public footpath. I note the substantial width of the public footpath at this location.

7.4. I consider the proposed works 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 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.	<p>The development shall be carried out 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.</p> <p>Reason: In the interest of clarity</p>
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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) No car utilising the proposed parking space shall overhang the public footpath</p> <p>d) 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>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> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health and surface water management.</p>

Lorraine Dockery
Senior Planning Inspector

20th September 2022