



An
Bord
Pleanála

Inspector's Report ABP-313581-22

Development	Retention permission for vehicular access to the front (widening and creation of)
Location	66 Lally Road, Ballyfermot, Dublin 10
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3384/22
Applicant(s)	Anna O'Brien
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Anna O'Brien
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, two-storey property. There is a tree to the left hand side of the driveway and also an ESB electricity pole on the other side. The entire front boundary wall has been removed

2.0 Proposed Development

- 2.1. Retention permission is sought for vehicular access to the front (widening and creation of). The vehicular access measures approximately 5.3 metres in width.

3.0 Planning Authority Decision

3.1. Decision

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

1. The width of the vehicular access exceeds the Development Plan standards, would result in the loss of an existing semi-mature tree and have a negative impact on the greening and visual amenity of the street. The proposed development would therefore be contrary to aims and objectives to the Section 16.3.3 of the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy. In addition the development would set an undesirable precedent for similar sites throughout the City. Accordingly, the proposed development would seriously injure the visual and residential amenities of the area and would 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:

- .Having regard to internal reports and Development Plan policy, refusal of permission recommended

3.2.2. Other Technical Reports

Roads and Traffic Planning Division- recommends a refusal of permission

Drainage Division- no objections, subject to conditions

Parks, Biodiversity and Landscape Services- refusal recommended

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.

Section 16.3.3 Trees

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:

- Existing mature tree is last one left on the road
- Less than 10% of driveways were subject of planning process
- Regarding removal of tree notes precedent already set by removal of mature trees and replacement with younger tree- trees are not permanent
- Requests permission be granted for condition that states that a new tree be planted on public footpath in line with boundary between No. 66 and 68 Lally Road.

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, impacts on mature street tree and traffic safety.

7.2. I note the following:

- Proposed vehicular access for retention measures approximately 5.3m in width. The entire front boundary has been removed. 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- the vast majority appear to be without the benefit of planning permission.
- Concerns of the planning authority in relation to the proposed removal of the street tree are noted. I acknowledge that this is a semi-mature tree, which provides a significant positive impact to the visual amenities of the street and I consider that appropriate measures should be undertaken to ensure its protection
- I concur with the planning authority when they state that the loss of this street tree to extend the kerb dishing would have a negative impact on the greening and visual amenity of the street and would set an undesirable precedent for similar sites throughout the City. I do not accept the argument put forward in the appeal that the replacement of a semi-mature tree with a younger tree is acceptable.
- I have had regard to section 16.3.3 of the operative City Development Plan in relation to existing trees and their protection and consider that the proposed development would be contrary to the aims and objectives of this aforementioned section of the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy.
- I do not have issue with the provision of one in-curtilage parking space, providing the existing street tree is retained. In any future application, I recommend that the front boundary be reinstated insofar as to provide an entrance width not exceeding three metres and that the existing street tree

remain insitu. The kerb dishing should also not exceed three metres in width. Details should be provided to show how the street tree would be protected during the course of the works. The entrance should be located insofar as possible away from the street tree.

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 that permission be REFUSED.

10.0 Reasons and Considerations

1. The loss of an existing semi-mature street tree at this location would have a negative impact on the greening and visual amenity of this residential street and would be contrary to the zoning objective, as set out in the Dublin City Development Plan 2016-2022 which seeks 'to protect, provide and improve residential amenities'. The proposed development would also be contrary to aims and objectives to the Section 16.3.3 of the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy. In addition, the width of the proposed entrance exceeds the standards set out in Appendix 5 of the Dublin City Development Plan 2016-2022. The proposed development, if permitted, would set an undesirable precedent for further similar developments in the vicinity and would be inconsistent with the proper planning and sustainable development of the area.

Lorraine Dockery
Senior Planning Inspector

26th September 2022