



An  
Bord  
Pleanála

## Inspector's Report ABP-313945-22

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<b>Development</b>	New 3 metre wide vehicular access to front with dished kerb at the public pavement to accommodate off street parking
<b>Location</b>	43, Sandycove Road, Dun Laoghaire, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D22A/0260
<b>Applicant(s)</b>	Daniel and Rita Proctor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Daniel and Rita Proctor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> November 2022
<b>Inspector</b>	Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Sandycove Road in an established residential area. There is a laneway to the rear of the property (Rocks Yarne) which provides access to the rear garden area.

## 2.0 Proposed Development

- 2.1. Permission is sought for a new 3 metre wide vehicular access to the front with dished kerb at the public pavement to accommodate off-street parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority REFUSED permission for three reasons as follows:

1. The proposed development, which comprises the creation of a new vehicular entrance onto the R119 Sandycove Road, to accommodate off-street parking, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. Furthermore, the proposed development, would by itself, or by the precedent that a grant of permission for it would set for other relevant development, adversely affect the use of the R119 Sandycove Road, Dun Laoghaire by road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development comprises the creation of a new vehicular entrance and associated parking space at No. 43 Sandycove Road, a mid-terrace dwellinghouse. Having regard to the existing availability of two car parking spaces to the rear of the subject site, the proposed development would accommodate an additional off street parking space which would be contrary to Policy Objective T19: Carparking Standards of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Furthermore, the proposed development would be contrary to Policy Objective T23: Roads and Streets on the current County Development Plan, as it would result in a dis-improvement to the County road network. The proposed development would

therefore be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

3. Section 12.4.8.2 Vehicular Entrances and Hardstanding Area-Visual and Physical Impacts of the Dun Laoghaire Rathdown County Development Plan 2022-2028 allows for the provision of vehicular entrances and on curtilage parking spaces where appropriate site conditions exist, while balancing such proposals against inter alia loss of amenity both visual and physical. The proposed development would result in the substantial loss of the existing boundary wall at No. 43 Sandycove Road, and would thereby erode the existing built character of the streetscape and seriously injure the visual and residential amenities of the area, and would set an undesirable precedent for other such development in the area. The proposed development would not be in accordance with Section 12.4.8.2 Vehicular Entrances and Hardstanding Areas- Visual and Physical Impacts of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development 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:

- Proposed development would result in a traffic hazard at this location and would be contrary to a number of provisions of the operative CDP. Would also adversely impact on the visual amenities of the area
- Recommends refusal of permission

### 3.2.2. Other Technical Reports

Transportation Planning Division- recommends refusal of permission for four reasons

Drainage Division- no objections, subject to condition

## 4.0 Prescribed Bodies

None

## 5.0 Planning History

### Subject Site

None

### Adjacent Site

PL06D.208970 (D00A/0116)

Permission REFUSED at 44 Sandycove Road for alterations to front railings and provision of off-street car parking space

## 6.0 Policy and Context

### 6.1 Development Plan

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

Zoning: 'Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

The subject site is located within the boundary of the Dun Laoghaire Local Area Plan.

Chapter 5 Transport and Mobility

Section 12.4.8 Vehicular Entrances and Hardstanding Areas

Section 12.4.8.2 Visual and Physical Impacts

### 6.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

### 6.3 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.

## 7.0 The Appeal

### 7.1 Grounds of Appeal

The main points of the appeal submissions may be summarised as follows:

- Precedent: Not contrary to current CDP as precedent for this type of development has already been set in allowing numerous similar developments on this roadway
- Reasons for new entrance: Intends to apply for permission to construct a new mews dwelling in rear garden area where existing two car parking are located for existing owners and sell existing property (No. 43 Sandycove Road). New parking area will be for use of future residents of the property and will allow for electric vehicle charging
- Substantial loss of existing boundary wall: many walls along this stretch have previously been penetrated to allow for similar type developments. These do not erode the existing character of the streetscape but enhance it and make it safer for pedestrians and motorists alike. Existing on-street parking causes traffic problems
- Photographs and correspondence from neighbours submitted in support of appeal

## 7.2 **Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

## 7.3 **Observations**

None

## 7.4 **Further Responses**

None

## 8.0 **Assessment**

8.1 I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, in addition to having visited the site. The primary issues, as I consider them, are (i) impact on visual amenity of the area arising from the proposed development and (ii) traffic and transport concerns.

### Visual Amenity

8.2 In terms of visual amenity, I note the concerns of the planning authority in this regard and would echo these concerns. The third reason for refusal states that the proposed development would result in the substantial loss of the existing boundary wall at No. 43 Sandycove Road, and would thereby erode the existing built character of the streetscape and seriously injure the visual and residential amenities of the area, and would set an undesirable precedent for other such development in the area. While I acknowledge the case put forward by the first party in relation to the many other vehicular accesses along Sandycove Road, I note that along this terrace of period dwellings, no property currently has a vehicular access. All have pedestrian access only, with many benefitting from attractive period railings/planting/low wall. I consider that if permission were granted for the proposed works, it could lead to a precedent being set for other property owners to develop similar such entrances and cumulatively, this has the potential to detract significantly from the character and setting of the terrace and the street at this location. I note that

under PL06D.208970 (D00A/0116), An Bord Pleanála has previously refused permission at 44 Sandycove Road for alterations to front railings and provision of off-street car parking space. I consider the proposal not to be in accordance with section 12.4.8.2 of the operative County Development Plan in this regard and consider the proposed development to be inconsistent with the proper planning and sustainable development of the area.

### Traffic and Transport Matters

- 8.3 In terms of the need for the off-street parking at this location, I note that it is stated in the submitted documentation that the appellants currently have vehicular access/in-curtilage parking, accessed from a laneway to the rear of their property. The planning authority had concerns in this regard and the second reason for refusal stated that having regard to the existing availability of two car parking spaces to the rear of the subject site, the proposed development would accommodate an additional off street parking space which would be contrary to Policy Objective T19: Carparking Standards of the Dun Laoghaire Rathdown County Development Plan 2022-2028. I note that the appellants intend to develop this area to rear at a future date for an additional dwelling on the overall site. Noting the justification put forward in the appeal documentation for the proposed development, I consider that without prejudice to any decision on any future application on the lands, this is a decision they will have to make at that time, in terms of the loss of in-curtilage parking to accommodate any such development. In my opinion, the property currently has the benefit of in-curtilage parking and therefore, in my opinion, additional in-curtilage parking is not justified at this location.
- 8.4 The planning authority raised concern in their first reason for refusal, in relation to the proposed development endangering public safety by reason of traffic hazard or obstruction of road users or otherwise. They continue by stating that furthermore, the proposed development, would by itself, or by the precedent that a grant of permission for it would set for other relevant development, adversely affect the use of the R119 Sandycove Road, Dun Laoghaire by road users. I note that this is a busy street, with a significant volume of vehicular and pedestrian traffic evident. I would concur with the opinion of the planning authority in this regard and consider that the proposed development has the potential to lead to the creation of a traffic hazard or obstruction of road users at this location.

## Conclusion

8.5 I consider the proposal not be in accordance with the proper planning and sustainable development of the area and recommend that the decision of the planning authority be upheld in this instance.

## **9.0 Appropriate Assessment Screening**

9.1 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.

## **10.0 Recommendation**

10.1 I recommend permission be REFUSED for the following reasons:

## **11.0 Reasons and Considerations**

1. The proposed development would result in the substantial loss of the existing boundary wall at No. 43 Sandycove Road, and would thereby erode the existing built character of the streetscape and seriously injure the visual and residential amenities of the area, and would set an undesirable precedent for other such development in the area. The proposed development would not be in accordance with Section 12.4.8.2 Vehicular Entrances and Hardstanding Areas- Visual and Physical Impacts of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which comprises the creation of a new vehicular entrance onto the R119 Sandycove Road, to accommodate off-street parking, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. Furthermore, the proposed development, would by itself, or by the precedent that a grant of permission for it would set for other



relevant development, adversely affect the use of the R119 Sandycove Road, Dun Laoghaire by road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Lorraine Dockery  
Senior Planning Inspector

29<sup>th</sup> November 2022