



An
Bord
Pleanála

Inspector's Report ABP-314138-22

Development	New driveway entrance in the front garden and new pavement dish with associated site works.
Location	13, Newcastle Manor Park, Newcastle, D22 WK22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0636
Applicant(s)	Gerard Holohan.
Type of Application	Permission.
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Newcastle Manor Management Company PLC.
Observer(s)	None.
Date of Site Inspection	8th February 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is located within the development boundary of Newcastle Village in a rural part of County Dublin c16km southeast of Dublin City Centre, close to the Dublin / Kildare border. Newcastle Mainstreet links the N4 at Lucan to the N7 at Rathcoole and Saggart via the R120 Regional Road.
- 1.2. The subject site, No.13 Newcastle Manor Park, is situated within the established residential development of Newcastle Manor, at the western end of a cul-de-sac known as 'Newcastle Manor Park'. The site is a corner site directly adjoining No. 11 Newcastle Manor to the east, bound to the north by the internal roadway (cul-de-sac turning area) for Newcastle Manor Park, to the west by Main Street Newcastle and to the south by the rear garden of No. 1 Newcastle Manor Rise. There are on-street, communal, car parking spaces on the opposite side of the estate road.
- 1.3. No.13 Newcastle Manor Park comprises a 2-storey end of terrace dwelling, with private amenity area to the rear and off-street parking to the side (west). The area to the front of No.13 comprises a landscaped area bounded by low wooden post and rail fence. This area is traversed by a pathway that leads from the footpath to the front of No.11 Newcastle Manor Park to the front door and side return of No.13.
- 1.4. The site has a stated area of 0.024 Hectares.

2.0 Proposed Development

- 2.1. Planning permission has been sought for a new driveway entrance in the front garden & new pavement dish with associated site works.
- 2.2. The works proposed comprise:
 - Removal of a section of the existing shrubs and fence to form a new 3.3m wide driveway entrance to the front garden, providing 1 off-street car parking space.
 - Removal of a section of existing shrubs and fence to form a new dished pedestrian entrance adjacent to the front door of the existing dwelling.
 - Provision of a new timber fence adjacent to the boundary with No. 11 Newcastle Manor to match the existing fence.

- 2.3. Further information, received by the planning authority on the 27th of May 2022, included a revised site layout plan (Drawing No. P-02 – Proposed Site Layout Plan / Block Plan).
- 2.4. The revised layout details the proposed car parking space re-orientated within the site so that it is perpendicular to the front wall of the dwelling. It also provides for the re-instatement / re-alignment of the footpath to the front of No.13 and for timber fencing / landscaping to screen the proposed parking space.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council did by order dated 24th June 2022 decide to grant permission for the proposed development subject to two conditions. Condition 2 relates to the design of the vehicular access, dished kerb, and footpath, and reads as follows:

2(a) The kerb and footpath of the public road at the vehicle entrance(s) shall be, dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

(b) The boundary fences at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(c) Any gates shall open inwards and not out over the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the case planner considers the locational context and planning history of the site; relevant planning policy, the third-party submissions received and the report of the Road Department.

- The case planner accepts the principle of the proposed development at the subject site and considers that the introduction of an additional off-street, car parking space at the subject dwelling may alleviate some of the pressure on the surrounding communal parking spaces. However, clarification is required regarding the ownership of the footpath adjacent to the front of the dwelling.
- The case planner raises concerns regarding the potential for the proposed vehicular access and car parking space to impact on the adjacent public realm, the functionality and safety of the cul-de-sac (which appears to provide a turning area); the footpath adjacent to the front of the existing dwelling at No. 13 Newcastle Manor Park and the communal car parking arrangement on Newcastle Manor Park.
- The report concludes with a recommendation that additional information be requested.

Report 24th June 2022

The second report of the case planner has regard to the additional information received on the 27th of May 2022 and the report of the Road Department, and considers that:

- The revised site layout addresses concerns regarding the potential for the proposed vehicular access and car parking space to impact on the adjacent public realm and functionality and safety of the cul-de-sac.
- The amendments applied (in terms of planting and boundary treatment) will result in the softening of the visual impact of the proposal and will lessen the impact on the public realm.
- Subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.
- The report concludes with a recommendation to grant permission subject to two conditions, as per final decision.

3.2.2. Other Technical Reports

Roads Department:

04/01/2022 Requests additional information in the form of a revised layout that shows a car parking arrangement with a minimum distance of 6m.

07/06/2022 No objection subject to condition

Water Services: No objection subject to condition

3.3. Prescribed Bodies

None received

3.4. Third Party Observations

In total 3 No. submissions were received, the key points of which are summarised below:

- No. 13 Newcastle Manor already has its own driveway / parking area, which is not fully utilised. The Applicant should consider alterations to their existing driveway / dwelling to improve the existing car parking arrangement
- The proposed parking space will impede the exit from No. 11 in the event of an emergency.
- The proposed development will reduce the space available for on-street parking to the front of neighbouring dwellings
- No further permanent car parking spaces should be made available unless it is for communal use.
- Delivery vans and refuse vehicles cannot access the end of the cul-de-sac owing to the current parking arrangement along the road.
- The space adjacent to the northern boundary of No.13 Newcastle Manor is communal and is not within the ownership of the Applicant.
- The Newcastle Manor Park Management CLG. have indicated that their support for the Planning Application has been withdrawn.

- The proposed development will result in an alteration to the common area and kerbs along the internal roadway and will cause interference to the existing car parking and the turning circle of the cul-de-sac.

4.0 **Planning History**

No planning history relevant to this application

5.0 **Policy Context**

5.1. **Development Plan**

The application was assessed by South Dublin County in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022. The South Dublin County Development Plan 2022-2028 was adopted by South Dublin County Council on 22nd June 2022 and came into effect on 3rd August 2022. I have assessed the proposal under the provisions of the operative Development Plan, namely the South Dublin County Development Plan 2022 – 2028.

5.2. **South Dublin County Development Plan 2022 – 2028.**

5.2.1. Zoning: The site is zoned Existing Residential (RES). The objective for this area is to protect and/or improve residential amenity.

5.2.2. The site is located within the administrative area of the Newcastle Local Area Plan and within the Newcastle Architectural Conservation Area.

5.3. **Natural Heritage Designations**

6.0 The closest European sites are the Glenasmole Valley SAC located c.9km to the southeast and the Rye Water Valley / Carton SAC located c.9.5km to the north of the

appeal site at the closest point. The Grand Canal pNHA is located c3km to the northwest.

6.1. EIA Screening

Having regard to the type of development which is not a class of development for the purposes of EIA and the limited nature and scale of the proposed development it is considered that 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

This is a third-party appeal lodged on behalf of Newcastle Manor Management Company CLG against the decision of South Dublin County Council to grant permission for the proposed development at 13 Newcastle Manor Park. The issues raised in the grounds of appeal can be summarised as follows:

- The kerb would have to be altered to facilitate the proposed development causing damage to the common area, kerbs, and landscaping along this road. This in turn will interfere with the existing parking which is already challenged in this estate and will impact the turning circle at the end of the cul-de-sac preventing car from turning safely.

7.2. Applicant Response

- None received

7.3. Planning Authority Response

- The planning authority in their response to the grounds of appeal confirm their decision to grant permission. They consider that the issues raised in the appeal have been covered in the planner's report.

7.4. **Observations**

None

8.0 **Assessment**

I consider that the main issues in this appeal can be addressed under the following heading:

- Layout
- Land Ownership/ Impact of the Development on Common Areas
- Car Parking / Traffic
- Appropriate Assessment

8.1. **Layout**

8.1.1. Planning permission has been sought for a new driveway entrance to the front of No. 13 Newcastle Manor Park to provide for an additional off-street parking space for the dwelling.

8.1.2. It is noted that the layout of the development was revised in response to a further information request issued by the planning authority. The revised layout (Drawing No. P-02 submitted on the 27th of May 2022) details the proposed driveway / car parking space re-orientated within the site so that it is perpendicular to the front of the dwelling. It also provides for the re-instatement / re-alignment of the footpath to the front of No.13. Timber fencing (to match existing) and landscaping have also been incorporated into the revised layout; such proposals should help to retain the character of the area. I have no objection to the layout of the development as amended.

8.2. **Land Ownership / Impact of the Development on Common Areas**

8.2.1. The proposed development will necessitate works to the footpath and landscaped area to the front of No. 13. It is the contention of third parties that the footpath is communal, while the appellant contends that alterations to the kerb necessary to facilitate the proposed development, will cause damage to the common area, the kerbs, and the landscaping along the road.

8.2.2. The issue of ownership of the existing footpath to the front of the property was raised by the planning authority during their determination of the application. The land registry map, submitted by the applicant in response to the planning authority's further information request, indicates that the existing footpath and landscaped areas to the front of No. 13 Newcastle Manor Park are within the ownership and control of the applicant. The site layout plan, Drawing No. P-02 submitted to the planning authority on the 27th of May 2022, does not detail any proposed works in common areas or on lands outside of the applicant's ownership. On this basis, I am satisfied that the proposed development would not have a direct impact on common areas within the Newcastle Manor Park.

8.2.3. Notwithstanding, regard is had to Section 34(13) of the Planning and Development Act, 2000 which states that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'. Accordingly, it is the Applicant's responsibility to ensure sufficient legal interest exists to implement the permission. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.

8.3. Car Parking / Traffic

8.3.1. Both the grounds of appeal and third-party submissions reference the challenges associated with the existing parking arrangements in Newcastle Manor Park. It is the contention of third parties that the proposed development would add to rather than alleviate these challenges.

8.3.2. The proposed development site is located at the western end of residential cul-de-sac of 'Newcastle Manor Park'. The site is a corner site that is bound to the north by the estate road and turning area serving the cul-de-sac. On-street, communal, parking is available on the opposite (north) side of the estate road and the turning area. It would appear from the third-party submissions on file and from site inspection that informal parking also occurs on the southern side of the estate road, and that this informal parking arrangement can impede access to and egress from opposing parking spaces. A yellow box, at the southwestern end of the cul-de-sac prohibits on-street parking within that section of the turning area.

- 8.3.3. Third parties are concerned that the provision of a new driveway entrance to the front of No. 13 Newcastle Manor Park, as proposed, would have a negative impact on existing parking arrangements, by reducing the space available for on-street parking to the front of the dwellings on the southern side of the cul-de-sac, thereby placing an additional demand on the communal spaces.
- 8.3.4. The proposed development would not result in the loss of any formally designated car parking spaces, and I am in agreement with the planning authority, in that the provision of an additional in-curtilage parking space at the subject dwelling, would alleviate some of the pressure on the surrounding communal parking spaces.
- 8.3.5. While I note the location of the proposed development relative to the turning circle for Newcastle Manor Park, I am satisfied, having regard to the design and layout of the proposed development and the existing parking arrangements in the vicinity of the turning circle, that the turning movements generated by the addition of this parking space would not result in a traffic hazard.

8.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development, its location on zoned and serviced lands within an established residential development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted subject to condition as outlined below

10.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the

proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the residential amenities in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application., as amended by the further plans and particulars submitted on the 27th day of March 2022, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The kerb and footpath of the public road at the vehicle entrance(s) shall be dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.</p> <p>(b) The boundary fences at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles</p> <p>(c) Any gates shall open inwards and not out over the public domain.</p> <p>Reason: In the interest of public safety and the proper planning and sustainable development of the area</p>

Lucy Roche
Planning Inspector

17th February 2023