



An
Bord
Pleanála

Inspector's Report ABP-314328-22

Development	Widening of vehicular entrance involving relocation of western pier and widening of driveway taking in part of grass margin.
Location	No. 36 St. Enda's Park, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0221
Applicant(s)	Michael & Emer Meagher
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Michael & Emer Meagher
Observer(s)	Margaret Ita Leydon
Date of Site Inspection	20 th December, 2022
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at No. 36 St. Enda's Park, Rathfarnham, Dublin 14, approximately 1.2km south of Rathfarnham Castle and 1.1km west of the Nutgrove Shopping Centre, where it occupies a position at the end of a cul-de-sac in a well-established residential area where the prevailing pattern of development is characterised by a combination of conventional semi-detached and terraced two-storey housing (with front & rear gardens and off-street car parking). It has a stated site area of 0.05963 hectares, is irregularly shaped, and is occupied by a two-storey, end-of-terrace dwelling which, when taken together with the adjacent terraced and semi-detached units, forms a crescent of housing enclosing the turning circle at the end of the cul-de-sac. Access to the site is obtained directly from the cul-de-sac by way of an entrance arrangement shared with the adjacent property at No. 34 St. Enda's Park. It would appear to be accepted practice locally to avail of a one-way traffic system as a means of navigating the cul-de-sac given the presence of a raised planted area within the centre of the turning area.

2.0 Proposed Development

2.1. The proposed development consists of the widening of the existing shared vehicular entrance serving Nos. 34 & 36 St. Enda's Park. The works will involve the removal of approximately 1.45m of the existing front boundary wall and the construction of a replacement wall pier in order to widen the shared entrance from 4.17m to an overall width of c. 5.54m. Associated site works include the widening of the pavement crossover with the loss of an area of grassed margin.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 12th July, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance would compromise pedestrian safety and adversely

impact on the existing street tree. Thus, the proposed development would endanger public safety by reason of traffic hazard, impinge on visual amenity, residential amenity and the biodiversity of the residential area. As such, the proposed development would not be in accordance with the residential zoning objective and the proper planning or sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before stating that the proposal would be consistent in principle with the applicable land use zoning objective. The report proceeds to state that the widening of the vehicular entrance and the associated relocation of one of the wall piers will not seriously injure the visual amenity of the area, although it is acknowledged that the works will require the partial removal of the grassed margin and will likely threaten an existing roadside street tree. It is subsequently stated that the width of the proposed entrance will exceed the maximum permissible and will seriously injure the residential amenity of the area. The report concludes by recommending a refusal of permission.

3.2.2. *Other Technical Reports:*

Roads: States that the standard maximum width permissible for a shared entrance is 4.2m and that this is adequate for the safe access / egress of vehicles. It subsequently states that the proposed width of the combined vehicular access at 5.63m is excessive and would compromise the safety of pedestrians. The report concludes by recommending that the proposed development be refused permission.

Public Realm: States that it would not be in favour of allowing a resident to remove or reduce a grass margin within the public domain to accommodate the provision of an additional entrance. It is considered that the removal of the grass verge will have a significant negative impact on an existing street tree (street trees are described as playing an important role in mitigating the impacts of climate change and thus every effort should be made to protect and retain them in urban areas). The report concludes by recommending a refusal of permission.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A single submission was received from an interested third party and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The removal of part of the boundary wall would deny the adjacent property at No. 38 St. Enda's Park of on-street parking. Although the amount of space available in front of the wall in question is not enough for a parking space, when taken in combination with that to the front of the driveway of No. 38 St. Enda's Park, it has been used as such by neighbours and visitors. On-street parking is already at a premium in the cul-de-sac and the proposed development would exacerbate the situation.
- The loss of part of the grassed margin and a roadside tree will detract from the aesthetics / visual amenity of the area.
- The removal of the roadside boundary wall will effectively result in the front garden area becoming an open-ended parking lot which will detract from the amenity of the area.
- The existing vehicular entrance is more than adequate to accommodate modern family cars.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. SD13B/0004. Was granted on 17th April, 2013 permitting M. & E. Meagher permission for the demolition of a side garage and rear kitchen and its replacement with a part two-storey and part single-storey extension to the side and rear consisting of an additional bedroom, new kitchen and living areas, new single window to stair, internal alterations, new garage door and associated works.

4.2. On Adjacent Sites:

None.

4.3. On Sites in the Immediate Vicinity:

4.3.1. PA Ref. No. SD22B/0282. On 14th August, 2022 the Planning Authority issued a notification of a decision to refuse permission to Colm Cosgrove & Brid Reason for the widening of the vehicular access from the public road at No. 32 St. Enda's Park, Rathfarnham, Dublin 14. This has been appealed and a decision is pending with the Board.

- The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance, would compromise street parking and adversely impact the existing street tree. Thus, the proposed development would have a negative impact on the visual amenities and residential amenities of the residential area. As such, the proposed development would not be in accordance with the residential zoning objective and Section 12.7.6 of the County Development Plan (2022-2028) and therefore not in keeping with the proper planning or sustainable development of the area.
- The proposed development would have a negative impact on a street tree and has failed to incorporate Green Infrastructure. It is therefore not in accordance with Policy Objectives GI1 Objective 4, GI2 Objective 4 and Sections 12.4.2 and 12.7.6 of the South Dublin County Development Plan 2022 - 2028. It is therefore not in keeping with the proper planning or sustainable development of the area.

4.3.2. PA Ref. No. SD22B/0208. Was granted on 16th August, 2022 permitting David and Jillian Heery permission for a single storey extension to the rear and a first floor extension to the side of the existing house including associated landscape works, and permission for the retention of the widening of the existing driveway. All at No. 21 Saint Enda's Park, Rathfarnham, Dublin 14

4.3.3. PA Ref. No. SD06B/0645. Was granted on 20th November, 2006 permitting Mark Siung permission for a new driveway and the widening of gate posts to provide off street parking at No. 19 Saint Enda's Park, Dublin 14.

4.4. Other Relevant Files:

4.4.1. PA Ref. No. SD17B/0393. Was refused on 24th April, 2018 refusing Jean Raymond permission for a new pedestrian gated entrance (0.9m wide) and a new vehicular

gated entrance (3.5m wide) adjacent to the existing vehicular entrance with access onto Sarah Curran Avenue. All at St. Enda's, Sarah Curran Avenue, Rathfarnham, Dublin 16.

- The proposed development would endanger public safety by reason of traffic hazard created by cars turning left out of the proposed entrance and crossing into the oncoming lane of traffic. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
- The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. South Dublin County Development Plan, 2022-2028:

Land Use Zoning:

The proposed development site is zoned as 'RES: Existing Residential' with the stated land use zoning objective 'To protect and / or improve residential amenity'.

Other Relevant Sections / Policies:

Chapter 4: Green Infrastructure

Chapter 7: Sustainable Movement:

Section 7.8: Road and Street Design

Chapter 12: Implementation and Monitoring:

Section 12.4.2: Green Infrastructure and Development Management

Section 12.7: Sustainable Movement:

Section 12.7.6: Car Parking Design and Layout:

In-Curtilage Parking:

In-curtilage car parking will be considered to the front of the house for lower density residential development (40 dwellings per hectare or below), subject to:

- Sufficient measures to promote a self-regulating street environment;

- Adequate plot widths to enable the planting of materials which have a low-level screening effect;
- The provision of conveniently located on-street parking for visitors.

Widening of Driveways to Accommodate In-Curtilage Parking:

Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dodder Valley Proposed Natural Heritage Area (Site Code: 000991), approximately 3.1km west of the site.
- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 3.8km southeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, 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

- With respect to the assertion by the Roads Dept. that the proposed development would compromise the safety of pedestrians, it is submitted that as the application site is located at the end of a cul-de-sac where pedestrian footfall is confined to a limited number of houses and persons (all of which are negligible to pedestrian safety), there will be no additional risk caused to pedestrians.
- It is unclear how the Planning Authority has determined the risk posed to pedestrian safety.
- The proposed development site is located at the end of a 'horseshoe'-shaped cul-de-sac with a large roundabout where access / egress to the property is situated on a bend which can give rise to difficulties in navigating vehicles with the associated obstruction of the roadway and the potential for damage to both the applicants' vehicles and others. This situation is unusual and differs from elsewhere in St. Enda's Park where residents can access their driveways with a greater degree of ease. Therefore, the proposed widening of the existing entrance will increase the safety and visibility of manoeuvring traffic.
- The Roads Dept. has looked at the width between the entrance piers to the houses rather than the dishing of the footpath and has stated that '*The standard maximum width of a shared entrance allowed by SDCC Roads Dept. is 4,200mm*'. However, the dished footpath serving Nos. 34 & 36 St, Enda's Park is only 3m wide which is the same as that enjoyed by dwellings with a single dedicated entrance.

Given that the subject access is both shared and on a bend at the end of a cul-de-sac, it would be practical to allow the dishing of the footpath to be increased to at least the maximum permissible which states that '*the width of*

the dishing provided by Road Maintenance Services shall be a maximum of 3.6m'.

Increasing the dishing of the footpath is necessary to support safe and unobstructed access / egress to and from the property. In this respect, the applicants are amenable to reducing the dishing sought by way of condition in so far as it supports proper and safe access / egress to and from their property.

- In reference to the concerns expressed as regards the existing street tree, it should be noted that this is an immature specimen which was only planted prior to the onset of the COVID-19 pandemic. Moreover, it has been shown on the submitted plans that the intention is to maintain this tree and to minimise the impact on the grass verge i.e. there will be enough grassed margin remaining to support the needs of the tree.

In the event of damage to the street tree, the applicants would be amenable to replacing it, however, it is not considered that a tree bond of €1,500 is representative of the value of the existing specimen.

Furthermore, given that the dishing of the footpath would normally be carried out by the Local Authority, so the responsibility lies with it in terms of protecting the tree during works.

- The third-party objection clearly states that the space outside the applicant's home is insufficient for parking purposes, hence any parking in this area would obstruct access / egress to and from the applicant's property thereby lending support to the need for the existing entrance to be widened. Furthermore, having regard to the foregoing, it is apparent that the proposed development will not result in the loss of an on-street parking space.
- It is of relevance to note the broader lack of objection to the proposal from neighbouring residents, including the occupants of the property which shares the existing entrance arrangement with the subject site.
- Existing housing in the 'horseshoe'-shaped cul-de-sac of St. Enda's Park is largely served by shared driveways with only four of the properties having individual entrances. However, the extent of dished footpaths serving both the

individual and shared access points is the same which increases the challenge of proper access / egress to and from those properties with the shared driveways.

- Several of the houses elsewhere in St. Enda's Park and St. Enda's Drive have opted to increase their entrance widths (including the dishing of the footpath) without the benefit of planning permission which serves to establish a quasi-precedent. Some of these examples include entrances in excess of 5m in width for a single dwelling house.
- Both St. Enda's Park and St. Enda's Drive were built in the late 1940s when car ownership was not deemed a necessity of modern living, however, since then car ownership has increased exponentially with at least 2 No. cars per household commonplace. In this regard, it is submitted that common sense would allow the applicants to remove any obstruction to the proper and safe access / egress to and from their home.

6.2. Planning Authority Response

- Confirms the decision to refuse permission.
- States that the issues raised in the appeal have already been addressed in the report of the case planner.

6.3. Observations

6.3.1. *Margaret Ita Leydon (c/o Billy O'Donovan):*

- For the purposes of clarity, it is the combination of the kerbside forward of the wall proposed for removal together with the area in front of the driveway to No. 38 St. Enda's Park that provides sufficient space for on-street parking. It is acknowledged that the area forward of the boundary wall in isolation is not sufficient for parking purposes. In this context, the assertion by the appellants that '*any parking outside would be an obstruction to access and egress to our property*' is rejected.

- The assertion that there will be no loss of additional parking spaces consequent on the proposed development is extraneous. Nowhere has it been claimed that such a loss of parking will arise.
- The grounds of appeal have failed to establish that the decision to refuse permission is in any way flawed.
- The rationale for the suggestion by the appellants that a shared driveway is somehow more difficult to use simply because the dishing of the footpath is the same as that of an individual driveway is unclear.
- The reference to neighbouring properties that may have widened their driveways with / without the benefit of planning permission does not include any specific examples and is an attempt to allude to some form of “quasi-precedent”.
- Any grant of permission will result in the removal of facilities currently afforded to No. 38 St. Enda’s Park, in particular the ability to park in front of its driveway.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Design & layout
- Appropriate assessment

These are assessed as follows:

7.2. Design & Layout:

7.2.1. From a review of the available information, it should be noted at the outset that the purpose of the proposed development is not to provide further off-street car parking within the curtilage of the subject dwelling but rather to improve the ease with which vehicles can enter and exit the application site (as well as the neighbouring property

of No. 34 St. Enda's Park). In this regard, it is also of relevance to note that both properties served by the existing shared access arrangement can presently accommodate the parking of 2 No. cars within their respective curtilages (although I am mindful that the occupants of each property must park their cars in a manner conducive to the parking needs of their neighbours).

7.2.2. By way of context, the cul-de-sac of St. Enda's Park is predominantly characterised by conventional two-storey, semi-detached housing with front and rear garden areas and some element of in-curtilage off-street car parking. Typically, each of these houses is served by a private driveway with sufficient space to accommodate the parking of 1 No. car although in some instances individual property owners have opted to pave over their front gardens (either in whole or in part) to provide for additional off-street car parking. However, notwithstanding the availability of some level of off-street car parking, it was readily apparent during the course of my site inspection that there remains a considerable demand for on-street parking (most likely attributable to households with two or more cars) which contributes to congestion along the cul-de-sac with vehicles having to make way for oncoming traffic. The situation at the end of the cul-de-sac (where the subject site is located) is worsened further by the narrow carriageway width (given the presence of a raised planted area within the turning bay), the reduced availability of on-street car parking consequent on the crescent-shaped housing construction, and the proportionately increased number of dwelling houses (with the associated parking demand) arising from the inclusion of terraced units. Although some of the houses at the end of the cul-de-sac have been able to provide additional in-curtilage car parking, notable exceptions are the two mid-terrace properties of Nos. 37 & 38 St. Enda's Park as the geometry and limited road frontage of these sites does not lend itself to the provision of further off-street parking. Each of those properties presently has off-street parking for only one car with any overspill reliant on streetside parking (with particular reference to the areas to the front of their respective driveways).

7.2.3. Having regard to the foregoing, I would draw the Board's attention to the observation lodged on behalf of the adjacent property owner at No. 38 St. Enda's Park wherein it has been submitted that the proposed widening of the shared entrance serving the subject site will have the effect of reducing the extent of that area along the public road available for on-street parking purposes. More specifically, it has been stated

that it is the combination of the kerbside area forward of the wall proposed for removal together with the area to the front of the driveway serving No. 38 St. Enda's Park that provides sufficient space for an on-street parking space (for use by the occupants of that dwelling). In effect, the case has been put forward that the proposed development will deprive No. 38 St. Enda's Park of the on-street parking space available (for the most part) to the front of that property which is of concern as it cannot provide any additional in-curtilage parking due to the site geometry. By extension, the potential arises for increased pressure to be placed on the already strained on-street parking facilities available in the cul-de-sac with an exacerbation of traffic congestion.

- 7.2.4. On balance, I am inclined to agree with the observer that the proposed development will result in the loss of an area used for on-street car parking with no compensatory benefit arising, such as through the provision of additional off-street parking. The subject site already benefits from 2 No. in-curtilage parking spaces and, therefore, it could be reasoned that the neighbouring property of No. 38 St. Enda's Park (with its single on-site parking space) is perhaps more readily reliant on the availability of on-street parking.
- 7.2.5. With respect to the need for the widened entrance arrangement, while I would accept that the proposed works will serve to improve the ease of movement for vehicles accessing / egressing the application site, it is of note that the entrance in question would appear to have already been widened to some extent beyond its original construction (as evidenced by comparison to the narrower dimension of similar shared entrance arrangements serving other housing in the area and the actual width of the pavement crossover). Although instances of on-street parking in close proximity to the entrance could restrict the space available for the manoeuvring of vehicles to / from the subject site, I am inclined to suggest that such scenarios are more typically addressed by way of good neighbourly parking practices with due care and attention rather than by providing excessive driveway widths. In this regard, I am inclined to suggest that the existing entrance arrangement already provides sufficient space / width for the safe movement of vehicles to and from the application site.
- 7.2.6. In relation to the overall design and appearance of the proposed entrance, the reference to the excessive width of the new arrangement would seem to derive from the report of the Roads Section wherein it is stated that the proposal to increase the

width of the shared entrance from 4.17m to 5.63m would exceed that normally permissible for a combined vehicular access and would thereby compromise pedestrian safety. It is further stated that the standard maximum width of a shared entrance allowed by the Roads Section is 4.2m and thus the existing arrangement would be adequate for the safe access & egress of vehicles. Although there is no limit on the width of a shared entrance stated in the County Development Plan, it is of relevance to note that when measured from the centre-point of the existing shared entrance (i.e. the property line), the extent of the widened entrance across the frontage of the application site will extend to 3.7m thereby exceeding the maximum width of 3.5m normally allowed for entrances serving single houses (as per Section 12.7.6: '*Car Parking Design and Layout*' of the Development Plan) for reasons of pedestrian safety, visual amenity, and the retention of on-street parking. In effect, although the subject proposal relates to a shared entrance, it will provide for an access to a single house in excess of the maximum width normally permissible. Therefore, I would reiterate that the existing entrance is of sufficient width to serve the subject site while forming the view that the proposal as submitted would conflict with the Development Plan. By way of further comment, if the proposed development were to proceed, there would seem to be no disincentive to allowing a similar widening of the entrance serving the adjacent property of No. 34 St. Enda's Park thereby resulting in a combined entrance width of perhaps 7.4m (which could only be considered excessive given the context).

- 7.2.7. In addition to the removal of part of the front roadside boundary wall (the visual impact of which would be marginal), the proposed development includes for the widening of the pavement crossover. This aspect of the work will result in the loss of an area of grassed margin with concerns having been raised that it could negatively impact on an adjacent street tree. In this regard, I would draw the Board's attention to Section 6.18 of South Dublin County Council's '*Living with Trees: Tree Management Policy, 2021-2026*' which states that it will not normally support either the removal of a tree or the cutting of a tree's roots for the construction of vehicle crossovers and / or alterations to residential driveway access, unless the tree is of limited life expectancy or is small enough to be relocated elsewhere. It is further stated that a minimum clearance of three metres or 10 times the diameter of the tree trunk at its base (whichever is greater) must be provided between the trunk of any

street tree and the edge of the crossover unless the Council determines otherwise. These requirements are also broadly given effect by reference to Section 12.7.6: '*Car Parking Design and Layout: Widening of Driveways to Accommodate In-Curtilage Parking*' of the Development Plan which states that proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted (and where permitted must be mitigated). The widening of the pavement crossover as proposed will certainly extend to within 3m of a recently planted street tree (as shown on the site layout plan) and will also likely require works within its root spread. While the tree itself is comparatively young and small, given the adequacy of the existing shared entrance arrangement and the likely loss of on-street car parking consequent on the proposed development, I am unconvinced that there is sufficient cause to justify the relocation of the tree in this instance. Accordingly, I would agree with the report of the Public Realm Section of the Council that the proposal as submitted has the potential to negatively impact on the existing street tree contrary to the Development Plan.

- 7.2.8. Therefore, having considered the available information, it is my opinion that the proposed development would result in an unnecessarily and excessively wide entrance arrangement; would give rise to the unacceptable loss of on-street car parking; and would be contrary to Section 12.7.6: '*Car Parking Design and Layout: Widening of Driveways to Accommodate In-Curtilage Parking*' of the South Dublin County Development Plan, 2022-2028.

7.3. **Appropriate Assessment:**

- 7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the nature of the existing front boundary and vehicular access and the pattern of such arrangements in the vicinity, it is considered that the proposed development would increase the pressure on existing on-street car parking facilities in the locality thereby exacerbating haphazard parking practices and endangering public safety by reason of traffic hazard and the obstruction of road users. The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance, would be contrary to the South Dublin County Development Plan, 2022-2028, would compromise on-street car parking in the area, would endanger pedestrian safety, would seriously injure the residential amenities of the area, would set an undesirable precedent for similar development in the locality, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

3rd January, 2023