



An
Bord
Pleanála

Inspector's Report

ABP-314598-22

Development	Widening of vehicular access from public road.
Location	No. 32 St. Enda's Park, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0282
Applicant	Colm Cosgrove
Type of Application	Permission
Planning Authority Decision	Refusal of Permission
Type of Appeal	First Party against Refusal of Permission
Appellant	Colm Cosgrove
Observer(s)	Ciaran McCullagh
Date of Site Inspection	29/01/2023
Inspector	Enda Duignan

1.0 Site Location and Description

1.1. The address of the appeal site is No. 32 St. Enda's Park, Rathfarnham, Dublin 14. St. Enda's Park is a cul-de-sac which connects to St. Enda's Drive to the north of the site. The appeal site comprises a double storey, semi-detached dwelling. The dwelling is accessed from a shared vehicular entrance with No. 30 St. Enda's Park to the north and car parking is provided within the front setback of each dwelling, the majority of which is covered in hardstanding. The existing dwelling is served by an area of amenity space to its rear. The appeal site has a stated area of c. 0623ha.

1.2. In terms of the site surrounds, the appeal site is located within an established residential area which is typically characterised by semi-detached or terraced, double storey dwellings of a similar architectural style and form. The appeal site is located at the southern end of the cul-de-sac, where the dwellings form a crescent of housing enclosing the turning circle at the end of the cul-de-sac. It was evident that many of the dwellings within the surrounds rely on shared vehicular entrances. I also observed that a number of the existing vehicular entrances within the surrounds of the appeal site have been widened.

2.0 Proposed Development

2.1. Planning permission is sought for the widening of the existing shared vehicular entrance from the public road. It is proposed to widen the existing vehicular entrance from c. 3.7m to c. 5.3m. A new c. 1.2m high pier is proposed at the southern end of the roadside boundary. The submitted site layout plan identifies works comprising the dishing and partial removal of the existing grass verge which I note are located outside the red line site boundary.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority refused planning permission for the following 2 no. reasons:
1. "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.

2. 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”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The South Dublin County Council Planning Report form the basis of the decision. The report provides a description of the site and the subject proposal, it sets out the relevant planning history of the surrounds and identifies the policy at Local through to National level that is relevant to the development proposal. The report also summaries the observations on file.

Within their assessment of the application, the Planning Authority raised concerns with the respect to the overall width of the proposed widened vehicular entrance given the proposal will result in the loss of on-street car parking and the potential impact of the development on existing street trees. The Planning Authority noted that the proposed development would impinge on the visual and residential amenities, and the biodiversity of this residential area. The proposal was therefore considered to be contrary to the pertinent policy of the County Development Plan (2022-2028) and a refusal of planning permission was recommended for 2 no. reasons.

3.2.2. Other Technical Reports

Roads: Report received recommending a refusal of permission. The report indicates that vehicular access points shall typically be limited to a width of 3.5m.

Green Infrastructure: Report received recommending a refusal of permission. Having regard to the impact on street trees, it was considered that the subject development had not incorporated Green Infrastructure and would have a negative impact on existing Green Infrastructure. The proposal was therefore failed to accord with Policy Objectives GI1 Objective 4, GI12 Objective 4 and Sections 12.4.2 and 12.7.6 of the South Dublin County Development Plan 2022 – 2028. Given the lack of mitigation and the impact, it was considered by the Green Infrastructure section of the Planning Authority that planning permission should be refused.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two (2) no. third-party observation was received from Third Parties. The issues raised can be summarised as follows:

- Concerns raised with respect to the loss of on-street car parking as a result of the proposed development which will exacerbate existing on-street car parking pressures.
- Concerns raised regarding proposals for dishing the kerb at the roadside and losing part of the adjacent grass margin.
- Concerns with respect to the impact of the proposed development on existing street trees.
- It is contended that sufficient access is already deemed to apply with this double car space for No. 30 and No. 32.
- It is contended that the gatepost at No. 32 has already been relocated and does not need to be moved further.

An observation was also received from the Applicant which indicated that they wished to make an observation consequent to the decision to refuse permission for a similar application at No. 36 St. Enda's Park, under Ref. SD22B/0221. It is stated within the observation that they would be happy to amend the proposal to reduce the width of the entrance to 4.2m and minimise works to the existing verge.

4.0 Relevant Planning History

4.1. Appeal Site

None.

4.2. Surrounds

No. 36 St. Enda's Park (South-west of appeal site)

SD22B/0221 (ABP-314328-22): Planning permission refused by the Planning Authority for widening of the existing vehicular entrance, involving the relocation of the western pier and widening of driveway and the partial removal of grass margin. The application was refused for the following 1 no. 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

The application is currently the subject of a First Party appeal with the Board.

5.0 Policy Context

5.1. Design Manual for Urban Roads and Streets (DMURS), 2019.

5.2. South Dublin County Development Plan, 2022 -2028 (CDP)

- 5.2.1. The site is located within an area zoned 'RES' of the current CDP, which seeks "To protect and/or improve residential amenity".
- 5.2.2. Section 12.7.6 (Car Parking Design and Layout) of the current CDP is relevant to the consideration of the application and contains the following policy with respect to On-Street Parking In urban areas: It is stated that car parking should be predominantly on-street with communal (i.e., undesignated) spaces for the purposes of:

- Traffic Calming: On-street parking increases driver caution by visually narrowing the vehicular carriageway and reducing forward visibility;
- Efficiency: On-street parking allows for a greater turnover of spaces and caters for visitors;
- Pedestrian Comfort: The need for vehicular crossovers and the temptation for drivers to kerb mount and block footpaths is significantly reduced;
- Streetscape: Extensive parking to the immediate front of dwellings (where landscaping could be provided) will dominate the appearance of the houses and detract from the visual qualities of the area.

5.2.3. 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.

5.3. Natural Heritage Designations

5.3.1. The nearest designated site is the Glenasmole Valley Special Area of Conservation (SAC) (Site Code: 001209) c. 6.2km to the south-west of the site. The proposed Natural Heritage Area (pNHA): Dodder Valley is also located c. 3km to the site's west.

5.4. EIA Screening

5.4.1. The proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the First Party (applicant), a summary of which is included below:

- It is stated that the existing entrance is shared with the adjoining property and the maximum width prescribed under the current CDP may therefore not apply. The Applicant requests for a flexible approach to be applied given the characteristics of the site.
- It is contended that the existing on-street car parking space is causing an obstruction of the Applicant's driveway and that of Nos. 34 & 36, and there has been instances where cars have collided as a consequence. There is policy support generally to reduce car traffic and encourage sustainable transport in the Council local area.
- The Applicant highlighted that they made an observation consequent to the decision to refuse permission for a similar application at No. 36 St. Enda's Park, under Ref. SD22B/0221. It is stated that this revised proposal would have no effect on the grass verge or existing street tree. The Applicant also refers to the commentary of the Planning Authority's Green Infrastructure section in their internal report to Ref. SD22B/0221. It is stated that a condition was recommended in this instance requiring the lodgement of a tree bond for the protection of the tree in the event of a grant of planning permission. It is requested that a similar approach be adopted in this instance.

I note that a revised proposal has been submitted with the appeal which appears to reduce the extent of the verge that is proposed to be removed (Drawing No. 1582A-01A).

6.2. Planning Authority Response

- 6.2.1. In a response to the first party appeal dated 3rd October 2022, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report.

6.3. Observations

- 6.3.1. An observation has been received from Ciaran McCullagh. The observer is the occupier of the existing dwelling to the north-east and utilises the shared entrance which forms the subject of the development proposal. The matters raised in the observation can be summarised as follows:
- No objection in principle of the proposal.
 - It is noted that many of the houses within the estate have two or three cars.
 - Concerns with respect to the loss of on-street car parking.
 - It is stated that the obstruction of the entrance is from the Applicant themselves parking within the site frontage.
 - Concerns with respect to the impact of the proposal on the existing street tree.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Access, Car Parking & Visual Amenity
- Impact on Trees
- Appropriate Assessment

7.1. Access, Car Parking & Visual Amenity

- 7.1.1. The proposal seeks planning consent for the relocation of the existing entrance pier and the widening of the existing shared vehicular entrance. I note that the site is located on lands zoned 'RES' of the current CDP, the objective of which is 'To protect and/or improve residential amenity'. Given the nature of the proposed development, i.e. a widened vehicular entrance to serve a residential dwelling, I am satisfied that the principle of the proposed development is acceptable at this location. The proposed development seeks to widen the vehicular entrance from c. 3.7m to c. 5.3m. Within their assessment of the planning application, the Planning Authority raised concerns

with respect to the excessive width of the proposed entrance and they noted that the proposal fails to comply with the policy prescribed under Section 12.7.6 of the current CDP. In the case of proposals for the widening of driveways to accommodate in-curtilage parking, Section 12.7.6 of the Plan notes that a width of 3.5m between gate pillars shall not normally be exceeded. It is stated that this is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces. From my inspection of the appeal site, I observed that a number of dwellings at the end of this cul-de-sac rely on shared vehicular entrances. It was also evident that some of the entrances appear to have been widened in the past. There is also a history of planning applications within the immediate surrounds of the appeal site, whereby the Planning Authority have generally adopted a consistent approach in terms of proposals for widened entrances, whereby applications have been refused. I note that there is currently an application under appeal on the lands to the south-west (36 St. Enda's Park) of the appeal site (i.e. Ref. SD22B/0221) which sought permission for a similar proposal and was refused by the Planning Authority.

- 7.1.2. I acknowledge that Section 12.7.6 of the Plan indicates that a width of 3.5m between gate pillars shall not normally be exceeded. In this regard, I am satisfied that there may be instances where a flexible approach could be adopted, for example, where the vehicular entrance is shared between two properties, such as the case here. I also note that in this instance, the entrance currently exceeds a width of 3.5m. Nonetheless, I would share the concerns of the Planning Authority in this instance given the proposal will result in the loss of an existing on street car parking space. Upon my inspection of the site and surrounds, I observed on street car parking to be at a premium within the area which currently contributes to congestion along the cul-de-sac. This is exacerbated at the southern end of the cul-de-sac given the narrow carriageway width and the reduced availability of on-street car parking. In addition, I have concerns that the proposal to widen the entrance would detract from the overall character and visual amenity of the surrounding area and the potential precedent this would establish given the number of dwellings in the area that rely on shared entrances. I note that the proposal as originally submitted indicated the partial removal of the existing grass verge to facilitate the widened entrance. Concerns were also highlighted by observers

and the Planning Authority with respect to the impact of the proposal on an existing street tree which I will address in further detail below.

- 7.1.3. Although I acknowledge that there are instances where the removal of either on-street car parking or street trees may be warranted if a more sustainable use of the lands were to be achieved as a consequence, I do not consider the proposal to be adequately justified in this instance. 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 would appear that the existing entrance has already been widened beyond its original construction given. I am therefore satisfied that the existing entrance arrangement already provides sufficient space for the safe movement of vehicles to and from the appeal site. In this regard, the proposed development fails to accord with Section 12.7.6 of the current CDP and the proposal is therefore contrary to the proper planning and sustainable development of the area. For this reason, I recommend that planning permission be refused for the proposed development.

7.2. Impact on Trees

- 7.2.1. As noted in the foregoing, concerns were raised by the Planning Authority with respect to the impact of the proposal on an existing street tree within the site's frontage. The existing medium sized street tree is located within the grassed verge to the south-west of the existing entrance. I observed this to be the largest street tree within the southern end of St. Enda's Park with a number of more recently planted street trees also being located within the surrounds of the appeal site. A refusal of planning permission was recommended by the Planning Authority given the potential impact of the proposal on this street tree and the lack of mitigation proposed by the Applicant.
- 7.2.2. In response to the Planning Authority's reason for refusal, the Applicant has submitted Drawing No. 1582A-01A. I note that the modified proposal does not seek to modify the width of the entrance (i.e. dimensioned width of c. 5.3m) from what was originally proposed. However, the overall extent of the grassed verge within the site's frontage that was originally proposed to be removed has been reduced. Although the indicative location of the tree has now been identified on the submitted drawing, it is unclear from

the information submitted whether the extent of works would have any impact on the viability of this existing street tree. Section 12.7.6 of the current CDP notes 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. In addition, it is policy (Section 6.18) of the of South Dublin County Council's *'Living with Trees: Tree Management Policy, 2021-2026'* to 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. As highlighted earlier in this assessment, there a number of existing street trees within this section of St. Enda's Park and although each proposal shall be considered on its own merits, I have concerns that the proposed development would establish an undesirable precedent at this location which could contribute to the erosion of the existing streetscape character. On the basis of the information submitted at application and appeal stage, I am not satisfied that the proposed development would not impact on the ongoing viability of the existing street tree and I therefore consider the proposal to be contrary to Section 12.7.6 of the current CDP. For this reason, I recommend that planning permission be refused.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development, the widening of an existing vehicular entrance on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance, would result in the loss of existing on-street parking and would therefore exacerbate on-street car parking pressures. In addition, it has not been adequately demonstrated that the proposed development would not adversely impact the ongoing viability of an existing street tree. In this regard, the proposed development would have a negative impact on the visual amenity of the site and surrounding area and would establish a poor precedent for similar development in the surrounds. The proposed development fails to accord with Section 12.7.6 of the County Development Plan, 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

Enda Duignan
Planning Inspector

09/03/2023