



An
Bord
Pleanála

Inspector's Report ABP-315163-22

Development	New vehicular entrance and driveway for off-street car parking.
Location	90, Mount Drummond Square, Harold's Cross, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4824/22
Applicant(s)	Andrew Ryan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Andrew Ryan
Observer(s)	None
Date of Site Inspection	March 22 nd , 2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The application site comprises a mid- terrace property within this mature residential area. To the front of the property on the public footpath is a mature tree.

2.0 Proposed Development

- 2.1. Permission is sought for a new vehicular entrance and driveway to provide for off-street car parking.

3.0 Planning Authority Decision

3.1. Decision

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

1. The development would impact on the street tree set located on the public footpath adjacent to the site and would therefore seriously injure the amenities of property in the vicinity. The proposed development is contrary to the Section 16.3.3 of the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy. The development would set an undesirable precedent and 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:

- Reflects the decision of the planning authority; refusal recommended

3.2.2. Other Technical Reports

Roads and Traffic Planning Division- refers to report of Parks Division

Parks Division- informal comments were sought; objects to proposal due to the presence of a mature tree outside the property on the public road

Drainage Division- no objections, subject to conditions

4.0 Prescribed Bodies

None

5.0 Planning History

3414/16

Permission granted for retention of demolition of single storey extension to rear and construction of single and two storey extension to rear.

6.0 Policy and Context

6.1. Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective Z1' which seeks 'To protect, provide and improve residential amenities'.

Appendix 5: Transport and Mobility: Technical Requirements

Section 4.3 of Appendix 5 Parking in Front Gardens

Section 4.3.2 Impact on Street Trees of Appendix 5 Parking in Front Gardens

6.2. Natural Heritage Designations

None

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 are:

- Refers to decision of planning authority to grant permission at neighbouring property for similar type development (Reg. Ref. 2053/19) with location of street tree similar to that in this current appeal- works have been carried out with no impact on street tree
- Considers that above decision sets a precedent
- Cannot park comfortably on street due to its narrow width; dangerous

7.2. Planning Authority Response

None

7.3. Observations

None

7.4. Further Responses

None

8.0 Assessment

- 8.1. I highlight to the Board that a new City Development Plan has been adopted, since the decision of the planning authority issued. I have assessed this appeal based on the current operative Dublin City Development Plan 2022-2028.

8.2. 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. I note the following:

- Main concerns of planning authority relate to the potential negative impact on tree root system of mature tree in public footpath. Both Parks Division and Traffic Division have recommended refusal in this regard
- First party appellants notes that permission was granted under Reg. Ref 2053/19 on property opposite for a similar type development. There is also a street tree outside their property. They state that the works have been undertaken without negative impacts to the street tree.
- The vehicular entrance proposed is 3m in width and 5.9m in depth. These dimensions comply with Development Plan standards in this regard.
- Off-street parking is provided to other properties in vicinity, however it is unclear if these have the benefit of planning permission.
- Notwithstanding the decision of the planning authority in relation to the property opposite, I have concerns with regards the impact of the proposal on this mature street tree, which adds significantly to the visual amenity of the area. Any impacts thereon 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 consider that the proposed development would be contrary to the aims and objectives of the Dublin City Development Plan in terms of the protection of existing trees. I note section 4.3.2 'Impact on Street Trees' of Appendix 5 of the operative City Development Plan in this regard. In my opinion and based on the information before me, exceptional circumstances do not exist in this case.

8.3. Having regard to the above, it is considered that the proposed development is not consistent with the operative Dublin City Development Plan nor with the proper planning and sustainable development of the area.

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

11.0 Reasons and Considerations

The proposed development is contrary to the Section 4.3.2 of the Dublin City Development Plan 2022-2028 as it has the potential to interfere with, or damage the street tree set located on the public footpath adjacent to the site. The proposed development would therefore seriously injure the amenities of the area, would set an undesirable precedent and would, therefore, be contrary to the proper planning and sustainable development of the area

Lorraine Dockery
Senior Planning Inspector

26th April 2022