



An
Bord
Pleanála

Inspector's Report

ABP-315353-22

Development	New vehicular entrance to off street car parking to front garden and all associated site works.
Location	42, Royal Canal Bank, Dublin 7, D07 W8P3.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4950/22
Applicant(s)	Keith Scully
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Keith Scully
Observer(s)	None
Date of Site Inspection	15 July 2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located in the north Dublin suburb of Phibsborough, on a mature residential cul-de-sac known as Royal Canal Bank.
- 1.1.2. The subject site is the centre dwelling in a terrace of three villa-style single storey dwellings on the eastern side of the cul-de-sac, approx. opposite the junction with Geraldine Street.
- 1.1.3. The site has pedestrian access from Royal Canal Bank, with high boundary walls obscuring the view of the dwelling. To the rear a laneway provides access to the subject and adjoining dwellings and those dwellings fronting on to Phibsborough Road. The laneway has double yellow lines for a portion of the lane as it joins Phibsborough Road.

2.0 Proposed Development

- 2.1.1. On the 28th September 2022, planning permission was sought for a new vehicular entrance and off-street car parking space in the front garden of no. 42 Royal Canal Bank.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 24th November the Planning Authority issued a notification of their intention to REFUSE permission for the following two reasons:
 - 1 The proposal for the provision of a vehicular access and private off-street car parking space is contrary to Dublin City Development Plan 2016-2022 in that it would reduce the supply of on-street car parking available to residents along the Royal Canal Bank. The proposed development would directly contravene Policy MT14 which seeks to retain on-street parking as a resource for the City, as far as practicable. The proposal would set an undesirable precedent for similar sites throughout the City, and as such, would seriously injure the amenities of the area. Accordingly, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the lack of visibility for vehicles leaving the site entrance due to the height and design of the boundary walls, gate and piers, it is considered that the proposed development would endanger public safety for pedestrians traversing the site and would set an undesirable precedent for further such development. Accordingly, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Drainage Division:** No objection subject to conditions.
- 3.2.2. **Transportation Planning:** Policy MT14 and section 16.38.9 seeks to minimise the loss of on-street parking . The removal of a pay and display space to facilitate a vehicular entrance is not supported. Concern about height and design of boundary walls and infringe on visibility and pedestrian safety. Recommendation to refuse permission.
- 3.2.3. **Planning Report:** Unclear why the terrace is not part of the adjoining residential conservation area. Preferred treatment of access would be railing rather than a solid timber gate. This can be achieved by condition. Notes the report of the Transportation Department and that vehicular access could be achieved from the area. Recommendation to refuse permission.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. None on file.

4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **2978/13**: Planning permission granted for the demolition of an existing single storey extension and the construction of a new single storey extension to the rear.

5.0 Policy Context

5.1. Dublin City Council Development Plan 2022-2028

- 5.1.1. The subject application was assessed by the Planning Authority under the previous Development Plan 2016-2022.
- 5.1.2. In the 2022-2028 Development plan the subject site is zoned Z1 Sustainable Residential Neighbourhoods, which has the stated objective “to protect, provide and improve residential amenities”.
- 5.1.3. Appendix 5, section 4 of the 2022 plan refers to Car Parking Standards. It states that “proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are largely reliant on on-street car parking and there is a strong demand for such parking”. Section 4.1 states that public on-street parking is necessary for the day-to-day functioning of the city.
- 5.1.4. Section 4.3 states: Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.
- 5.1.5. Policy SMT25, regarding On-Street Parking seeks to “To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements”

5.2. EIA Screening

- 5.2.1. Having regard to nature of the development comprising redevelopment of an existing site and the urban location of the site 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

6.1.1. The applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- The development will result in a boundary wall that is the same height as the neighbouring properties.
- The average pedestrian line of sight is above the height of the wall. There will be a clear line of sight when the gate is open.
- There have been no objections to the proposal.
- No demand for resident parking exists in this area. The majority of spaces are used by non-residents and are of an illegal nature.
- 70% of the applicants neighbours have driveway facilities. Photos submitted.
- Identical permissions have been granted for 6 no. sites in the similar area.
**The Board will note that the appeal contained 6 no. web addresses that would be hyperlinks if submitted in digital format. When typed out manually they lead to the following applications. It is not possible to definitively state that these are the applications the appellant wanted to submit.*
 - 3466/14: 5 Villa Bank, Phibsborough, permission granted for a development that included on off street driveway
 - 0868/92: 8 Villa Bank, Phibsborough, permission granted for driveway
 - 3546/99: 10 Fairfield Road, Phibsborough, permission granted for a development that included access and driveway
 - 1450/95: 10 Shandon Crescent, Phibsborough, permission granted for new garage and front driveway
 - 1890/97: 82 Connaught Street, Phibsborough, permission granted for driveway
 - 2966/16: 37 Derrynane Gardens, Sandymount, permission granted on appeal (PL29S.247079)
- The notion that the application would set a precedent is incorrect, highly subjective and over-exaggerated.

- Public on-street EV charging is beyond Local Government and it is unfair to prevent an individual doing so.
- The rear access is not safe, subject to no-parking restrictions and is frequently blocked. The use of the rear lane is not possible. Photos submitted.
- The proposed development results in lower carbon emissions, the increased use of public transport (policy MT14), the discouraging of commuter parking (policy MT14) and controlling the supply of parking (MT16).
- The Board is requested to grant permission.

6.2. Planning Authority Response

6.2.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the single issue raised is the principle of the proposed development.

7.2. Principle of development

7.2.1. The principle of the proposed development, in my opinion, hinges on the removal of on-street car parking provision. The proposed development, as shown on the drawing submitted to the Planning Authority involves a 3m wide vehicular entrance, 3.2m from the southern end of the site boundary. This arrangement would require the removal of at a minimum, one of the three on-street car parking spaces, possibly two. It is regrettable that the applicant did not provide details of the parking outside the subject site, indicating the extent that would be removed if permission was granted. It is not possible to determine if the proposed development requires the removal of two spaces, or whether the proposed vehicular entrance could be relocated to the north (towards no. 43), thereby reducing the extent of on-street parking to be removed and maintaining two spaces.

7.2.2. While the existing on-street space may be mostly used by the applicant, thereby nullifying its removal in terms of parking space availability, that may not always be

the case. The removal of an on-street parking space removes a space available to the public. The question therefore becomes whether the space is in high demand, and whether its removal would negatively affect the demands of residents. I note that section 4.3 of appendix 5 of the development plan states that proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking. The applicant submits that supply outstrips demand for parking in the area. That was also the case on the date of my site visit, with many spaces available.

- 7.2.3. Regarding the suggestion that the rear of the property could be used to provide parking and / or charging facilities, I note that this would remove a significant portion of the applicants private open space. Contrary to the submission of the applicant, there was no evidence of a parking restriction outside the rear entrance on the date of my site visit, other than a no-parking sticker on the applicants gate.
- 7.2.4. Having regard to the caveat outlined above, none of the applications were assessed under the 2016-2022 Dublin City Council development plan. Further, the Board is required to assess each development on its own merits.
- 7.2.5. Likewise, the applicants argument regarding the provision of EV charging facilities does not provide sufficient justification on which solely grant the permission – there are alternative EV charging options for on-street car parking.
- 7.2.6. Regarding the neighbouring properties having vehicular access and off-street parking, I note that in both instances there are railing / gates rather than solid hardwood gate as proposed by the appellant. The provision of open railing provides greater visibility for pedestrians and other passing traffic.
- 7.2.7. On balance, and noting the provisions of policy SMT25 and section 4.3 of Appendix 5 of the 2022 development plan, it is considered that the removal of one off-street car parking space in a location where demand for same is not strong, is in keeping with the pattern of development of the area and is acceptable. Should the Board be minded to grant permission, a condition requiring the use of a railing / gate that provides full visibility should be attached. Further, the applicant should be required to liaise with the Transportation department of Dublin City Council to minimise the extent of on-street car parking to be removed.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site

8.0 **Recommendation**

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, the pattern of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not cause a traffic hazard and would comply with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall receive the written approval of the Planning Authority for the replacement of the</p>

	<p>proposed hardwood gates with open railings of a type that allows full visibility to pedestrians and passing traffic.</p> <p>Reason: In the interest of traffic safety</p>
3.	<p>Prior to the commencement of development, the applicant shall liaise with the Transportation Department of Dublin City Council, with regards to the extent of on-street car parking that shall be removed by the proposed development.</p> <p>Reason: In the interest of maximising the provision of on-street car parking available in the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector

17 July 2023