



An
Bord
Pleanála

Inspector's Report

ABP-315398-22

Development	Widening of vehicular access at 5 and 6 Malahide Road
Location	5 & 6, Malahide Road, Newtown Cottages, Priorswood, Dublin 17, D17ND25 & D17N634
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	5113/22
Applicant(s)	Melvin Properties Limited & Feltrim Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Alana Blennerhassett
Observer(s)	None
Date of Site Inspection	26 th July 2023
Inspector	Tomás Bradley

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
5.4. Appropriate Assessment.....	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	8
6.3. Planning Authority Response.....	9
6.4. Observations.....	9
6.5. Further Responses	9
7.0 Assessment.....	9
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	11
10.0 Conditions	11

1.0 Site Location and Description

The site is located at 5 and 6 Malahide Road, Dublin 17 (ITM 720201, 739613). It is on the northbound lane of the road, the regional classified road R107, which runs between Marino, Dublin 3 the main between Malahide, County Dublin.

At the location of the site, the road is split by a grassed median with trees. There are 2-3 traffic lanes either side of the median including a bus lane. There is an advisory cycle lane in the bus lanes. The Malahide Road is a Quality Bus Corridor and is part of a current planning application for 'BusConnects.'

There is a low, walled front boundary at the site which is set back from the road with a grass verge and footpath. There are services including street lighting and telecoms located in the grass verge. The front boundary has a vehicular and pedestrian access to No. 5 and a vehicular entrance only to No. 6. There is no physical boundary between the properties.

2.0 Proposed Development

The proposed development consists of the widening of existing vehicular access at 5 Malahide Road from 2.3 meters to 3.3 meters and widening existing vehicular access at 6 Malahide Road from 2.4 meters to 3.4 meters.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided by order dated 13th December 2023 to grant permission for the proposed development subject to 7 no. conditions which are all are generally considered standard and related to the construction design and methodology.

Condition 3a should be noted as it limits the width of the vehicular entrances from that stated in the development description 3.3 metres to 3.0 metres at 5 Malahide Road and 3.4 metres to 3.0 metres at 6 Malahide Road in the interest of public safety and proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 13th December 2022 sets out the planning history of the site, which includes two previous refusals related to the proposed development the subject of this appeal. These are further noted in Section 4.0 of this report. The report also considers two interdepartmental reports which are further discussed in Section 3.3.2 of this report. The zoning objective for the area are also detailed as well as the provisions of the development plan.

The primary discussion in the planning report centres on the recommendation from the Transportation and Planning Division to bring the proposed development within the maximum standard of the Dublin City Development Plan [then 2016-2022] and whether an exceptional circumstance exists to permit an entrance as proposed.

The Planning Report concludes that there is no objection in principle to the provision of a widened vehicle entrance at the site, but its width should be brought within the standards set out in the Dublin City Development Plan.

3.2.2. Other Technical Reports

The Drainage Division report dated 23rd November 2022 does not raise any material issues subject to the applicant complying with the Greater Regional Code of Practice for Drainage Works, locating private drainage within the site and that any new paving does not increase surface water run-off.

The Transportation Planning Division report dated 30th November 2022 raised substantive issues, primarily the requirement of the Dublin City Development Plan which states in Appendix 5: Transport and Mobility: Technical Requirements that for a single residential dwelling:

“the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.”

It is highlighted that there are no ‘exceptional circumstances’ to warrant the maximum permissible width for either property at this location and that a maximum width for single detached residential dwelling of 3.0 metres is sufficient. It then stipulates a number of conditions.

3.3. Prescribed Bodies

There are no prescribed body submissions in respect of this case file.

3.4. Third Party Observations

There was one third party observation in respect of this case file.

This observation dated 22nd November 2022 from Alana Blennerhasset is on the single point that access changes should be restricted and not encouraged on cycle lanes and public transport routes.

The observation notes that the site will have access and egress to Quality Bus Corridor and an existing cycling lane. The requirement for such an access is also queried by the appellant.

4.0 Planning History

The following files are the most relevant to this appeal:

Dublin City Council Planning Reference 3753/19

Dublin City Council refused permission on the subject site on the 8th of October 2019 at 5-6 Malahide Road of December 2021 for:

“a residential development consisting of the demolition of existing 2 no. houses and the construction of 8 no. semi-detached and 1 no. detached two/three storey houses with dormer to rear including all associated site works, carparking and landscaping. The new vehicular access to the development is via Malahide Road, all on a 0.19 hectare site, at 5-6 Malahide Road, Coolock, Dublin 17, D17 ND25/D17 N634.”

Dublin City Council Planning Reference 4153/22 (now at appeal PL29N.314445)

Dublin City Council refused permission on the subject site on the 28 Jul 2022 at 5-6 Malahide Road of December 2021 for:

“The proposed development will consist of the demolition of 2 no. single storey existing bungalow dwellings on site (c.203.3 sq.m GFA total) and the construction of an apartment building ranging in height from 4-6 storeys comprising 47 no. 1 bed 'Housing for Older People' apartment units. The development also proposes

approximately 366 sq.m of communal amenity space (278 sq.m landscaped communal open space and 88 sq.m internal communal amenity area), balconies/ terraces associated with individual apartment units, associated secure bicycle parking (54 no. spaces), surface level car parking (4 no. spaces), bin storage, ESB substation, boundary treatments, hard and soft landscaping and all other associated site works above and below ground on an overall site area of c. 1910 sq.m. Vehicular and pedestrian access to the development will be from new access points along Malahide Road.”

It is noted that this file is the subject of a separate appeal to An Bord Pleanála under Reference: PL29N.314445. A decision in respect of the file has not been made yet.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant plan for the subject site. The site is zoned ‘Zone Z1 Sustainable Residential Neighbourhoods’. The general objective for such areas is to protect, provide and improve residential amenities.’

In Chapter 8 Sustainable Movement and Transport of the plan, it is the policy of Dublin City Council “*to provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking.*”

Appendix 5 Transport and Mobility: Technical Requirements which addresses transport and mobility technical requirements should be read in conjunction with Chapter 8 of the plan and details Car Parking Standards specifically in Section 4.0 and in particular Section 4.3 Parking in Front Gardens. The plan considers 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.*”

Section 4.3.1 is prescriptive in terms of the design and dimensions of entrances and parking spaces. Of particular note:

- *“Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.”*
- *“For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates”.*
- *“The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath, or where safe access and egress from the proposed parking space cannot be provided, for example on a very busy road, opposite a traffic island or adjacent to a pedestrian crossing or traffic junction or where visibility to and from the proposed access is inadequate. In certain circumstances, applicants may be required to demonstrate that vehicles can turn within the site and exit in forward motion.”*

5.2. Natural Heritage Designations

There are no relevant natural heritage designations in respect to the subject site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

5.4. Appropriate Assessment

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), Appropriate Assessment (AA) Screening has been undertaken to assess, in view of best scientific knowledge and the Conservation Objectives of relevant European sites, if the development individually or in-combination with other plans or projects will result in likely significant effects on a European site(s).

It is considered Appropriate Assessment is not required as the project individually or in-combination with other plans or projects is not likely to have a significant effect on any European sites. The risk of likely significant effects on European sites can be excluded on the basis of objective evidence.

This is based on the location, scale, extent, and duration of the development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

6.0 The Appeal

6.1. Grounds of Appeal

A letter submitted with the appeal on the 19th of Dec November 2022 from Alana Blennerhassett contains the grounds of the appeal. The grounds on which the appeal is being taken are on the single point that access changes should be restricted and not encouraged on cycle lanes and public transport routes.

The appeal notes that the appeal site will have access and egress to Quality Bus Corridor and an existing cycling lane. The requirement for such an access is also queried by the appellant.

6.2. Applicant Response

No response was received from the applicant in respect of this appeal.

6.3. **Planning Authority Response**

No response was received from the planning authority in respect of this appeal.

6.4. **Observations**

No observations were made to An Bord Pleanála in respect of the appeal.

6.5. **Further Responses**

No further responses were sought from any party in respect of this appeal.

7.0 **Assessment**

Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the key issues in this appeal are those raised in the grounds of appeal namely the Principle of the Development and Compliance with Development Plan Standards.

7.1. **Principle of the Development**

The site is zoned 'Zone Z1 Sustainable Residential Neighbourhoods'. The general objective for such areas is 'to protect, provide and improve residential amenities'. Alterations to existing residential properties are acceptable in principle. However, such alterations are subject to the policies and standards set out in the Dublin County Development Plan 2022-2028 including traffic safety which are dealt with below.

The appellant has stated that the applicant has provided no legitimate reason to carry out the alteration. While this is the case, the vehicular entrances are already in existence and use. The widening of same would not materially alter the principle of the development at the site in of itself.

7.2. **Compliance with Development Plan Standards**

The appellant raises issue with access to the public roadway and in particular the fact that the road is a main city throughfare with a Quality Bus Corridor and cycle lanes. Again, the vehicular entrances at this site are already in existence and use. The widening of an existing entrance in of itself would not result in the intensification

of use per se. The widening of an existing entrance would not necessarily result in any material change or impact to the operation of the Quality Bus Corridor and cycle lane either.

The matter of whether access should be restricted in its entirety is not relevant given the entrance is already in existence. There is no specific policy to restrict existing access in scenarios like this. As discussed in Section 7.1, alterations to existing residential properties are acceptable in principle subject to the policies and standards set out in the Dublin County Development Plan 2022-2028. Were it an application to open a new vehicular access point at this location the assessment may be different – but this not the case.

In considering the design of the proposed development, however, there are standards that should be applied, in the interest of safety and to protect road users at this location including pedestrians, cyclists and the bus lane. These standards are set out in Appendix 5 Transport and Mobility: Technical Requirements of the plan which addresses transport and mobility technical requirements. Section 4.3.1 is prescriptive in terms of the design and dimensions of entrances and parking spaces.

Specifically, the vehicular opening does not achieve the requirement to be at least 2.5 metres or at most 3 metres in width. The application documents state that the width of the opening will be 3.3 metres and 3.4 metres, respectively. In the interest of safety, it is recommended that the entrance widths be limited to maximums set out in the plan. This was also a condition in the decision of Dublin City Council.

It is noted that this file is the subject of a separate appeal to An Bord Pleanála under Reference: PL29N.314445. Any alterations specific to this application will be assessed in the context of that proposed development.

8.0 Recommendation

The proposed development is considered to be consistent with the Dublin City Development Plan 2022-2028 and the proper planning and development of the area. It is recommended that the permission be granted permission subject to certain conditions.

9.0 Reasons and Considerations

Having regard to the existing entrance and the provisions of the Dublin City Development Plan 2022-2028, including the zoning objective for the site and the provisions of Appendix 5 Transport and Mobility: Technical Requirements. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan and would be acceptable in terms of public and traffic. 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>The vehicular entrances shall not exceed 3.0 metres in width and shall not have outward opening gates. A revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public safety.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution</p>

4.	<p>Any ancillary works to facilitate the development on lands outside the site shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development</p>
5.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</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.

.Tomás Bradley,
Senior Planning Inspector

27th July 2023