



An  
Bord  
Pleanála

## Inspector's Report ABP315863-23

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<b>Development</b>	Proposed widening of front entrance to create vehicular access and off-street parking
<b>Location</b>	16 Melvin Road, Terenure, Dublin, D6W Y060
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	5256/22
<b>Applicant(s)</b>	Katie O'Brien and Alan White
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission for one reason
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Katie O'Brien and Alan White
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 May 2023
<b>Inspector</b>	Diarmuid Ó Gráda

## 1.0 Site Location and Description

- 1.1. The appeal concerns a Dublin city property located between Kimmage and Terenure, Dublin 6. Melvin Road runs south from Mount Tallant Avenue and it comprises mostly two-storey terraced houses. The application site is situated on the west side of Melvin Road, 60 metres approx. south of Mount Tallant Avenue. It is occupied by a two-storey mid-terrace house with a pitched roof. It was built over half a century ago.

The site has a stated area of 156 sq. meters. This house follows the established pattern and it has a rear garden of 16 meters approx. that backs onto the houses at Neagh Road which lie to the west, and generally follow the same pattern.

All the houses in this area were laid out on the *Garden City* model, with front and rear gardens, often combined with a roadside grass verge planted with some trees. Street junctions have chamfered corners where there are attractive grass areas planted with trees.

At Melvin Road there is a consistent building line of 6 metres approx. Some of the front fence (cast iron railings) at this site has been removed.

## 2.0 Proposed Development

- 2.1. It is intended to convert the front garden area into an off-street parking area. This would entail removal of the street frontage marked by iron railings and forming a dished vehicular access 4 meters wide approx. across the verge/footpath.

## 3.0 Planning Authority Decision

Dublin City Council decided to refuse permission for a single reason, briefly, contravention of the City Development Plan (Section 15.6.9, Appendix 5, Section 4.3.2) because of the damaging impact on a mature roadside tree and the consequent

serious injury to residential amenity. There would, in addition, be an undesirable precedent established.

### **3.1. Planning Authority Reports**

#### **3.1.1. Council planner's Report**

Under the Development Plan any such vehicular gateway relating to proposals for off-street parking within front gardens serving a single dwelling shall be 2.5 meters wide minimum and 3 meters maximum, with gates opening inwards only. Any such parking space shall basically measure 3 meters by 5 meters, thereby allowing the vehicle to exit the property moving forwards. There shall be no interference with street trees. A minimum clearance will be required between any street tree and the proposed edge of the surface dishing.

#### **3.1.2. Other Technical Reports**

3.1.3. The Transportation Planning Division noted the parking area would be greater (3.75 meters) than the dimensions of a motor car and would exceed the maximum permissible width of 3 meters. In addition, the vehicular access would not provide the necessary 1.5 meters buffer from the adjoining roadside verge tree. Moreover, a narrower access would still be too close to that tree.

3.1.4. No objection was raised by the Drainage Division subject to provision of sustainable drainage for surface water.

### **4.0 Planning History**

Ref. no. 4072/18 - permission was granted for a vehicular access at no.45 Mount Tallant Avenue, Dublin 6W.

Ref. no. 3141/20 - permission was granted for a vehicular access at no.77 Mount Tallant Avenue, Dublin 6W.

## 5.0 Policy and Context

### 5.1. Development Plan

In the City Development Plan this site is shown within the A zone where the stated objective of the Council is to protect, provide and improve residential amenities.

The most directly relevant part of the Development Plan is Appendix 5, including Section 4.3 generally and especially Section 4.3.2. The Council states that parking within front gardens may be refused where residents rely on on-street parking and there is a strong demand for such parking. Otherwise, any gateway shall be 2.5 meters to 3 meters wide and it shall open inwards only. Any front garden car parking space shall measure 3 meters by 5 meters, with adequate maneuvering area.

Any vehicular entrance shall not interfere with street trees. A financial security will be required by the Council. It is stated that any new entrance that would result in the removal, or damage to, a street tree will not generally be permitted.

Any entrance close to a tree must adopt protective measures. A minimum clearance will be required between the surface of the tree trunk and the edge of the dishing surface.

Section 15.6.9 states that trees and hedgerows add a sense of character and maturity. In assessing planning applications the Council will consider, *inter alia*, the visual/amenity contribution of trees to the streetscape.

Appendix 5, Section 4.1 includes a drawing that sets out minimum separation standards between any kerb-side tree and the entrance dishing surface, viz. 1.5 meters for a small tree, 2.5 meters for a medium tree and 3.5 meters for a large tree.

### 5.2. Natural Heritage Designations

Not applicable

### 5.3. **EIA Screening**

6.0 Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, 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.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

7.2. The grounds of appeal (first party) may be summarised as follows.

The narrow width of the street, with a carriageway of 4.6 meters approx., gives rise to parking on the public footpath. Off-street parking, using an entrance of 2.5 meters, would avoid congestion and traffic hazard.

There are precedents for this form of vehicular entrance in the locality. Section 16.3.3 of the 2016 Development Plan made provision for street trees viz. where a tree had to be removed in the course of development, that a financial contribution would be paid to the Council in lieu. That is what is now proposed.

There are precedents for a buffer of 0.5 meter for larger trees whereas the current proposal would allow at least one meter. In addition, it is intended to plant trees within the front and rear gardens of the house.

### 7.3. **Planning Authority Response**

None

### 7.4. **Observations**

None

### 7.5. **Further Responses**

None

## 8.0 **Assessment**

8.1. This group of six houses forms a terrace which is well balanced in terms of consistency and appearance. The central pair of houses (that includes no.16) are decorated with elements that enhance the streetscape arrangement. Both of them has a two-storey feature stepped forward 0.2 meter approx. and topped with a pediment. This balanced design adds to the terrace and any material intervention to the foreground would visually unsettle it. In that light, the intended breach of the street frontage, almost 4 meters wide, would present a material change to the *Garden City* design of the streetscape.

8.2. Features of the estate have been extensively eroded. Many of the houses in the vicinity have off-street parking provided by paving all or part of the front garden. That appears to have come about largely from the impact of rising car ownership in the area. The growing demand to convert gardens to off-street parking is part of the planning consideration but so too is the demand for kerb-side parking for visitors. Growing car ownership, including households with more than one vehicle, is bound to put pressure on the estate carriageway which has a relatively modest width.

8.3. Apart from the amenity/heritage context of the tree, a balance must be struck for parking itself. Forming a splayed/dished access would have an impact on kerb-side parking. Where the carriageway is narrower (5 metres approx.) on this street the consequent vehicular turning requirements would increase the loss of on-street parking. All demands for off-street parking in front gardens could not be met where the capacity is generally confined to one car parking space per site.

- 8.4. Roadside grass verges have been covered with tarmac or compacted gravel and that will put pressure on the verge trees. Buffer areas surrounding these trees are required to avoid overrunning vehicles that bring soil compaction and drainage constriction, resulting in die-back and/or fracture of the roots. The tree in this case really stands out in the streetscape. It is a weeping species with a wide crown. Its overall height is comparable with that of the houses. Its size is within the 2.5 meter or 3.5 meter category (medium or large) cited by the Council for necessary lateral separation purposes.
- 8.5. The applicant has offered to pay a financial contribution to the Council for a replacement tree to be planted elsewhere. That would initially appear to resolve the issue but on closer consideration it would ultimately fail. Those entrances would be closely spaced, leading inevitably to sequential and cumulative felling of verge trees. That would remove a telling feature of the estate layout.
- 8.6. In my opinion the balance in this case should allow the protection of the streetscape features.

## 9.0 Recommendation

It is recommended that permission be refused.

## 10.0 Reasons and Considerations

The proposed vehicular access and the associated dishing would negatively impact on the mature street tree set in front of the property and would therefore be contrary to Section 15.6.9, Appendix 5, Section 4.3.2, and of the Dublin City Development Plan 2022-2028 and would seriously injure the amenities of property in the vicinity. The development was set an undesirable precedent for other similar developments which would in themselves, and cumulatively, be contrary to the proper planning and sustainable development of the area.

*Diarmuid Ó Gráda*

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Diarmuid Ó Gráda  
Planning Inspector

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9 May 2023