



An  
Bord  
Pleanála

## Inspector's Report ABP315891-23

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<b>Development</b>	Retention of widened vehicular entrance from 3.6m to 5.6m and all ancillary works.
<b>Location</b>	67, Mounre Road, Dublin 12. D12X2C8.
<b>Planning Authority</b>	Dublin City Council South.
<b>Planning Authority Reg. Ref.</b>	5341/22
<b>Applicant(s)</b>	Linda O'Keeffe
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party
<b>Appellant(s)</b>	Linda O'Keeffe.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> May 2023
<b>Inspector</b>	Des Johnson.

## 1.0 Site Location and Description

- 1.1. The site is located on the south side of Mourne Road, at the junction between Mourne Road and Donard Road, Drimnagh, Dublin 12.
- 1.2. No.67 is a two storey, 3 bedroom end of terrace dwelling with a single storey extension to the side. It has both vehicular and pedestrian entrances. The kerb is dished for approximately half the width of the vehicular entrance. There is a double yellow line on Mourne Road extending for approximately 1.5m from the easternmost pillar of the vehicular entrance. The entrance leads to a concreted area to the front of the dwelling. The total site area is stated to be 210sqm.
- 1.3. Many of the houses in the vicinity have wide vehicular entrances and concreted parking areas to the front. These include the adjoining terraced houses to the west of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposal is to retain the widening of a vehicular entrance from 3.6m to 5.6m and all ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

By decision order no. P2310, dated 2<sup>nd</sup> February 2023, the planning authority decided to refuse permission for 1 reason. This states that the maximum permitted width for vehicular entrances, as set out in Appendix 5 of the City Development Plan, is 3m, The proposed development would set an undesirable precedent for similar developments and be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The Dublin City Development Plan 2022-2028 was adopted on 2<sup>nd</sup> November 2022 and came into effect from 14<sup>th</sup> December 2022. All applications onwards are assessed under the new Plan.

3.2.3. Other Technical Reports

The Transportation Planning Division report recommended refusal. Exceptional site circumstances do not exist to warrant a vehicular access of 5.6m.

The Drainage Division report raises no objection.

## **Planning History**

Ref: 3737/21 – Permission granted at this property for demolishing an existing ground floor garage to the side of existing house and replacing with new ground and first floor extension to the side connecting to the existing ground floor extension to the rear and creating new access to rear garden.

Ref: 4855/22 – Retention permission granted at this property for changes to approved development under 3731/21. Condition 5 states that no permission is granted for a widening of the vehicular entrance to the premises and that the front wall and pillar shall be reinstated for reason of ensuring a satisfactory standard of development.

## **4.0 Policy and Context**

### **4.1. Development Plan**

The site is in an area zoned Z1 – to protect, provide and improve residential amenities.

Appendix 5 relates to car parking standards. Paragraph 4.3.1 refers to vehicular entrances dimensions and surfacing. For single residential dwellings, the vehicular opening proposed shall be at least 2.5m or at most 3m in width. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4m.

## 4.2. **Natural Heritage Designations**

4.3. Having regard to the nature and scale of the development in a residential area, the development by itself, or in combination with other plans or projects, would not be likely to have a significant effect on any sensitive receptors in any designated European site. As such, Appropriate Assessment is not required.

## 4.4. **EIA Screening**

4.5. The development proposed is not of a class to which the EIA Directive applies, and does not include any works which, by themselves, come within any class to which the EIA Directive applies. Furthermore, there is no likelihood of significant effects on the environment arising. As such, the need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required.

## 5.0 **The Appeal**

### 5.1. **Grounds of Appeal**

These may be summarised as follows:

- Precedence has already been set in this area.
- 30/40 houses along this section of road have entrances all in excess of 3m. Photographs are submitted in support of this point.
- Along the appellants terrace of houses, this is the last house to get the widening done. The appearance of the completed work complements the area. Kerbing is not needed.

## 5.2. **Planning Authority Response**

None on file.

## 5.3. **Observations**

None on file.

## 6.0 **Assessment**

- 6.1. The proposal is to retain a vehicular entrance widened from 3.6m to 5.6m, and all ancillary works. The planning authority has refused permission to retain for a single reason. The reason for refusal states that the proposal for retention would set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.
- 6.2. The reason for refusal makes specific reference to Appendix 5 of the Dublin City Development Plan 2022-2028. This Appendix relates to Transport and Mobility and lists technical requirements, including a maximum permitted width for vehicular entrances of 3.0m. The Transportation planning Division Report recommends refusal and states that exceptional site circumstances do not exist to warrant a vehicular access of 5.6m.
- 6.3. There are good sightlines at the entrance to be retained and no traffic safety issues have been raised and none arise from the development. Many of the houses on Mourne Road have vehicular entrances and these vary in width with many exceeding 3m. In these circumstances, the proposed retention, while exceeding the 3m width referenced in Appendix 5 of the Development Plan 2022-2028 (adopted on 14<sup>th</sup> December 2022), is not out of character with the existing pattern of development in the area.
- 6.4. Having regard to the circumstances outlined, I conclude that the retention of the subject vehicular entrance would not be contrary to the proper planning and sustainable development of the area.

## 7.0 Recommendation

7.1. I recommend that permission be granted for the retention of the vehicular entrance.

## 8.0 Reasons and Considerations

Having regard to the existing pattern of development in the area, including vehicular entrances of varying widths, and to the sightlines available from the vehicular entrance to be retained, it is considered that the proposed development to be retained would not set an undesirable precedent in the area and would be consistent with the proper planning and sustainable development of the area.

## 9.0 Conditions

1.	The vehicular entrance to be retained shall be maintained in accordance with the plans and particulars submitted with the application for permission to the planning authority on 2 <sup>nd</sup> December 2022.  <b>Reason:</b> To clarify the nature and extent of development being hereby permitted.
2.	

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Des Johnson  
Planning Inspector

25<sup>th</sup> May 2023