



An
Bord
Pleanála

Inspector's Report ABP315966-23

Development	Widen pedestrian access to create a new vehicular entrance for off street parking and EV charging for 1 car
Location	155, Windmill Road, Crumlin, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	5415/22
Applicant(s)	Anne Marie Doran
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Anne Marie Doran.
Observer(s)	None.
Date of Site Inspection	24 th May 2023
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located on the south-eastern side of Windmill Road, approximately 40 metres north-east of its junction with Captain's Road in Crumlin, Dublin 12. No. 155 is a two-storey terraced dwelling with a short front garden (stated to be 5.5m) bounded by a low wall and hedging. On the opposite side of Windmill Road is a large public park and a childcare centre. At the time of inspection, I noted parking both sides of the road, including vehicles on the footpath outside the childcare centre picking up children from the centre.
- 1.2. On the public footpath to the front of No. 155 there is a mature roadside tree. There is a public lighting pole on the kerbside just north of the extended boundary line between Nos 155 and 153.

2.0 Proposed Development

- 2.1. Widen pedestrian access to create a new vehicular entrance for off street parking and EV charging for 1 car.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason. The proposed development would negatively impact on the mature street line set in front of the property contrary to provisions of the Dublin City Development Plan 2022-2028 and the Dublin Tree Strategy and would seriously injure the amenities of property in the vicinity. Undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is a street tree to the front and there is also a public lighting standard on the footpath. The report notes that a number of dwellings benefit from in-curtilage parking, but the majority of these are noted as constrained due to front garden depth.

3.2.2. Other Technical Reports

Transportation Planning Division recommend refusal. The street tree and public lighting standard are noted. The site plan drawing as regards tree location alters from the elevation drawing and does not appear to match the on-site location. Parks Division object to the proposed development due to potential impact on the street tree.

4.0 **Planning History**

None on file.

5.0 **Policy and Context**

5.1. **Development Plan**

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

7.0 Appendix 5 relates to car parking standards. Vehicle entrances shall be designed to avoid creation of a traffic hazard. In all cases the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or to widen any existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted, or, where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction and a financial security required to cover any damage caused.

7.1. **Natural Heritage Designations**

7.1. None relevant.

7.2. **EIA Screening**

7.3. The development proposed is not of a class to which Schedule 5 of the Planning and Development Regulations 2001, as amended applies, and does not include any

works which, by themselves, come with any class to which the Regulations apply. 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.

8.0 The Appeal

8.1. Grounds of Appeal

These may be summarised as follows:

- This is a very busy street with many facilities in the immediate area. The appellant cannot park outside or near her house on many occasions. The weekly food shop must be carried from wherever a parking space can be found and this is not sustainable in the long run.
- The appellant is going to buy an electric car and will be unable to charge this if unable to park outside her house.
- Planning guidelines provide for the removal of trees in public areas.
- The tree outside 155 Windmill Road is not suitable for an urban environment, producing large amounts of sap in summer, causing damage to residents' cars.
- On street parking is the highest risk option for break ins and damage to cars, resulting in higher insurance premiums.

8.2. Planning Authority Response

None on file.

8.3. Observations

None on file.

9.0 Assessment

9.1. I have read the file, inspected the site, considered the planning authority's decision and the grounds of appeal, and I consider that the key planning issues to be assessed are as follows:

- Impact on existing street tree line
- Precedent
- Traffic safety
- Appropriate assessment

9.2. The existing street tree line along this side of Windmill Road is sparse, and it appears that trees along the road may have been previously removed to accommodate vehicular access to the houses along the south-eastern side of the road along this stretch. The kerbside tree outside No. 155 is outside the site boundary and there is no indication that it is to be removed in the proposed development. I note from the drawing submitted that there appears to be a difference in the location of the tree between the 'elevation drawing' and the 'part site plan'. As there is no specific proposal to remove the kerbside tree, and it is located outside the application site boundary, it can be assumed that the tree would be retained in the event of the vehicular entrance being permitted, as indicated on the submitted drawing. Kerbside dishing is indicated as being 2.5m from the tree trunk. In these circumstances, I conclude that there would not be likely impact on the existing tree line along this side of Windmill Road.

9.3. Having regard to the existing pattern of development in the area, where a number of houses have vehicular access to on-site parking, and to the existing sparse tree line along this stretch of Windmill Road, I conclude that the proposed development would not be likely to give rise to an undesirable precedent.

9.4. In addition to the issue of the existing kerbside tree discussed in para. 9.2 above, there is an existing kerbside public lighting pole just to the north-east of the extended boundary between Nos.155 and 153. This is not shown on the drawing submitted to the planning authority. It is outside the application site boundary. It can be assumed that this pole would remain in its current position on the kerbside. In circumstances where the lighting pole and kerbside tree would remain, I conclude that sightlines at

the proposed vehicular entrance in both directions along Windmill Road would be seriously restricted and traffic movements at the proposed entrance would endanger public safety by reason of traffic hazard.

- 9.5. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the absence of a pathway between the application site and any European site, it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

10.0 Recommendation

- 10.1. I recommend that planning permission be refused.

11.0 Reasons and Considerations

There is an existing kerbside tree and a kerbside public lighting pole on the footpath outside the application site boundary. These features would seriously restrict sightlines in both directions along Windmill Road, and traffic movements at the proposed vehicular entrance would endanger public safety by reason of traffic hazard.

Des Johnson
Planning Inspector

23rd June 2023

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.

