



An
Bord
Pleanála

Inspector's Report ABP316182-23

Development	Retain vehicular access and bin enclosure.
Location	46 St Aidan's Park Road, Marino, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1011/23
Applicant(s)	Helen Deegan.
Type of Application	Retention Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First V Condition 2
Appellant(s)	Helen Deegan
Observer(s)	None
Date of Site Inspection	4 th June 2023
Inspector	Hugh Mannion

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
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.7. Natural Heritage Designations	6
5.8. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	7
6.4. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The application site comprises an end of terrace house at 46 St Aidan's Park Road Marino, Dublin 3. The house is two storey and has a single storey extension running along the northeastern boundary where it adjoins the public road. The major piece of public open space – Marino Park – serving the overall development is across the road to the northwest. The front boundary with St Aidan's Park Road comprises a brick wall topped with wrought iron grill. The new vehicular access is 3.5m wide and the wooden bin store is within the site behind the boundary wall.
- 1.2. Marino dates generally from the 1930's and was influenced by the British garden city movement. Originally the curtilages of the houses were defined by metal boundary fences comprising horizontal metal railings with metal uprights and pedestrian gates. Many of these have been removed and replaced with a variety of boundary treatments – including open boundaries and front garden parking.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of an existing vehicular entrance and a bib storage structure at 46 St Aidan's Park Road, Marino, Dublin 3.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted planning permission subject to condition number 2.

The applicant shall comply with the following roads and traffic requirement.

- a) Within 6 months of the date of the decision the existing low wall and pier shall be reconstructed on the southeast side of the entrance to provide a vehicular entrance with a maximum width of 2.5m. The vehicular entrance shall not have an outward opening gate.
- b) Footpath and kerb shall be dished and entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.

- c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- d) The developer shall be obliged to comply with the requirements set out in the code of practice.

Reason: In the interests of pedestrian and vehicular safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner recommended a grant of permission as set out in the Chief Executives Order.

3.2.2. Other Technical Reports

Drainage Division reported no objection to the proposed development.

Transport Planning recommended refusal on the basis of non-compliance with Development Plan standards for domestic site entrances or alternatively the attachment of a condition along the lines of Condition 2 as attached in the order to grant permission.

4.0 Planning History

- 4.1. WEB1360/22 A previous grant of permission for a generally similar development also included a condition limiting the width of the vehicular entrance to 2.5m.

5.0 Policy and Context

5.1. Development Plan

5.2. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2022 – 2028 “To protect and/or improve the amenities of residential conservation areas”.

5.3. Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.4. Appendix 5 Transport and Mobility Technical Requirements provides that.

5.5. **4.3.1 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. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

5.6. **4.3.2 Impact on Street Trees** In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and 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 to safeguard against any damage caused and a financial security required to cover any damage caused (see Chapter 15 for further details). Transport and Mobility:

Technical Requirements | Appendix 5 261 The extent of the associated dishing of the footpath and kerb for a vehicular entrance shall not negatively impact on existing street trees and tree root zone. A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing. Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree. In the event the minimum clearance cannot be achieved, consultation with the Parks, Biodiversity and Landscape Services Department will be required to ascertain the acceptability of the potential loss of a street tree as a result of the proposed development and associated dishing.

5.7. Natural Heritage Designations

Not relevant.

5.8. EIA Screening

5.9. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- An existing signpost and tree immediately to the southeast of the entrance requires a wider arc turn and, combined with restricted width of the public road fronting the site requires a wider gate entrance.
- The narrow width of the public road and on-street parking also limit the room for car manoeuvres which supports the case for a wider entrance.
- The 3.5m wide entrance allows for a car to be parked on the diagonal thus allowing access to the electrical charging point and for circulation on foot around the car.

- There are several examples of comparable entrances permitted by the planning authority in the area.
- The design and materials of the revised entrance is in keeping with the character of the area.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

6.4. **Further Responses**

- None

7.0 **Assessment**

- 7.1. Having reviewed the application, the appeal and conducted a site visit I consider that the only planning matter at issue in this case is Condition 2 (the sole subject of the appeal) and that no other planning matters need to be considered by the Board.
- 7.2. Condition 2 has 4 parts but the significant one is 2(a) which requires the narrowing of the constructed gate way to 2.5m. The applicant sets out a case as to why this requirement will significantly limit the utility of the driveway/parking space. Of note is the existence of a traffic information sign and a tree immediately to the east of the opening which limits the angle at which a car can enter the car parking space from that direction. Additionally, the street is narrow (4.5m wide) and sometimes there are parked cars on the opposite side of the road which also impact on the ease of manoeuvrability in relation to the car space.
- 7.3. The site is zoned as Residential Neighbourhoods (Conservation Areas) in the Development Plan. This zoning is applied to more sensitive parts of the city which the Development Plan describes as “residential conservation areas (that) have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale”. The Development Plan continues that “the

overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area". The application site is a corner site facing on a significant element of public open space (Marino Park) and I consider that development within this site should be respectful of this context and the Development Plan policy in relation to re-development projects.

- 7.4. This is the second application where the planning authority sought to amend the proposed development in a manner consistent with the land use zoning objective and the requirement to limit the width of vehicular entrance in accordance with the policy at Appendix 5 Transport and Mobility Technical Requirements - 4.3.1 Vehicular Entrances quoted above. There is some room in Appendix 5 to accommodate individual circumstances and while the standard width is 2.5m for a single residential dwelling, the Development Plan does allow for "at most 3 metres in width and shall not have outward opening gates". This represents a reasonable compromise which would allow the applicant to access the parking space, while to a reasonable extent, respecting the rhythm of front garden openings in the area.
- 7.5. I note the points made in the appeal in relation to several houses in the area where one or two parking spaces have been created in front gardens. Many of these have occasioned the loss of all boundary treatment between individual sites and the public street and the loss of shared on-street parking. I conclude that these developments do not have adequate regard to the residential conservation objective for the area set out in the City Development Plan and do not provide an adequate template for other boundary/front parking arrangements.
- 7.6. **Appropriate Assessment Screening**
- 7.7. 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 it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

8.1. I recommend attaching an amended condition set out below.

9.0 Reasons and Considerations

9.1. Having regard to the residential conservation zoning for the area set out in the Dublin City Development Plan 2022 – 2028, the pattern of front garden access arrangements in the area and the necessity to avoid traffic hazard it is considered that the amended condition number 2 set out below would allow a reasonable level of vehicular manoeuvrability between the public road and the on-site car parking space consistent with the City Development standards and the protection of pedestrian and traffic safety.

10.0 Conditions

2.	<p>Within 6 months of the date of this order the applicant shall submit plans and particulars, including a time scale for implementation, for a revised vehicular entrance with maximum width of 3m. There shall be no outward opening gates and the footpath, if required, shall be dishd to the satisfaction of the planning authority.</p> <p>Reason: To protect the amenity of a residential conservation area and pedestrian and traffic safety.</p>
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Hugh Mannion
Senior Planning Inspector

4th June 2023