



An
Bord
Pleanála

Inspector's Report ABP316292-23

Development	<ol style="list-style-type: none">1. New vehicular entrance.2. Amend garage and connect to main house with single storey extension.
Location	236 Ballymun Road, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	5249/22
Applicant(s)	John Barrett
Type of Application	Permission
Planning Authority Decision	Split Decision – Refuse new vehicular entrance.
Type of Appeal	Applicant V Refusal
Appellant(s)	John Barrett
Observer(s)	None
Date of Site Inspection	4 th June 2023.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site comprises a two-storey semidetached house on the inward/city bound side of the Ballymun Road, Ballymun, Dublin 9. At this point Ballymun is a dual carriageway with a grassed/planted median line. There is a traffic lane, a bus lane, a bike lane and a pedestrian footpath fronting the application site. At present there is a shared access between the application site (236 Ballymun Road and the adjoining house to the north (238 Ballymun Road). Both sites have separate pedestrian gates. South of this site and closer to the city that original arrangement of a shared vehicular access for adjoining houses has been altered in many cases.

2.0 Proposed Development

- 2.1. The proposed development comprises two elements.
1. the provision of a new vehicular entrance to the front of 236 Ballymun Road, Dublin 9.
 2. Change the existing garage door to pedestrian door and window. The provision of a door and two rooflights on the side elevation of the garage and a new ground floor extension to the rear connecting the amended garage to the main house.

3.0 Planning Authority Decision

- 3.1. **Decision**
- 3.2. The planning authority made a split decision.
- 3.3. **Grant permission** for changing the existing garage door to a pedestrian door and window. The provision of a door and two rooflights on the side elevation of the garage and a new ground floor extension to the rear connecting the main house to the amended garage.
- 3.4. **Refuse permission** for the provision of a new vehicular entrance to the front of 236 Ballymun Road, Dublin 9.

3.5. Planning Authority Reports

3.5.1. Planning Reports

The Chief Executives order reflected the planning officer's recommendation to refuse the new vehicular entrance and grant the remaining elements of the proposed development.

3.5.2. Other Technical Reports

The **Transport Planning Division** recommended refusal because the existing vehicular entrance is shared with the neighbouring house and serves the site adequately. The provision of an additional access would endanger public safety by reason of traffic hazard.

Drainage Division reported no objection.

4.0 Planning History

1737/03 permission granted on same site for rear family room extension.

5.0 Policy and Context

5.1. Development Plan

5.2. The application site is zoned Z1: To protect, provide and improve residential amenities in the **Dublin City Development Plan 2022-2028**.

5.3. The City Development Plan Appendix 5 – Transport and mobility provides that:

4.3.1 Dimensions and Surfacing 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.

5.4. Natural Heritage Designations

Not relevant.

5.5. EIA Screening

5.6. 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

- The application site shares a vehicular access with its neighbour (238 Ballymun Road). Of the 24 houses in this stretch of road 12 have separate access points and dished footpaths.
- The applicant has lived in the house for 37 years and in that time has crossed a footpath, bike lane and a bus lane and done so with appropriate care for other road users.
- In the recent past the planning authority has granted permission on the opposite side of Ballymun Road for a mix of houses and apartments without reference to traffic safety.
- An additional individual access would be safer than the current shared narrow access.

6.2. Planning Authority Response

- The Board is requested to support the decision of the planning authority and apply a section 48 contribution condition.

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Background

7.2. The planning authority made a split decision to **grant permission** for the works to the existing single storey garage on site and an extension that will connect the amended garage to the main house and to **refuse permission** for the additional vehicular entrance onto Ballymun Road. The applicant has appealed only the refusal element of the decision.

7.3. Having regard to the modest scale of the single storey garage, the limited interventions (addition of a door and windows, the orientation of the existing garage and absence of impacts for adjoining property) I conclude that that this element of the proposed development is acceptable in terms of residential amenity and impacts on adjoining property.

7.4. The applicant has appealed only the refusal of permission for the new vehicular entrance from Ballymun Road and my assessment will concentrate on this element of the application which is the subject of the appeal.

7.5. Vehicular Entrance.

7.6. Ballymun Road links the city to the M50 north of Ballymun village. The application site is on the inbound carriageway of Ballymun Road which is a dual carriageway at this point. There is a bus lane, cycle path and footpath fronting the site.

7.7. The City Development Plan states that the dimensions and surfacing of 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.

- 7.8. The planning authority's Transport Department notes that there is an existing shared vehicular entrance between number 238 and 236 and that this facilitates parking in the front garden of the application site. The applicant states that he has lived in the house for 37 years, has traversed the bus lane, bike lane and footpath over that period with appropriate regard to other users and that the proposed entrance would be in fact safer than the shared entrance. The appellant makes the further point the several of the neighbouring houses have individual entrances.
- 7.9. The application site is one of a group of semi-detached houses on the eastern side of Ballymun Road comprising numbers 194 to 240. All these houses shared a vehicular access which allowed cars access to a rear garage. Over the years, a point made by the applicant, many have been amended to provide individual accesses onto Ballymun Road. Some of these have no roadside boundary treatment and sometimes the entire front garden has been paved to accommodate multiple car parking spaces.
- 7.10. The issue is correctly identified by the planning authority to be the risk for traffic safety. The particular circumstances of the application site: facing onto a combined major traffic artery between the city centre and the M50, a bus lane, bike lane, pedestrian footpath and a nearby bus stop (in front of number 226 Ballymun Road) combine to make it necessary to limit new access points onto the public road at this point.
- 7.11. Having regard to the foregoing I conclude that the proposed development would give rise to additional traffic movements over the carriageway, bus lane, bike lane and footpath fronting the application site in a manner that would give rise to traffic hazard and that permission should be refused.
- 7.12. **Appropriate Assessment Screening**
- 7.13. 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 distance from any European site, 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 a grant of permission for the works to the garage for the reasons and considerations and subject to the conditions set out below and I recommend refusal for the new vehicular access for the reason and considerations set out below.

9.0 Reasons and Considerations – extension and works to the garage.

The application site is zoned Z1: To protect, provide and improve residential amenities in the Dublin City Development Plan 2022-2028. Having regard to the single storey nature of the existing garage, the modest scale of the amendments thereto, and the modest scale of the extension and subject compliance with the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of the existing house or other property in the vicinity would, otherwise, accord with the current City Development Plan and 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 as amended by the further plans and particulars submitted on the 22nd day of February 2023 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 existing dwelling, amended garage and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p>

	<p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

11.0 Reasons and Considerations – New Vehicular entrance.

	<p>Number 236 Ballymun Road is served by an existing shared vehicular entrance. The provision of an additional vehicular entrance would give rise to additional traffic movements to and from the public road at a point where there is a carriageway for vehicular traffic, a bus lane, a cycle lane and a pedestrian footpath and where the site is close to a Dublin City bus stop. Therefore, the proposed development would give rise additional traffic movements and endanger public safety by reason of traffic hazard and obstruction of pedestrians.</p>
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Hugh Mannion
Senior Planning Inspector

6th June 2023