



An
Bord
Pleanála

Inspector's Report

ABP-317113-23

Development	Construction of a garage and all associated works.
Location	163 Corrib Road, Terenure, Dublin 6W, D6W DF88
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3248/23
Applicant	Garrett O'Neil.
Type of Application	Permission.
Planning Authority Decision	Grant permission, subject to conditions.
Type of Appeal	First V. Condition Nos. 2 and 3(a).
Appellant	Garrett O'Neil.
Observer(s)	None.
Date of Site Inspection	5 July, 2023.
Inspector	Terence McLellan

1.0 Site Location and Description

1.1. The appeal site refers to the dwelling and plot located at 163 Corrib Road, Terenure, Dublin 6. The existing two storey, mid terrace dwelling, sits within a large rectangular plot, orientated north west. There is an existing off-street car parking space within the front garden. The rear garden is particularly deep and benefits from a pedestrian access onto a laneway that forms the rear boundary of the garden. This laneway runs along the rear of the properties on this section of Corrib Road, as well as Ashdale Road and Eaton Square. Various properties have detached garages that are accessed from this laneway, some of which are substantial in size. No vehicular access to this laneway is available from Corrib Road itself, the vehicular access points are located on Ashdale Road, Ashdale Gardens and Eaton Square. The immediate area surrounding the appeal site is residential in nature, characterised by two storey terraced dwellings.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a detached garage and storage room. The proposed garage would be single storey with a mono-pitch roof and would be positioned at the back of the rear garden, adjacent to the laneway. The garage would measure: 6,455mm in maximum width; 10,295mm in depth and 2,915mm in height along the boundary with 161 Corrib Road; 8,500mm in depth and 3,535mm in height along the boundary with 165 Corrib Road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Permission for the proposed development subject to conditions was issued on 18th April 2023. The conditions relevant to this appeal are condition Nos. 2 and 3(a) which read as follows:

2. The development hereby approved shall incorporate the following amendments:

- a) The roof profile of the garage structure shall be amended to comprise a flat roof profile with a maximum external height of 2.9 metres.

Reason: In the interests of orderly development and visual amenity.

3. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:

- a) The vehicular access and in curtilage parking at the rear shall be omitted from the development. Revised drawings detailing pedestrian access only, from the rear laneway, shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: To ensure a satisfactory standard of development.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports: The report from the Deputy Planning Officer was issued on the 17th April 2023 and forms the basis of the Council's assessment and decision. The report explains that the rationale behind the imposition of Condition 2 relates to the potential amenity impacts on the adjacent property at 165 Corrib Road due to the height and depth of the garage. Condition 2 seeks to minimise this by seeking a reduction in height through making the garage flat roofed instead of mono-pitch roofed.

- 3.2.2. With regard to Condition 3(a), the report explains that the proposed garage would result in the existing dwelling having three car parking spaces, when considered alongside the existing single off-street space to the front of the property and that this would be contrary to policy which places a maximum of one space per dwelling. Condition 3(a) aims to deal with this issue by placing a restriction on the proposed garage being used for car parking.

3.2.3. Other Technical Reports

- 3.2.4. Drainage Division (08.03.2023): No objection, subject to conditions. The conditions relate to SUDS, soakaways and the provision that all private drainage be located within the site boundary.

- 3.2.5. Transport Planning Division (27.03.2023): No objection, subject to conditions. As previously mentioned, the condition relates to omitting car parking and vehicular access from the garage and making the access onto the laneway pedestrian only. The

condition also provides for the recovery of costs incurred by the Council in making any necessary repairs and requiring the developer to comply with the Code of Practice.

3.3. Prescribed Bodies

3.3.1. Irish Water were consulted by Dublin City Council, but no response was received.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1.1. There is no relevant planning history for the appeal site. There are some historic applications for other garages in the immediate area. Most notably at 169 Corrib Road, dating back to 2005.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2022 – 2028 (CDP), categorises the site as zone 'Z1 – Sustainable Residential Neighbourhoods'. The stated objective for these areas is 'to protect, provide and improve residential amenities.'

5.1.2. Appendix 5: Transport and Mobility, sets out the technical requirements for all developments. Section 4 covers car parking standards and includes Table 2 which sets out parking standards for new development dependant on location and land use. Section 4.1 makes clear that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces or where there is a demand for public parking serving other uses in the area.

5.1.3. Appendix 18: Ancillary Residential Accommodation contains the relevant guidance and design principles for development within the curtilage of an existing dwelling.

Section 1.0: Residential Extensions, should be applied to the proposed development, with particular reference to the following sections:

- 1.1: General Design Principles
- 1.2: Extensions to Rear
- 1.4: Privacy and Amenity
- 1.5: Separation Distances
- 1.6: Daylight and Sunlight
- 1.7: Appearance and Materials.

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. The proposal does not constitute a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been lodged by RW Nolan and Associates of 54 Fitzwilliam Square, Dublin 4, for and on behalf of Garrett O'Neil of 163 Corrib Road, Dublin 6, against Condition 2 and Condition 3(a) of the planning permission. The grounds of appeal can be summarised as follows:

Grounds of Appeal on Condition 2

- The proposed garage would not have a negative impact on the area and the conditioned reduction in height would have minimal (beneficial) impact on 165 Corrib Road.
- No observations were submitted regarding concerns with the height.
- The garage would be at the rear of the very large garden and would be unlikely to have a prominent visual impact.

- The scale of the structure and the separation distances to adjoining properties is satisfactory.
- There are other similar garages in the area, notably at 169 Corrib Road.

Grounds of Appeal on Condition 3(a)

- No consideration has been given to the presence of existing garages on the fully vehicular accessible laneway.
- The proposal does not seek to increase car parking capacity. The garage would be used as a long term vehicle store for a vintage car and would not generate daily traffic movements.
- The parking space in the front garden would continue to provide the primary car parking space for the dwelling.
- Restricting the development to pedestrian access makes it unviable as the intention is to provide storage for a vintage car.
- There is precedent for this development in the area as the Council approved the garage at 169 Corrib Road.

6.2. Planning Authority Response

6.2.1. No response.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Having regard to the circumstances of this case, including the zoning objective for the site, site context, nature of surrounding development, and the nature of the conditions under appeal, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000 (as amended).

7.2. Condition 2

- 7.2.1. Condition 2 seeks to amend the design of the proposed garage from mono-pitch to a flat roof, thereby reducing the height of the garage along the boundary with 165 Corrib Road, from 3.53 metres to 2.9 metres. The rationale behind the condition is to mitigate potential amenity impacts to 165 Corrib Road, on the basis that the proposed garage would be overbearing as a result of its height and depth along the boundary.
- 7.2.2. The main issue in this case is whether or not the garage design as originally proposed would have an adverse impact on 165 Corrib Road, and whether the level of impact would be so significant that it would warrant the design of the garage to be amended by condition. In assessing this, I have considered the height and depth of the proposed garage, its position immediately on the boundary with 165 Corrib Road, and its location at the rearmost part of the garden.
- 7.2.3. The garage would have a depth of 8.5 metres along the common boundary. The rear gardens have significant overall depth and the proposed garage would be positioned 21 metres away from the rear wall of the main dwellinghouse at 165 Corrib Road and approximately 14 metres from the ground floor extension. This distance is sufficient to ensure there would be no significant amenity impacts on the dwellinghouse.
- 7.2.4. The main impact of the garage would be on the amenity of the rear section of the garden at No. 165. I do not consider that the proposed garage would be particularly overbearing on the rear garden either as a whole or when limited to the rearmost section. I consider that the scale of the garage and its location is such that it would not compromise the useability or the amenity of this section of the rear garden. I acknowledge that there would be some impact in terms of overshadowing, however this would generally be limited to the mornings and would affect only the rearmost section of the garden. I do not consider that a reduction in the height of the garage would have any significant beneficial effect on the transient overshadowing impacts, which I do not consider to be significant, in any event.
- 7.2.5. In conclusion, I do not consider the imposition of Condition 2 to be necessary in the context of the development and its potential impacts on the adjoining property nor do I consider the impacts to be so significant that mitigation would be required. I therefore recommend that the Planning Authority be directed to remove Condition 2.

7.3. Condition 3(a)

- 7.3.1. Condition 3(a) seeks to omit car parking and the vehicular access from the proposed garage. The Planning Officer's report explains that this is required as the appeal site does not currently benefit from a vehicular access onto the laneway and the provision of such would result in increased parking for the dwelling, with potential parking for three vehicles when the CDP only permits one.
- 7.3.2. The Council have based this decision on Table 2 of Appendix 5 of the CDP, which sets out the maximum parking standards for various land uses, depending on the particular zone the site is located within. Section 4.0: Car Parking states that the parking standards set out in Table 2 are to ensure an appropriate level of parking is provided to serve all new development.
- 7.3.3. In my opinion, consideration needs to be given to the fact that this is an existing dwelling and not 'new development' in the context of Table 2 of the CDP, which I consider refers to the numerical parking standards that should be applied to new residential developments (amongst other uses) as opposed to domestic works within the curtilage of an existing dwellinghouse. The provision of a garage in the rear garden, accessed from an existing vehicular laneway, would not have any measurable impact on the transport/traffic amenity of the area. Importantly, the provision of the vehicular access would not result in the loss of any on-street parking.
- 7.3.4. In conclusion, I consider that there is no clear basis for imposing Condition 3(a) and no rationale or demonstration of harm to justify its inclusion has been provided by the Planning Authority. I do not consider the imposition of Condition 3(a) to be necessary in the context of the development and its potential impacts on the transport and traffic amenity of the area. I therefore recommend that the Planning Authority be directed to remove Condition 3(a).

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions that are the subject of the appeal, I am satisfied that the determination by the Board, of the relevant application as if it had been made to it in the first instance, would not be warranted and based on the reasons and considerations set out below, I recommend that the Board direct the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to REMOVE Condition 2 and Condition 3(a).

9.0 Reasons and Considerations

9.1. Having regard to:

- (a) The location of the proposed garage on an existing vehicular laneway and the lack of any measurable transport or traffic amenity impacts.
- (b) The location and context of the proposed garage in relation to the existing dwelling and plot at 165 Corrib Road and the absence of any significant adverse residential amenity impacts.

9.2. 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.

Terence McLellan
Senior Planning Inspector

9th August 2023