



An
Bord
Pleanála

Inspector's Report

ABP-317532-23

Development	Off-street car parking space and associated hard and soft landscaping to the front garden.
Location	14 Hillsbrook Crescent, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23B/0175
Applicant(s)	Emma Healy and Cian O'Sullivan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Emma Healy and Cian O'Sullivan
Observer(s)	None
Date of Site Inspection	5 th September 2023
Inspector	David Ryan

1.0 Site Location and Description

- 1.1. The proposed development site is situated in Hillsbrook Crescent, a residential cul-de-sac, located off Whitehall Road West in Dublin 12, approx. 2.4km northeast of Junction 10 on the M50. The area is primarily residential in nature.
- 1.2. The site has a stated area of 0.0048 ha and contains a two storey mid terrace dwelling located to the southwestern area of Hillsbrook Crescent. The site entails front and rear garden areas. The front garden including for a walkway is bounded by a wall and pedestrian access gate. The footpath and a small area of green space fronting the site area are located outside of the subject dwelling site. A larger area of open space is located to the northeast of the site which serves the residential cul-de-sac. The rear of the site is served by a lane and gated entrance.
- 1.3. A number of dwellings within the terrace include for in-curtilage parking. Dwellings nos. 15 and 17 within the terrace do not have in-curtilage parking. On-street car parking was observed on the cul-de-sac on date of site visit.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Provision of an off-street car parking space and associated hard and soft landscaping to the front garden.
 - Removal of a portion of the existing front boundary wall,
 - The provision of a new matching pier,
 - The part removal of a section of the communal grassed area outside of No. 14, Hillsbrook Crescent,
 - The associated dishing of the public footpath and all ancillary works to facilitate the development.
- 2.2. The proposed works, as detailed on the plans submitted, will include for an off street car parking area of 15.96 square metres. This will necessitate the demolition and removal of 3 metres of the existing front boundary wall.

2.3. The car parking space will be accessed by a proposed concrete driveway 3.375 metres in width and 5.5 metres in length. The proposed driveway will traverse through a section of communal open space.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority issued a notification of decision to refuse permission for three reasons that can be summarised as follows:

1. The proposed development would compromise street parking and adversely impact existing public open space, would seriously injure the amenities of property in the vicinity, contravene the zoning objective in the vicinity contained in the South Dublin County Development Plan 2022 - 2028 which seeks 'to protect and/or improve residential amenity'.
2. Negative impact on grassed area to the front of the dwelling which is not in the applicants ownership and which has no consent from the owner. Contrary to Green Infrastructure Policy Objectives GI1 Objective 4, GI2 Objective 4 and Section 12.7.6 in the South Dublin County Development Plan.
3. Would set undesirable precedent in terms of loss of green areas/grass margins, potential tree planting locations in order to facilitate car parking for other similar developments, would be harmful to the residential amenities and green infrastructure of the area.

3.2. **Planning Authority Reports**

3.2.1. The Planning Report (15th June 2023) is the basis for the planning authority decision. The planning authority refused permission for the reasons as set out in the planning report.

3.2.2. **Other Technical Reports**

Roads Department – No objections subject to conditions

Parks Department – Planning report references Parks Report where a refusal is recommended: green area is open space and not in favour of allowing access through this area, unwanted precedent in terms of loss of green areas/ grass margins and potential tree planting areas in order to facilitate car parking, new access would result in significant loss of green area and not acceptable

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

One third party submission in support of proposed development received.

Summary of submission:

- Houses in scheme built at time of low car ownership
- Current car ownership makes parking in area difficult and without off street parking forced to park elsewhere
- Build up of cars on street leaves no parking for residents
- Other applicants in area successful with off street parking applications
- Benefit local area

4.0 **Planning History**

Subject site

None

Neighbouring

P.A Reg. No. S99B/0075 – Permission granted in 1999 at Fairways, 18 Hillsbrook Crescent, Dublin 12 for retention revised fenestration, conversion of attic and revised lay-out, enlargement of access from road and entrance gates.

P.A Reg. No. SD12B/0236 – Permission granted in 2012 at 16, Hillsbrook Crescent, Dublin 12, for Alterations and extensions to existing part two storey/part single storey three bedroom terraced dwelling comprising:

(a) Demolition of existing sub-standard single storey extension to rear; (b) construction of a new part single / part two storey extension to rear with a resultant increase in habitable floor area from 115.2sq.m to 127.8sq.m (additional 3.6 sq.m at ground floor level and 9.0 sq.m at first floor level) and an increase in bedrooms from three to four; (c) elevational alterations to existing porch to front; (d) conversion of existing attic space to accessible attic storage with 3 no. new Velux rooflights to rear of main roof; (e) creation of new vehicular entrance and off street parking in existing front garden and (f) all associated site works at 16, Hillsbrook Crescent, Dublin 12,

5.0 Policy Context

5.1. Development Plan

The site of the subject dwelling is subject to zoning objective RES - 'To protect and/or improve Residential Amenity' in the South Dublin County Development Plan 2022-2028. Residential development is permitted in principle under this zoning objective.

The site of the grassed area to the front of the dwelling which the driveway would traverse is unzoned.

The following Development Plan policies are relevant-

- Housing Policy 7: Residential Design Layout
- Housing Policy 8: Public Open Space
- Housing Policy 9: Private / Semi-private Open Space
- Housing Policy 13: Residential Consolidation
- Housing Policy 14: Residential Extensions
- Green Infrastructure Policy 1: Overarching

- G11 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks
- Green Infrastructure Policy 2: Biodiversity
- G12 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter
- Green Infrastructure Policy 4: Sustainable Urban Drainage Systems
- Infrastructure and Environmental Services 3: Surface and Groundwater

Chapter 12 sets out Development Standards and criteria that arise out of the policies and objectives including-

- 12.6.8 Residential Consolidation
- 12.7.6 Car Parking Design and Layout
- 12.6.10 Public Open Space - Quality of Public Open Space Provision.

The provision and design of open space shall incorporate the following considerations:

Access:

-Insofar as possible, open spaces should be linked to one another to increase their amenity value, encourage active travel between them and to facilitate the green infrastructure network;

-Continuous walls and other barriers between open spaces should be avoided

- 12.4.2 Green Infrastructure and Development Management

The 'House Extension Design Guide' as published by South Dublin County Council.

5.2. Ministerial Guidelines

The following section 28 guidelines are considered relevant -

- Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets

5.3. Natural Heritage Designations

The site is not located on or within proximity to any designated site.

5.4. EIA Screening

The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by Andre Goyvaerts of Lawrence and Long Architects on behalf of appellants and the main issues raised in the grounds of appeal can be summarised as follows:

Outdated design

Scheme built when fewer cars on roads resulting in little influence on design of residential areas such as Hillsbrook Crescent. Increased car usage with on-street parking in scheme is nuisance to circulation and appeal of area. Provision of off street parking would reduce these negative impacts.

Neighbouring Precedent

Off Street parking privileges should be provided to No.14 as was provided to other dwellings in scheme. This is augmented by approved planning application to improve driveway alterations to neighbouring dwelling (S99B/0075).

Grass Verge

No.18 Hillsbrook Crescent displays similar grass verge to the one proposed in application (See S99B/075), where driveway cuts through grass verge providing off street parking to No.18. Planting treatment acts as precedent for grass verge this application pertains to and should be strongly considered as reasonable approach to ensure cohesiveness and uniformity to design of street.

Neighbouring Support

Neighbours (D. & M. Mullan) have supported application and of view it would improve neighbourhood circulation, livelihood and acknowledge precedents in area of off-street parking.

Electric Vehicle Charging Infrastructure Strategy 2022-2025

Applicant wishes to install electric charging vehicle infrastructure and this coincides with the aforementioned strategy. Providing off-street parking would encourage this effort and work towards a more sustainable environment and represent proper planning for the area.

6.2. Planning Authority Response

Response not received.

6.3. Observations

None received

7.0 Assessment

7.1. The main issues are those raised in the planning application and the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of the Proposed Development

- Residential Amenity
- Green Infrastructure
- Appropriate Assessment

7.2. Principle of the Proposed Development

- 7.2.1. The site of the subject dwelling is subject to zoning objective RES - 'To protect and/or improve Residential Amenity' in the South Dublin County Development Plan 2022-2028. Residential development is permitted in principle under this zoning objective. The site of the grassed area to the front of the dwelling is unzoned.
- 7.2.2. Having regard to the existing zoning on the dwelling site I consider that the provision of an off street car parking space is acceptable in principle. However the proposed driveway to serve the off street car parking space located to the eastern unzoned area of the development site would result in the partial removal of a communal grassed area outside of the dwelling site and site boundary red line. Having regard to the partial loss of an area of public open space within an established residential scheme, which would result in the fragmentation of open space that would be contrary to Section 12.6.10 'Public Open Space' of the South Dublin County Development Plan 2022-2028, which seeks in the provision and design of quality open space the incorporation of linkage between open spaces and the avoidance of barriers between open spaces, I consider that the proposed development would therefore, not be acceptable in principle.
- 7.2.3. As set out in the Planning Authority report, I note that the applicant has not provided adequate consent for the proposed development on the grassed area outside of the dwelling site. The extract from the Public Realm report outlines it is believed the public open space would be in charge along with the main green area in the Hillsbrook Estate but may be maintained by the residents themselves. I note that the appellant has not submitted any information providing clarification on landownership/consent for development in this area in the appeal documentation. On the basis of the information submitted, I am of the opinion the ownership of this area of the site is unclear. However, Section 34 (13) of the Planning and Development Act

2000, as amended is noted which states a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.3. Residential Amenity

- 7.3.1. The appellant submits that the provision of off-street parking would reduce the negative impacts of increased car usage and on-street car parking at this location. I note the details submitted in support of the scheme from the appellant's neighbours outlining the development would benefit the local area.
- 7.3.2. The proposed development includes an off-street car parking space of 15.96 square metres which would necessitate the demolition and removal of 3 metres of the existing front boundary wall. The car parking space will be accessed from a public road by a proposed concrete driveway 3.375 metres in width and 5.5m in length. This will traverse through a section of public open space to the east of the dwelling site and at a location outside of the site boundary red line. For reasons of pedestrian safety, visual amenity and to retain on-street parking spaces, the Roads Department of the Council outlined vehicular access points shall be limited to a width of 3.5 metres. The Roads Department did not raise any other issues in relation to traffic or pedestrian hazard. Having regard to the design and layout of the proposed scheme I agree with the views of the Roads Department.
- 7.3.3. I consider the proposed driveway would result in the partial loss of public open space serving the residential scheme while subsequently dividing and creating two separate small areas of unusable open space. The proposed development would therefore reduce the quality of the open space and its amenity value at this location which currently serves to link this area of existing scheme to the central green space and large open space area to the northeast within the residential scheme. Furthermore, the siting of a driveway at this location would also act as a barrier between open spaces. I consider that the proposed development would therefore be contrary to considerations in relation to provision and design of open space in Section 12.6.10 'Public Open Space' in the South County Dublin Development Plan 2022-2028.
- 7.3.4. The appellant has cited the positive effects of off-street parking at this location. However, I consider that the layout of the proposed scheme would serve to reduce on street parking availability within the residential scheme. Having regard to the

foregoing, I consider the proposed development would injure the amenities of other property in the vicinity.

7.3.5. The appellant submits that off street parking should be provided to No.14 as it was provided to other dwellings within the scheme and cites L.A. Reg. Ref. S99B/0075 as a precedent case. I note the parallels in relation to the design and layout of the current subject development relative to the permitted LA. Reg. Ref. S99B/0075. However, I consider that the current proposed scheme is assessed with regard to the current County Development Plan which is in effect, that it would be contrary to Section 12.6.10 of the South Dublin County Development Plan 2022-2028 and would injure the amenities of property in the area. I also note that the site of P.A Reg. Ref. SD12B/0236 No.16 Hillsbrook Crescent fronts onto the road serving the scheme and does not encroach onto/subdivide an area of open space. On the basis of the above I am not of the opinion that these permissions create a precedent that off-street parking should be provided in this case.

7.3.6. The appellant outlines the provision of off-street parking would encourage efforts to install infrastructure to charge an electric vehicle which coincides with Electric Vehicle Charging Infrastructure Strategy 2022-2025. While I consider that electric vehicle charging infrastructure would contribute towards meeting the national carbon reduction targets, the current proposal does not include for this infrastructure.

7.4. **Green Infrastructure**

7.4.1. Proposed landscaping has been outlined within the dwelling site with a number of trees/plants also indicated adjacent to the proposed driveway within grassed areas. However, the appellant has not demonstrated by way of measures how the development contributes to the protection or enhancement of Green Infrastructure where a partial loss of open space is proposed. I therefore consider that the proposed scheme would be contrary to Policy Objectives GI1 Objective 4 and GI2 Objective 4 of the South Dublin County Development Plan 2022-2028, which seeks development incorporate green infrastructure as an integral part of the design and layout concept for all development through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks, and also seeks to integrate GI, and include areas to be managed for

biodiversity, as an essential component of all new developments in accordance with requirements set out in Chapter 12. The provision of a proposed concrete driveway would also be contrary to Section 12.7.6 Car Parking Design and Layout of the South County Dublin Development Plan 2022-2028 which states permeable paving shall be used in the interest of sustainable drainage.

7.5. Appropriate Assessment

- 7.5.1. An Appropriate Assessment screening report has not been submitted for the proposed development. This screening assessment has therefore been carried out de-novo.
- 7.5.2. The site is not located within or with close proximity to a European Site. Having regard to the small scale, nature and location of the proposed development, its location within a serviced area and the absence of hydrological connections to any European site, I consider that there is no likelihood of significant effects on any European Sites during the construction or operation of the proposed development. I further consider that there are no other plans or projects that will act in combination with the proposed project to have a significant effect on European Sites and a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development, by reason of a loss of public open space and the compromising of street parking, would result in the creation of inadequate areas of open space, would seriously injure the amenities of property in the vicinity and would be contrary to Section 12.6.10 of the South County Dublin Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2-The proposed development, by reason of a loss of open space and in the absence of measures demonstrating how it contributes to the protection or enhancement of green infrastructure at the eastern area of the site, would be contrary to Policy Objectives GI1 Objective 4, GI2 Objective 4 and Section 12.7.6 of the South Dublin County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

David Ryan
Planning Inspector

8th September 2023