



An
Bord
Pleanála

Inspector's Report

ABP-317739-23

Development

The removal of grass area and planting to the front of the dwelling and its replacement with a proposed select finish surface and the provision of 1 car parking space and all associated site works.

Location

Liscahill, 31 Haddon Road, Clontarf, Dublin 3, D03 F2Y6

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

3769/23

Applicant(s)

Sara-Jane Smyth and Kevin Tobin.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party

Appellant(s)

Sara-Jane Smyth and Kevin Tobin.

Observer(s)

None.

Date of Site Inspection

1st February 2024.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the dwelling and plot located at Liscahill, 31 Haddon Road, Dublin 3. The existing dwelling is a part two/part three storey semi-detached home with a three storey rear return and a separate single storey detached dwelling to the rear known as 31A Haddon Road. A driveway is provided from Haddon Road. The property is handed with no. 30 Haddon Road which bounds the site to the north and is similar in appearance, albeit formerly in use as both homeless accommodation and a nursing home. The site is bounded to the south by the adjacent dwelling (no. 32 Haddon Road), and to the west by Haddon Road and the adjacent two storey terraced dwellings. To the east the site is bounded by the rear garden space of the Rathmore Residence student housing centre on Castle Avenue.
- 1.2. Haddon Road is a tree lined residential street, characterised by two storey semi-detached period properties with rear returns. Several properties have off-street parking, but the greater balance of dwellings use on-street parking. Public Transport is available from Clontarf Road to the south which is served by bus routes 104 (DCU Helix to Clontarf Station) and 130 (Talbot Street to Castle Avenue Clontarf).

2.0 Proposed Development

- 2.1. Planning permission is sought for the removal of the existing grass area and planting to the front of the existing dwelling and replacement with a new surface to facilitate the creation of an off-street car parking space with all associated landscaping, ancillary site and boundary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Notification of the Decision to Refuse Planning Permission was issued by Dublin City Council on 10th July 2023 for the following reason:

1. The subject property is located in an important Architectural Conservation Area (ACA) as provided for under Section 11.5.2 of the current Dublin City Development Plan and as designated by the Haddon Road & Victoria Road

Architectural Conservation Area Report 2017. The ACA Report identifies the visual qualities of the streetscape of Haddon Road worthy of protection including the character and value of the planted front gardens and it is considered that the loss of the existing planted front garden and its replacement with a hard surface car parking space with no boundary planting would have a detrimental visual impact on the streetscape and, in itself and by the precedent set for similar development and the cumulative negative visual impact of same, would seriously injure the residential and visual amenities of this important ACA and would, therefore, be contrary to both the current Dublin City Development Plan and the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.4. The following points of note are in the Planner's Report:

- The report notes the location within an ACA and states that proposals for parking within the curtilage and front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant and can lead to the erosion of the character and amenity of the area, and where the historic plinths, decorative railings and gates, historic gate piers, and historic ground surfaces are still intact.
- The recommendations of the ACA must override the provisions for domestic car parking set out in the Development Plan. The loss of the soft landscaping to the front garden with its attractive and open visual quality and its replacement with hard surfacing for the establishment of a parking space would have a detrimental visual impact on the streetscape.
- The report notes the off-street parking of adjacent dwellings at nos. 30 and 32 Haddon Road. No. 30 adjoining where the entire front garden is set out for car parking demonstrates the detrimental impact such works have on the streetscape. No. 32 has retained planting which softens the appearance of the parking area and the setting of the house.

- In the current proposal, the area of the front garden is only just sufficient to accommodate a parking space with no capacity to provide planting to the front of the garden/house.
- Visually, there is considered to be a considerable difference in appearance between No. 32, with parking in the front garden, versus the future appearance of the front garden of No. 31 as a parking space.

3.4.1. **Other Technical Reports**

3.4.2. **Conservation (29.06.2023)**: Concerns raised about the loss of the soft landscaping to the front of the dwelling and the adverse impact on both the historic structure and the character of the ACA. Proposals for off-street car parking to the front and side of these smaller gardens would result in a scale of intervention which would be significant and thus would lead to the erosion of the special character and amenity of the area, which would be contrary to the objective to preserve the special interest and character of the Architectural Conservation Area.’ The Conservation Section would prefer that the existing soft landscaping to the front garden be retained.

3.4.3. **Drainage Division (03.07.2023)**: No objections, subject to conditions.

3.4.4. **Transport Planning Division (29.06.2023)**: No objections, subject to conditions.

3.5. **Prescribed Bodies**

3.5.1. None.

3.6. **Third Party Observations**

3.6.1. None.

4.0 **Planning History**

Subject Site

4.1.1. **Planning Authority Reference - 2535/16**: Dublin City Council granted permission in June 2026 for a single storey dwelling to rear, with a vehicular entrance.

Adjacent Sites

4.2. 30 Haddon Road

- 4.3. **ABP Reference 315907/Planning Authority Reference -4532/22:** Permission was granted by Dublin City Council in January 2023 and subsequently appealed to the Board (decision pending). The proposal is for the change of use for the existing building on site from a care home for the elderly/nursing home to residential.
- 4.3.1. **ABP Ref – 308835/Planning Authority Ref - 2575/20:** Permission was refused by the Board in July 2021 for the change of use from a care home to provide 11 homes. Permission was refused on the basis that the homes would be deficient in private amenity space and that the development would result in a substandard level of amenity for future occupants.
- 4.3.2. **Planning Authority Reference - 2638/16:** Permission was granted by Dublin City Council in July 2016 for internal alterations and the provision of a single storey extension to the side and rear.
- 4.3.3. **Planning Authority Reference - 3333/13:** Permission was granted by Dublin City Council in January 2014 for the retention of a built area to the rear and side, additional to that granted under 4166/09.
- 4.3.4. **Planning Authority Reference - 4166/09:** Permission granted by Dublin City Council in February 2010 for a new 138 square metre single storey rear extension.

32 Haddon Road

- 4.4. **ABP Reference – 305559/Planning Authority Reference - 3507/19:** Permission was granted by Dublin City Council in March 2020 for:
- 1.) The demolition of a rear single storey annex.
 - 2.) Reinstating the dwelling as a single residential unit from 5 no. apartments.
 - 3.) The construction of a single storey extension to the rear and side of the existing house with associated rooflights.
 - 4.) The construction of a new front vehicular entrance with new electric gates.
 - 5.) Other minor works, boundary treatments and all associated site works.
- Permission Granted with conditions.
- 4.4.1. An appeal against condition 4 was subsequently submitted to the Board. Condition 4 reads as follows:

4. The proposed vehicle entrance and off-street car parking space to the front of the structure shall be omitted from this permission.

Reason: In the interest of visual and residential amenity, and in the interest of public safety”.

- 4.4.2. Permission was granted by the Board in March 2020 with an amended condition 4 that permitted off-street parking.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2022-2028

- 5.1.1. The site is zoned Z1: Sustainable Residential Neighbourhoods, the stated objective of which is to protect, provide and improve residential amenities.
- 5.1.2. The site is located in the Haddon Road and Victoria Road Architectural Conservation Area and there is a recorded ancient monument 120 metres east of the site (Brian Boru’s Well).
- 5.1.3. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions.
- 5.1.4. Chapter 11: Built Heritage and Archaeology, recognises that the city’s heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city’s character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology.
- 5.1.5. Appendix 5: Transport and Mobility, sets out the CDP policy with regard to domestic car parking.

- 5.1.6. Section 4.3: Parking in Front Gardens, states that proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.
- 5.1.7. Section 4.3.1 advises that the basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath, or where safe access and egress from the proposed parking space cannot be provided, for example on a very busy road, opposite a traffic island or adjacent to a pedestrian crossing or traffic junction or where visibility to and from the proposed access is inadequate.
- 5.1.8. Section 4.3.7: Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas, states that features including boundary walls, railings and gardens make an important contribution to the character and setting of protected structures, ACAs and conservation areas. Therefore, poorly designed parking within the curtilage and front gardens of protected structures and in conservation areas can have a negative impact on the special interest and character of these sensitive buildings and areas.

Ministerial Guidance

- 5.1.9. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:
- Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). The guidelines seek to encourage the sympathetic maintenance, adaptation, and re-use of buildings of architectural heritage. Chapter 13 deals with curtilage and attendant grounds whilst Section 13.8 of the guidelines relates to development affecting the setting of a Protected Structure or an architectural conservation area.

5.2. Natural Heritage Designations

- 5.2.1. The nearest European sites are located in Dublin Bay, approximately 200m to the south of the site, including:

- South Dublin Bay SAC (& pNHA) (site code 00210).
- South Dublin Bay and River Tolka Estuary SPA (site code 004024).
- North Dublin Bay SAC (& pNHA) (Site Code 000206).
- North Bull Island SPA (Site Code 004006).

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. A First Party appeal has been submitted by O'Neill Town Planning of Oakdene, Howth Road, Howth, Co Dublin, for and on behalf of Sara-Jane Smyth and Kevin Tobin of 31 Haddon Road, Clontarf, Dublin 3. The grounds of appeal are summarised as follows:

- Haddon Road has two distinct residential types. The west side of the road is terraced housing with small front gardens. The east side of the road has larger semi-detached houses with larger front gardens.
- Satisfactory space exists for a parking space within the front garden, leaving the remaining space to sustain boundary treatment, landscaping, and planting.
- Minor amendments are proposed to overcome the Planning Authority concerns. These include:
 - Lowering the ground level of the parking space by 17cm to reduce the visual impact.
 - Reducing the width of the car parking space to a maximum of 2.5 metres to allow the rest of the garden to be suitably landscaped.
 - Replacing the hard surface of the car parking space with grasscrete to ensure the area remains as a breathable green space.

- By reducing the area given over to the car parking space the hedging on the front boundary and pedestrian walkway can be enhanced.
- The existing vehicular entrance of Haddon Road is already used to access parking to the rear. The car parking space would only be used for parking the car.
- Whilst the site is within an architectural conservation area it is not one of the priority areas designated in the CDP.
- The buildings on the road have been declassified and are no longer protected structures. The overarching predominant feature of the road remains the red brick frontages, gardens and boundary treatment which would be retained.
- The Board have granted permission to a similar development at 32 Haddon Road.
- The proposed development can be easily integrated into the front garden of the subject property without injuring the visual amenity of the area or materially impacting on the objectives of the planning authority as expressed in the architectural conservation area report.
- It is considered that the proposed development would have no adverse or disproportionate negative impact on the special interest and character of the architectural conservation area as the scale of intervention is not significant and it would not result in an erosion of the character and amenity of the area.

6.2. Planning Authority Response

6.2.1. No response on file.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

- 7.1.1. At the outset I would advise the Board that the applicant has submitted revised drawings to address the issues raised by the Planning Authority. The proposed revisions include:
- Lowering the ground level of the parking space by 17cm to reduce the visual impact.
 - Reducing the width of the car parking space to a maximum of 2.5 metres to allow the rest of the garden to be suitably landscaped.
 - Replacing the hard surface of the car parking space with grasscrete to ensure the area remains as a breathable green space.
- 7.1.2. I am satisfied that these are not material changes and that the amendments do not require re-advertisement. The following assessment will be based on the amended scheme.
- 7.1.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal is visual amenity and impacts on the ACA.
- 7.1.4. The core issue in the appeal is the impact of the development on visual amenity and the character/setting of the Haddon Road and Victoria Road Architectural Conservation Area. The Planning Authority are of the view that a defining characteristic of the ACA is the planted front gardens, and that the loss of the existing planted front garden and its replacement with a hard surfaced car parking space with no boundary planting would have a detrimental visual impact on the streetscape.
- 7.1.5. The applicant considers that there is sufficient room for a parking space and that planting could be provided to soften the impact with amendments submitted to address the Planning Authority's concerns and alleviate its impact on the streetscene.
- 7.1.6. The Planner's Report quotes extensively from the Haddon Road and Victoria Road ACA Report (Character Appraisal), stating that there are concerns regarding the use of front gardens to provide for car parking as this results in the loss of one of the area's most positive characteristics, its leafy, spacious quality. The loss of front boundary

treatments and soft landscaping for car parking degrades the character of the streetscape and buildings. The ACA appraisal and Planner's Report further states:

The form and pattern of Development fronting onto Haddon Road and Victoria Road provides for terraced and semi-detached residential properties with small scale front (and side) gardens and larger longer rear gardens. Therefore, proposals for off-street car parking to the front and side of these smaller gardens would result in a scale of intervention which would be significant and thus lead to the erosion of the special character and amenity of the area, which would be contrary to the Objective to preserve the special interest and character of the 'Architectural Conservation Area'.

- 7.1.7. Whilst I would agree that this description is broadly reflective of Haddon Road, there are, in my opinion, important differences between the two sides of the street. The western side of the street is characterised by terraced dwellings with shallow front gardens. The eastern side of the street is more generally characterised by larger semi-detached properties, set further back from the street with more generous front gardens.
- 7.1.8. None of the dwellings on the west side of the street have vehicular accesses from Haddon Road, reflective of their nature as terraced dwellings with small front gardens on narrower plots. However, on the west side of the street, six of the eight semi-detached dwellings and one detached dwelling have vehicular accesses from Haddon Road, including the appeal site, with provision for on-curtilage parking, four of which include vehicular parking spaces in the front gardens.
- 7.1.9. The appeal site sits between nos. 30 and 32 Haddon Road, both of which have vehicular accesses and parking within their respective front gardens. I am therefore of the opinion that the principle of providing a car parking space within the front garden is acceptable given the immediate context within which the appeal site is located, subject to compliance with section 4.3.7 of Appendix 5 of the CDP.
- 7.1.10. Section 4.3.7: Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas, states that where site conditions exist which can accommodate car parking provision without significant loss of visual amenity and/or historic fabric, proposals for limited off-street parking will be considered where the relevant criteria can be met. In my opinion, the proposed amended scheme

largely complies with the relevant criteria. The vehicular access from Haddon Road is existing and no alterations are being proposed to the boundary wall/railings or plinth wall, and the development would not impact on traffic or create a traffic hazard.

- 7.1.11. In my opinion, outlook from the ground floor rooms of the existing dwelling would not be compromised by the introduction of a car parking space, taking account of the average height of a vehicle at 1.8m. This is assisted by lowering the ground level of the parking space by 17cm. Additionally, the car parking space would be no larger than 2.5m by 5m.
- 7.1.12. The development would not require the removal of any mature trees and a high quality permeable surface would be provided. The use of grasscrete would allow the garden to retain a green and planted appearance over the parking space. Additionally, the garden is sufficiently deep to accommodate a parking space and appropriate space would be left immediately adjacent to the boundary wall in order to accommodate planting and landscaping.
- 7.1.13. Having regard to the existing vehicular entrance, the fact that no physical works are proposed to the boundary wall/railings, the immediate context of the site between two dwellings with front garden parking, and the amendments proposed as part of the appeal which would allow the car parking space to retain a green and planted appearance with the opportunity for landscaping along the boundary, I am satisfied that the provision of a car parking space within the front garden would not have a detrimental impact on the character, setting, appearance, or visual amenity of the Haddon Road and Victoria Road Architectural Conservation Area.

8.0 Recommendation

- 8.1. From my assessment above, I consider that the Board should grant planning permission for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Z1 zoning designation, the nature of the development and the immediate context, it is considered that the proposed development would be

acceptable in design and transport terms, would not seriously injure the amenities of adjoining properties or the character, setting, or appearance of the Haddon Road ACA, and would otherwise be in accordance 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 to An Bord Pleanála on the 8th day of August 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>Details of planting to the front boundary and surface materials for the parking space shall be submitted to and approved in writing by the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

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

21st February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317739-23		
Proposed Development Summary	The removal of grass area and planting to the front of the dwelling and its replacement with a proposed select finish surface and the provision of 1 car parking space and all associated site works		
Development Address	Liscahill, 31 Haddon Road, Clontarf, Dublin 3, D03 F2Y6		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes		
	No X	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____