



An
Bord
Pleanála

Inspector's Report ABP318504-23

Development	Widening of existing vehicular entrance off Rathdown Park.
Location	47 Rathdown Park, Terenure, Dublin 6W.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1746/23.
Applicant(s)	Tom & Siobhan O'Dowd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Tom & Siobhan O'Dowd.
Observer(s)	None.
Date of Site Inspection	24/01/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The site comprises a suburban two-storey semi-detached pre-war house in a streetscape of predominantly semi-detached houses on the south side of Rathdown Park. Rathdown Park is a residential avenue accessed from Templeogue Road.
- 1.2. There is a large front garden to the property, which comprises a gravelled vehicular parking area with mature planting. The dedicated in-curtilage parking area has an existing vehicular access onto Rathdown Park.
- 1.3. The vehicular access from Rathdown Park is located toward the western boundary adjoining the vehicular access to the neighbouring property at no. 45 Rathdown Park. The vehicular access to no. 45 Rathdown Park is noticeably wider than the access to the subject house.

2.0 Proposed Development

- 2.1. The widening of the existing vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

The widening of the vehicular entrance to 3.4m is contrary to Appendix 5 of the Dublin City Development Plan 2022-2028 which states that the maximum width permitted for vehicular entrances is 3.0 metres, and which aims to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would therefore result in the creation of conflict with pedestrian safety by facilitating hazardous manoeuvring at increased speed and extensive dishing of the footpath. Furthermore, the excessive widening of the vehicular entrance would be contrary to the Development Plan 2022-2028, Appendix 5 and Policy SMT25. The proposed development would set an unacceptable precedent, which would seriously injure the residential amenities of the adjoining properties and would therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Transportation Planning Division recommends a refusal of planning permission.

4.0 Planning History

The following planning history is relevant:

Planning permission was refused under register reference WEB 1308/23 for modifications to widen the existing vehicular entrance at no. 47 Rathdown Park for the following reason:

The widening of the vehicular access to 3.8m is contrary to Appendix 5 of the Dublin City Development Plan 2022-2028 which states that the maximum width of vehicular entrances is 3.0 metres, and which aims to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would therefore result in the creation of conflict with pedestrian safety by facilitating hazardous manoeuvring at increased speed and extensive dishing of the footpath. Furthermore, the excessive widening of the vehicular entrance would impact on the supply of on-street parking and therefore would be contrary to the Development Plan 2022-2028, Appendix 5 and Policy SMT25. The proposed development would set an unacceptable precedent and be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The following Dublin City Development Plan 2022-2028 policy objectives are relevant:

The land-use zoning objective is Z2 (Residential Conservation) (Map H): *To protect and/or improve the amenities of residential conservation areas.*

- **Residential Conservation area**

Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states all planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- **Sustainable Mobility and Transport**

Chapter 8 (Sustainable Movement and Transport) Section 8.5.7 (car parking) is relevant, which provides for strong car parking policy implementation in Dublin city, and Policy Objective SMT25 stating in the matter of on-street parking the following:

To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.

- **Vehicular Entrances and Front Garden Parking**

Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant, including the following provisions:

Section 4.3.1 (Dimensions & Surfacing) is relevant and *inter alia* states:

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.

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal prepared by Alan Timmons Architect on behalf of the appellants are summarised below:

- The appellant recognises that the Dublin City Development Plan 2022-2028 has reduced the maximum width permitted for vehicular entrances from 3.6m to 3.0m and acknowledges that the planning authority do not want to set a precedent to be inconsistent with their development plan. However, there are site specific matters in the instance of the proposed development that An Bord Pleanála should consider in the context that the current development plan policy is crude, broad stroke, devoid of considerations for topographical nuances throughout a diversity of existing older streets across the city;
- The entrance to no. 47 Rathdown Park is very tight and is hazardous to vehicles themselves, other road users and pedestrians. The following conditions make access to the driveway difficult and unsafe including un-delineated on-street parking on both sides of the street, a relatively narrow street and a narrow entrance. The only option open to the property owner is to widen the existing vehicular access to improve the current unsatisfactory entrance. The appellants respectfully request that the refusal of permission by the planning authority be over turned and that the Board grant permission for this minor amendment to the existing entrance;
- The appellants feel it unjust to refuse planning permission for the widening of the vehicular access *inter alia* including the grant of planning permission in recent years for the widening of vehicular entrances to neighbouring properties;
- It is claimed that despite the reason for refusal citing the creation of a traffic hazard for passing traffic and pedestrians the widening of the entrance would make access and egress to no. 47 Rathdown Park for everyone involved

safer by reducing the number of vehicular manoeuvres: *One would only need to observe an access or egress manoeuvre to No. 47 to understand the issue and the obvious solution;*

- There would be no requirement to provide works to the footpath as an increase in dishing is not required given that the existing dished kerb extends beyond the existing vehicular entrance width (continues 1800mm beyond the inside face of the left entrance pier) and is more than sufficient to facilitate a widening of the existing entrance by 400mm;
- In conclusion widening the existing vehicular entrance by 400mm is not excessive. The creation of a traffic hazard is refuted by the appellants rather the amended entrance would increase safety including prohibiting cars to park on-street with their bumpers parallel to the existing entrance pier.

6.2. Planning Authority Response

None recorded to date.

6.3. Observations

None

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and my *de novo* consideration of the application. It is noted that there are no new substantive matters for consideration.
- 7.2. The applicant proposes to widen an existing vehicular access onto Rathdown Park from 2979mm to 3400mm in order to provide improved access and egress to a dedicated front garden car parking area. The proposed vehicular access widening would require the remove of the existing east (left) entrance pier extending the entrance by 400mm. The proposed relocated gate pier would match the existing and the widened entrance would be paved in new 100 x 100mm granite setts.
- 7.3. The proposed development is located within a residential conservation area. Section 15.15.2.2 (Conservation Areas) of the Dublin City Development Plan 2022-2028,

requires that all planning applications in conservation areas shall *inter alia* respect the existing character of the surrounding area. In the matter of off-street parking within conservation areas, proposals *inter alia* will exhibit a high standard of design and layout in order to integrate into sensitive contexts. In the instance of the subject proposal, it is considered the use of granite setts to the paving area and the matching of the new entrance pier with the existing relocated pier is an appropriately sensitive visual response to context. However, there are a number of technical requirements, which must be considered in combination with the potential visual impacts.

- 7.4. The Transport Planning Division of Dublin City Council object to the proposal. The Transport Planning Division Report *inter alia* cites Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.3.1 (Dimensions and Surfacing) of the Dublin City Development Plan 2022-2028, which specifies that vehicular entrances shall not exceed 3m in width. The Report notes that Rathdown Park is a two-way traffic road with informal on-street car parking on both sides of the road. A clear way operates during peak times with all of the dwellings on the road accommodate off-street parking.
- 7.5. The Transport Planning Division further note that the existing vehicular entrance approximates to the applicable maximum width standard. The Report states that the proposed width of 3.4m exceeds the maximum standards of the Dublin City Development Plan 2022-2028 and that permission should be refused. The grounds of refusal state a conflict with pedestrian safety by facilitating hazardous manoeuvring at increased speed and extensive dishing of the footpath. Furthermore, the excessive widening of the entrance would conflict with on-street parking inconsistent with policy objective SMT25.
- 7.6. It is noted that the adjoining property at no. 45 Rathdown Park has a noticeably wider vehicular entrance granted circa. 2008. The appellants identify several entrances in Rathdown Park that exceed in width their proposal. However, development plan policy has evolved in the interim. Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.3.1 (Dimensions and Surfacing) of the Dublin City Development Plan 2022-2028 restricts the width of vehicular entrances, which shall be at least 2500mm or at most 3000mm wide. The proposed vehicular entrance would be 3400mm wide.

7.7. It is considered that the proposed development would be inconsistent with an explicit policy objective, which requires that entrances must be designed to avoid the creation of a traffic hazard for passing traffic and conflict with pedestrians. Furthermore, I would concur with the planning case officer that the widening of the vehicular entrance would impact on the availability of on-street parking and would be inconsistent with policy SMT25, which requires the management of on-street car parking in order to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements.

7.8. Notwithstanding the claims of the appellants that exceptional circumstances by reason of site specific considerations arise in the instance of the proposed development and that there would be no requirement to provide works to the footpath, as an increase in dishing is not required given that the existing dish kerb extends well beyond the entrance pier to be relocated. It is considered on balance that a justification for setting aside the parameters provided by the Dublin City Development Plan 2022-2028 for vehicular entrance width has not been demonstrated. It is noted that the existing vehicular entrance, albeit unsatisfactory in the opinion of the appellants, has successfully facilitated access and egress to the dedicated in-curtilage parking area to the front of no. 47 Rathdown Park to date.

7.9. In conclusion, the proposal to widen the vehicular entrance from 2979mm to 3400mm would be inconsistent with policy objective SMT25 which requires the management of on-street car parking in order to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements and, Appendix 5 (Transport and Mobility: Technical Requirements), Section 4.3.1 (Dimensions and Surfacing), which restricts vehicular entrances to between 2.5m and 3.0m, of the Dublin City Development Plan 2022-2028 and as such the proposed development would set an unacceptable precedent and would be contrary to the proper planning and sustainable development of the area.

7.10. **Appropriate Assessment Screening**

The proposed development comprises the widening of an existing vehicular entrance in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS

8.0 Recommendation

- 8.1. I recommend a refusal of permission having regard to the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal and the policy framework for vehicular entrances and front garden parking contained in the Dublin City Development Plan 2022-2028, it is considered that the proposed development would be inconsistent with policy objective SMT25, which requires the management of on-street car parking in order to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements and, Appendix 5 (Transport and Mobility: Technical Requirements), Section 4.3.1 (Dimensions and Surfacing) of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

10.0 Refusal

1.	The widening of the vehicular entrance to 3.4m is contrary to Appendix 5 of the Dublin City Development Plan 2022-2028 which states that the maximum width permitted for vehicular entrances is 3.0 metres, and which aims to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would therefore result in the creation of conflict with pedestrian safety by facilitating hazardous manoeuvring at increased speed and extensive dishing of the footpath. Furthermore, the excessive widening of the vehicular entrance would be contrary to the Development Plan 2022-2028, Appendix 5 and Policy SMT25. The proposed development would set an unacceptable precedent, which would seriously injure the residential amenities of the adjoining properties and
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	would therefore, be contrary to the proper planning and sustainable development of the area
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"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".

A handwritten signature in black ink, appearing to read 'A. ASDA King', written over a horizontal line.

Anthony Abbott King
Planning Inspector

23 February 2024