



An
Bord
Pleanála

Inspector's Report

ABP-318563-23

Development	The development will consist of car parking space and provision of vehicular access with alterations to front garden wall, also vehicle charging point.
Location	30 Kenilworth Park, Harold's Cross, Dublin 6W.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4444/23
Applicant(s)	Peter McCormack
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter McCormack
Observer(s)	Philip O'Reilly
Date of Site Inspection	03/02/2024
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located in the south Dublin suburb of Harolds Cross, on the northern side of Kenilworth Park.
- 1.1.2. Currently on site is a two-storey mid-terrace red-brick dwelling with front garden and a brick front wall with gate piers and a pedestrian entrance. The front garden is bound by a 1.2m high red brick wall, with 1.5m gate piers. With the exception of no. 32, which appears to have been widened, this pattern is unbroken for the length of the terrace and the adjoining terrace running from no. 2 -16 Kenilworth Park. A continuous stretch of on-street parking bays run from no. 18 to no. 32 Kenilworth Park and again in front of no.s 2-16 Kenilworth Park, although this stretch provides a bus stop and associated bus pull-in zone.

2.0 Proposed Development

- 2.1.1. On the 8th September 2023, planning permission was sought for the creation of a car parking space, provision for vehicular access with alterations to front garden wall and a vehicle charging point.

3.0 Planning Authority Decision

3.1. Decision

On the 2nd November 2023, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 The proposed development would result in the removal of on-street parking to accommodate a private vehicular entrance which would be contrary to policy SMT25, section 8.5.7 and Appendix 5, section 4.1 of the Dublin City Development Plan 2022-2028 which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments on surrounding roads. The proposed development 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. **Drainage Report:** Standard conditions.

3.2.2. **Transportation Planning:** Proposed 2.4 wide vehicular access is below the required 2.5-3m width. Proposed development is contrary to policy SMT25 and appendix 5. Proposed development would necessitate removal of two on-street spaces. Notes that similar files have been refused by Dublin City Council and An Bord Pleanála. Recommendation to refuse permission.

3.2.3. **Planning Report:** notes the recommendation of the Transportation department and concurs with recommendation to refuse permission.

3.3. **Prescribed Bodies**

3.3.1. None on file.

3.4. **Third Party Observations**

3.4.1. One observation raising issues of retention and protection of on-street parking detrimental impact on local environment and house of significant architectural interest, traffic hazard, contrary to development plan.

4.0 **Planning History**

4.1.1. None on file.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2022-2028**

5.1.1. In the Dublin City Development plan, the site is zoned '**Z2**' which has the stated objective "to protect and / or improve the amenities of residential conservation areas".

5.1.2. **SMT25 On-Street Parking** It is the Policy of Dublin City Council: 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.

- 5.1.3. **Appendix 4.1 On Street Parking Public** 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.
- 5.1.4. **Appendix 4.3 Parking in Front Gardens** Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- Proposed development will not reduce on-street parking by two spaces but will make an extra space available. The family currently have three cars parked on the street, if permission is granted one will park in the front garden and one will park across the entrance.
 - It is Government policy to remove petrol and diesel cars from the roads by 2030. It will be necessary for the applicants to have access to a charging unit.
 - The proposed development would not set an undesirable precedent as each application is judged on its own merits.
 - No busses pass within the perimeter of the property.
 - The majority of surrounding houses have vehicular access and parking. Map attached.

- The proposed development would not injure the residential amenities of the area if done tastefully, as done on the adjoining property.
- It is unfair to take third-party observations into account but not allow the right to reply. The Board is requested to take the reply into consideration. The reply can be summarised as follows:
 - Entrance will not take up 1.5 spaces, it will be less than 1.
 - Many houses on the street have vehicular access. Architectural content has been enhanced.
 - The road is not extremely narrow. There are no traffic issues.
 - No buses pass the perimeter of the dwelling.
 - The alignment of the road does not affect visibility.

6.2. **Planning Authority Response**

- 6.2.1. The Board is requested to uphold the decision of the Planning Authority to refuse permission. Should permission be granted, the Board is requested to apply a section 48 development contribution condition.

6.3. **Observations**

- 6.3.1. **Philip O'Reilly:** Local Authority has correctly strictly upheld the policy of refusing permission for off-street parking. Two spaces will be lost, traffic hazard will arise due to the road configuration and blind sight lines. Front garden is too small to accommodate off-street parking. The Board is requested to refuse permission.

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the single issue raised is the principle of the proposed development.
- 7.1.2. The Planning Authority's single reason for refusal refers to the removal of on-street parking and therefore the non-compliance of the proposed development with the policies and objectives of sustainable movement and transport.

- 7.1.3. The appellant disagrees, stating that the proposed development would result in an increase of one space being available on-street. The appellant states that they currently park three cars on the street, if the proposal goes ahead they will park one car off-street and one across the entrance, leaving only one of their cars on-street.
- 7.1.4. On-street car parking outside the appellants home is not the preserve of the appellant. It is available to all. And should remain so. The removal of even one space for public use (which includes the appellant) to benefit one private use is not acceptable. The development plan is 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.
- 7.1.5. As noted in section 1.1.2 above, the subject site and the properties along the majority of the terrace have a pattern of retaining the pedestrian only access. It is considered that the alteration of one set of pedestrian gate and boundary wall in an unbroken terrace (to the south-east) will significantly adversely affect the appearance of the streetscape.
- 7.1.6. The appellant submits that EV charging will be necessary, to comply with government policies on climate action. There are many options available to charge vehicles parked on-street, from within private properties. The creation of a front-garden parking spot is not the only solution.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend permission is REFUSED for the following reasons and considerations:

9.0 Reasons and Considerations

- 1 The proposed development which is to facilitate a private vehicular entrance, involves the loss of an on-street parking facility available to the applicant and the wider community. The proposed development would materially contravene Policy SMT25, section 8.5.7 and Appendix 5, sections 4.1 and 4.3 of the Dublin City Development Plan 2022-2028, according to which it is the policy of the Planning Authority to retain on-street parking as a resource for the city and 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.

Gillian Kane
Senior Planning Inspector

05 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Car parking space and EV charging point		
Development Address	30 Kenilworth Park, Harolds Cross D6W		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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		X	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)
No		X	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	n/a	Preliminary Examination required
Yes	n/a	Screening Determination required

Inspector: _____**Date:** 05 Feb 2024