



An
Bord
Pleanála

Inspector's Report ABP-318612-23

Development	New vehicular entrance to front of existing site and all ancillary works		
Location	32 Palmerston Gardens, Rathmines, Dublin 6		
Planning Authority Ref.	4392/23		
Applicant(s)	Eimear Kiely, John McCullough		
Type of Application	Permission.	PA Decision	To refuse permission
Type of Appeal	First Party	Appellant	Eimear Kiely John McCullough
Observer(s)	None		
Date of Site Inspection	6 th Feb 2024	Inspector	Ann Bogan

1.0 Context

1. Site Location/ and Description.

The site is located on a corner, close to a junction, in Palmerston Gardens. The existing house is a detached gable fronted property with a pitched roof and attic accommodation with dormer windows to each side. Surrounding dwellings are varied with adjacent semi-detached two storey houses with red brick facades and hedges and railings to the front boundaries.

The front of the subject site is bounded by a c2m stone wall with an existing pedestrian gate. There is an existing vehicular entrance to the side at the rear of the house, which it is proposed to retain. An additional opening has been created in the side boundary towards the front of the house, which is facilitating construction work on the dwelling and is assumed to be temporary.

2. Description of development.

The proposed development consists of creation of a vehicular entrance to 32 Palmerston Gardens.

The appeal is accompanied by two additional layout drawings that indicate the extent of the yellow no parking lines adjacent to the front and side boundaries of the house.

3. Planning History.

5026/22 Planning permission granted for a porch extension, 2 velux windows on the main roof, external insulation and ancillary works

4. Dublin City Development Plan 2022-2028

(see Appendix 1 for details of policy/objectives)

- Site is Zoned Z2: Residential Neighbourhoods (Conservation Areas) 'to protect and or improve the amenities of residential conservation areas'
- Objective BHAA 9: Conservation Areas
- Policy SMT25 On-street car-parking and Section 8.5.7
- Appendix 5 Transport and Mobility: Technical Requirements

5. Natural Heritage Designations

- None in the vicinity

2.0 Development, Decision and Grounds of Appeal

6. Planning Authority decision.

Refusal of permission

Reason: The proposed development would result in the removal of on-street parking to accommodate a private vehicular entrance, 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 residents, visitors, businesses kerbside activity and accessible parking requirements. The reduced supply of on-street car parking would detract from the convenience of road users and the residential amenity of surrounding properties, and set an undesirable precedent for other similar developments on surrounding roads, contrary to proper planning and sustainable development of the area

Planning Authority reports: Planning Authority Transport Planning Division recommended refusal due to loss of on-street parking space caused by entrance, contrary to Development Plan policies, and noted an existing onsite entrance to rear of house. Planning Officer concluded the development materially contravened Development Plan policy and recommended refusal.

7. First Party Appeal.

The grounds of appeal in summary are:

- Proposed development would not result in loss of any on-street parking and submitted drawings to illustrate this. On the contrary it would remove the family car off the road ensuring availability of on-street parking for other road users.
- Dwelling directly opposite proposed development at 32 Palmerston Gardens, is at the end of a road and has a vehicular entrance
- No 25 Palmerston Gardens received planning permission in January 2019 (Ref 4365/18) for widening a pedestrian entrance to create a vehicular access, notwithstanding that up to two spaces would be removed to create it.
- Proposed development would support intention to install a home vehicle charging in next number of years when family vehicle is upgraded to an electric vehicle, consistent with local government's commitment to decarbonisation in particular policy SMT2 and SMT27 CH 8 of the Dublin City Development Plan, and as a young family, home charging would be practical and helpful.
- All adjacent houses have vehicular access and majority of houses on opposite side of the road also have vehicular access

8. Planning Authority Response

- Planning authority request ABP to uphold decision to refuse. If permission is granted, request condition requiring payment of Section 48 development contribution to be included.

3.0 Environmental Screening

9. EIA Screening

Having regard to the nature of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10. AA Screening

Having regard to the nature of the development, location in an urban area, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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.

4.0 Assessment

4.1. I have examined the file and the planning history, considered relevant policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the central issue raised is the principle of the proposed development.

4.2. Principle of the development

4.2.1. Policy SMT25 of the Development Plan seeks to manage on street car parking to serve the need of residents and the wider community, and facilitation of loss of spaces in certain circumstances to serve sustainable development targets such as public transportation, greening initiatives and access to new development. Section

8.5.7 refers to management of demand for on street parking being balanced with other needs. There is a general presumption against loss of on street spaces to facilitate vehicular entrance to a dwelling in areas with a high demand for parking to serve residents and others, as outlined in Appendix 5, Section 4.1 of the Plan. I note there is a pay and display permit parking scheme in operation in Palmerston Gardens indicating a high demand for car parking in the area.

- 4.2.2. The appellants argue that the proposed development would not result in removal of on-street parking and have submitted drawings with the appeal to support this assertion, showing the extent of the double yellow line 'no parking area' vis a vis their proposed entrance. Based on the site inspection I believe the white lined existing double parking bay extends at least as far as the location of the proposed entrance. I note the Planning Authority Transportation Planning Division indicated that when the location of the 3m wide entrance and the additional area needed to facilitate dishing of the pavement and necessary set-back for access is taken into account, there would be a reduction in available space for on-street parking, resulting in a loss of one parking space. I accept this assertion, based on the already confined existing area to accommodate two parking spaces and the extent of footpath dishing and set back in place in other similar entrances in the area, such as the adjoining house, No 30 Palmerston Gardens. Furthermore, it is not feasible to move the proposed entrance further southwards to avoid impacting the parking area, due to the proximity of the junction, as it would not be acceptable for traffic safety reasons.
- 4.2.3. There is an existing gated vehicular entrance in the southern boundary of the site to the rear of the house, which opens onto a concrete paved area suitable to accommodate a parked car, and which it is proposed to retain. The applicant has not addressed why this vehicular entrance cannot be used for parking, EV charging and access to the dwelling. The retention of the existing entrance in addition to the proposed new entrance, would result in 2 spaces serving the dwelling, which is in excess of the Development Plan maximum standard of 1 parking space per dwelling.
- 4.2.4. The applicant argues that the majority of dwellings in the area have vehicular entrances and refers to a permission granted for such an entrance nearby in 2019 by the planning authority, despite resulting in reduction in parking spaces. However, I note that this permission was granted before controlled parking was introduced in the

area and that the property did not have an alternative vehicular access available. I am satisfied therefore, that the circumstances are not comparable to the current application.

- 4.2.5. In conclusion, I believe the proposal to provide a vehicular entrance to facilitate one off-street parking space would be contrary to Policy SMT25, and Appendix 5, Section 4.1, particularly taking into account the availability of an existing vehicular entrance and parking space within the curtilage of the house, and is therefore not acceptable in principle.

5.0 Recommendation

- 5.1. I recommend that permission for the development be refused.

6.0 Reasons & Considerations

The proposal would result in a loss of an on-street parking space 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 aim to manage on street parking to serve the needs of the city alongside the needs of residents and the wider community. The reduced supply of on-street car parking would detract from the amenity of road users and the residential amenity of local residents and would set an undesirable precedent for other similar developments in the area 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.

Ann Bogan

Planning Inspector

21st February 2024

Appendix 1 Dublin City Development Plan: relevant policies

Chapter 8 Sustainable mobility and transport

Section 8.5.7 (extract)

How streets and demand for on street parking are managed has to be balanced with other necessary strategic improvements such as street greening initiatives, secure bicycle parking and improvements to footpaths and cycle lanes.

Objective SMT25 On-Street Parking

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.

Chapter 9

Policy BHA 9 Conservation Areas

It is the policy of Dublin City Council to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. 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.

Chapter 14 Land Use Zoning

14.7.2 Residential Neighbourhoods (Conservation Areas)

Land-Use Zoning Objective Z2: To protect and/or improve the amenities of residential conservation areas.

Appendix 5 Transport and Mobility: Technical Requirements

Table 2 Car parking Standards – Maximum of 1 space per dwelling

On-street car parking

4.1 On Street Parking Public on-street parking is a necessary facility for shoppers and business premises and is necessary for the day-to-day functioning of the city.

Dublin City Council will preserve available on-street parking, where appropriate. However, the space currently occupied by on-street parking may be needed in the future for strategic transportation projects or active travel infrastructure.

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.

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.

4.3.1 Dimensions and Surfacing

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.

The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. 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. In certain circumstances, applicants may be required to demonstrate that vehicles can turn within the site and exit in forward motion.