



An
Bord
Pleanála

Inspector's Report

ABP-319689-24

Development	Development consisting of remodelling of the front railings to allow for vehicular entrance and off-street parking, demolition of conservatory and shed for the construction of a partially sunken office studio, minor alterations to the existing house and all associated site works.
Location	8 Saint John's Road, Sandymount, Dublin 4, D04 YT97
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1173/24
Applicant(s)	Avril Bates & David Leech
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Avril Bates & David Leech
Observer(s)	None
Date of Site Inspection	21 June 2024
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of St. Johns Road in the south Dublin suburb of Sandymount. The existing dwelling is a mid-terrace two-storey over basement dwelling in a terrace of 8 no. dwellings. The dwellings have deep front gardens, bound by railings to the public road. The southern side of the road has some public parking but is largely double-yellow lined. The northern side of Saint Johns Road has on-street parking.

2.0 Proposed Development

- 2.1.1. On the 6th March 2024, planning permission was sought for a development that comprises the remodelling of existing railings to facilitate vehicular parking, the demolition and removal of a non-original conservatory and garden shed, and the construction of a partially sunken one-storey store / office studio to the rear, minor works to the existing back of house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 17th May 2024, the Planning Authority issued a split decision as follows:
- GRANT permission for the removal of the conservatory and garden shed, the construction of store and office studio, alterations to existing dwelling and
 - REFUSE permission for the remodelling of the railings to allow for vehicular entrance and off-street parking.
- 3.1.2. The grant of permission is subject to 8 no. standard conditions. The reason for refusal states:
- “ The proposed vehicular entrance would result in the removal of on-street parking spaces to accommodate a private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy SMT25 (On-Street Parking), section 8.5.7 (Car Parking) and Volume 2, Appendix 5, Section 4.1(On Street Parking) 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 adjacent roads. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** Standard conditions recommended.
- 3.2.2. **Transportation Planning:** Pedestrian access to St. Johns Road, no rear vehicular access. Mature tree on street, not detailed on plans. Designated pay & display and permit parking along both sides of St. Johns Road including a two-space bay to the front of the site. Few dwellings have historical vehicular entrances, majority on north side rely on on-street parking. On-street parking is in high demand. Section 4.1 of Appendix 5, policy SMT25, and section 8.5.7 of the development plan referenced. Recommendation to refuse permission.
- 3.2.3. **Planning Report:** Proposed works to dwelling are acceptable subject to condition. Notes that Transportation Planning department recommends refusal for the proposed widening of the entrance to facilitate off-street parking and recommends the issuing of a split decision.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

- 3.4.1. One submission raises flooding and impact on proposed rear office / studio.

4.0 Planning History

- 4.1.1. None on file.

5.0 Policy Context

5.1. Dublin City Council Development Plan 2022-2028

- 5.1.1. In the plan, the site is zoned ‘**Z2 Residential Conservation Area**’ which has the stated objective “to protect, or improve the amenities of residential conservation areas”.

- 5.1.2. **Residential Conservation Areas** - Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.3. **CHC4** - To protect the special interest and character of all Dublin's Conservation Areas. 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....
- 5.1.4. **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.
- 5.1.5. Appendix 5 of the development plan refers to Transport and Mobility: Technical Requirements **Appendix5, section 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.
- 5.1.6. **Appendix 5, section 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.

- 5.1.7. **Appendix 5, section 4.3.2** Impact on Street Trees In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused and a financial security required to cover any damage caused (see Chapter 15 for further details).

5.2. **Natural Heritage Designations**

- 5.2.1. South Dublin Bay SAC (Code 000210) with conservation objectives relating to tidal, mudflats and sandflats. South Dublin SPA (Codes 04024) relating to intertidal habitat.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the development in an urban area, 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.

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 for part of the proposed development: the remodelling of the front railings to allow for vehicular entrance with EV charging and off-street parking. The grounds of the appeal can be summarised as follows:
- No. 8 forms part of a Victorian terrace (1848) with deep front gardens 22m x 6.8m. Zoned Residential Conservation area Z2
 - No. 8, mid-terrace is only house without off-street car parking
 - Appellant refutes suggestion that development would create an 'undesirable precedent'.

- Introducing a vehicular access reinstates consistency, in keeping with best conservation principles.
- Proposed access is 3.5m from the nearest public street-tree
- Planners report notes no objection to appearance or design impact. Refusal reason refers to Roads department report which suggests that the loss of two public on-street spaces would not be acceptable because the road is in high demand.
- On-street parking generates income for the Council.

6.2. Planning Authority Response

6.2.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Works to Existing Dwelling
- Vehicular Entrance

7.2. Works to Existing Dwelling

- 7.2.1. I note that the appellant has only appealed that part of the Planning Authority decision that has refused permission for the widening of the existing entrance to facilitate on-site car parking.
- 7.2.2. No party to the appeal has raised a concern with the proposed works to the existing house and studio / office to the rear. The proposed demolition of the existing conservatory and garden shed adjoining the rear boundary wall are acceptable. The conservatory is non-original and disrupts the rear elevation of the dwelling. The replacement of the roof and the addition of insulation is acceptable. The proposed windows and garden doors to the rear are in keeping with the rear elevation of the dwelling and are acceptable.

- 7.2.3. The proposed studio/ office with pedestrian access off the mews lane is single storey, with an overall ridge height of 2.7m. This is marginally taller than the existing garden shed (2.5m) and will largely be hidden behind the rear boundary wall. Notwithstanding that the proposed studio extends the width of the subject site (6.6m), the proposal to sink it 400mm below the existing ground level, means it will not create a dominant feature from the lane. Should the Board decide to grant permission, a condition should be attached restricting the use of the structure to that ancillary to the residential use of the dwelling.
- 7.2.4. I am satisfied that the proposed works to the existing dwelling and the construction of a studio / office are in keeping with the pattern of development in the area, are in keeping with the proper planning and sustainable development of the area and are in compliance with policy CHC4 of the 2022-2028 Dublin City Development Plan.

7.3. Proposed Vehicular Entrance

- 7.3.1. There are two elements raised in the transportation department's report – the existence of a street tree at the proposed entrance and the removal of on-street parking spaces. The Board will note that only the removal of on-street parking was referenced in the reason for refusal.
- 7.3.2. In relation to the tree, there is a tree within the subject site, but the nearest tree on the public road is outside no. 6 Saint Johns Road, approx. 3m from the proposed vehicular entrance. I am satisfied that the existing tree on the public footpath is not a deterrent to the proposed development. I note that the appellant has not addressed the required removal of the tree inside the existing railing. Should the Board decide to grant permission, the applicant should be requested to provide details of commensurate planting on-site. I am satisfied that the proposed development complies with section 4.3.2 of appendix 5 of the development plan, which states that proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted.
- 7.3.3. In relation to the removal of on-street parking, I note section 4.3 of appendix 5 of the development plan. This section 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. Given that all of the existing dwellings in this terrace, bar the subject site, have on-site parking, it cannot be held that residents “rely” on on-street parking. I note the extent of on-street parking available on the north side of Saint Johns Road. I am satisfied that the proposed development would not detract from the convenience of road users and the residential amenity of surrounding properties. Nor would the removal of two on-street parking spaces harm the availability of other users, (section 4.1 of appendix 5) given the solely residential use of the road.

7.3.4. In relation to precedent, the proposed dwelling is the sole property in the terrace of eight, that has not been altered to provide on-street parking. I am satisfied that should the Board decide to grant permission, an undesirable precedent will not be set.

7.3.5. The depth of the front garden of the subject site (21.5m) is such that the proposed development will facilitate the retention of a significant area of garden. The proposed 2.8m wide entrance is largely in keeping with the pattern of development along the terrace. I am satisfied that the proposed development is in compliance with policy SMT25 and is in keeping with the proper planning and sustainable development of the area.

8.0 AA Screening

8.1.1. Having regard to the nature and scale of the proposed residential 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.

9.0 Recommendation

I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

10.1.1. Having regard to the nature and scale of the development proposed to the existing dwelling, to the pattern of vehicular entrances along this terrace on Saint Johns Road, to the availability of on-street parking alongside the northern side of the road, and to the policies of the Dublin City Development Plan 2022 - 2028, it is considered

that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area, and would not detract from the character. The development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1 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 21st day of May 2024, 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority, details for commensurate planting on site to address the removal of on-site planting required by the proposed vehicular entrance.

Reason: In the interest of visual and environmental amenity.

- 4 Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity

- 5 All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

- 6 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

- 7 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

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

28 June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Development to existing dwelling, including widening of vehicular entrance to provide off-street car parking		
Development Address	8 Saint Johns Road, Sandymount, D04YT97		
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	
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?			
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			No EIAR or Preliminary Examination required

4. Has Schedule 7A information been submitted?	
N/A	

Inspector: _____ **Date:** _____