



An
Bord
Pleanála

Inspector's Report ABP 320211-24

Development

Retention of metal cladding to two windows and removal of pedestrian gate and pier to form single pedestrian/vehicular entrance with metal gates.

Location

35 Clyde Road, Ballsbridge, Dublin 4.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB 1529/24.

Applicant(s)

Mary and Owen O'Riordan.

Type of Application

Retention permission.

Planning Authority Decision

Split decision – grant permission for metal cladding and refuse permission for new entrance

Type of Appeal

First Party.

Appellants

Mary and Owen O'Riordan.

Observer

Janice O' Neill.

Date of Site Inspection

2 October 2024.

1.0 Site Location and Description

- 1.1. No.35 Clyde Road is a 3 storey semi-detached house located on the northern side of Clyde Road. It is one of a single pair of houses constructed in the 1980's on a plot to the side (east) of Raglan Court, a large period property now in use as apartments. Ashley Court, a 5 storey apartment block, probably constructed in the 1980's/1990's, is located immediately to the east.
- 1.2. Drawings and photographs on file illustrate the works that have been carried out and that are the subject of the application – the metal cladding to the upper floor windows on the front elevation and the reconfigured entrance. Photographs also illustrate the pre-existing pedestrian/vehicular entrance. Photographs included of the Observers house, No.33, illustrate how both properties looked prior to alterations to No.35.
- 1.3. Clyde Road is characterised by large period properties and mature trees. Most properties seem still to be in residential use and some are embassies. All have off-street parking and there is also on-street parking.

2.0 Proposed Development

- 2.1. The proposal is to retain the metal cladding to the two upper floor windows on the front elevation and to retain the re-configured entrance.
- 2.2. The works to the upper floor windows, driven by the need for repair and to provide for insulation upgrades, included a reforming of the windows to box-shaped and slightly projecting dormers. The original windows were flush to the façade with small projections to the roof above eaves level.
- 2.3. The works to the entrance involved the removal of the middle pier and the installation of a single pair of metal gates. The original gates were of timber construction.

3.0 Planning Authority Decision

3.1. Decision

This is a split decision.

Permission is granted to retain the metal cladding to the upper floor windows on the front elevation. Standard conditions are attached.

Permission is refused to retain the vehicular entrance. The reason refers to the excessive width of the entrance, contrary to Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028, which aims to ensure that vehicular entrances are designed to avoid the creation of a traffic hazard. It also refers to undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for planning authority decision. Includes:

- While the windows are not in keeping with the character of the adjoining house the development has minimal impact on the character of the street scene.
- The previous window layout, with the guttering running across the windows, was not considered to be of high quality design.
- The recommendation to refuse the retention of the entrance was based on the report of the Transportation Planning Division.
- The issue of precedent is cited in connection with increasing the risk of traffic hazards.

3.2.2. Other Technical Reports

Transportation Planning Division

Includes:

- By reference to Appendix 5 of the development plan the widening of the vehicular entrance to 3.80m is in excess of and contravenes development plan standards.
- The report refers to both Section 4.3.1 (general technical requirements) and Section 4.3.7 (requirements in relation to Protected Structures and Conservation Areas) of Appendix 5.

Drainage Division

Includes recommendation to attach standard conditions.

3.2.3. Observations to Planning Authority

One observation was lodged by the Observer in the appeal. The submission is similar to that lodged in the appeal – see Section 6.3 below.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Development Plan

Dublin City Development Plan 2022-2028.

The site is located in an area subject to Zoning Objective Z2; Residential Neighbourhoods (Conservation Areas) where the stated objective is to protect and/or improve the amenities of such areas.

The adjacent Raglan Court is a Protected Structure and several of the properties along Clyde Road are also Protected Structures.

Appendix 5 [Transport and Mobility: Technical Requirements], Section 4.3.1 [Dimensions and Surfacing] includes:

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.

Section 4.3.7 [Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas].

The emphasis here is on the protection of the character of such properties and areas. Features such as boundary walls, railings and gardens are considered to make an important contribution in this context. Provisions include:

The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6m and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates shall not swing outwards so as to cause an obstruction on the public footpath.

5.2. Natural Heritage Designations

None relevant.

5.3. EIA

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and, therefore, the requirement for EIA screening or EIA does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal focusses on the refusal of permission to retain the new entrance. The main relevant grounds include:

- Clyde Road outside the property is 11m wide and straight. Sight lines along the road are over 100m in each direction.
- The new entrance improves access and egress from the property. The pre-existing entrance gate was narrow with a timber construction offering no visibility. The sight line to the footpath was restricted by the dominant blockwork piers. The new steel frame gates and additional width improves visibility along the path.
- The 3.8m wide entrance is slightly over half the width of the front boundary to the property (7.39m). To achieve 50% one pier would have to be demolished and moved 100mm.

6.2. Planning Authority Response

None received.

6.3. Observation

This is lodged by Janice O'Neill, 33 Clyde Road, the adjoining house to the east. It includes:

- The changes to the front façade of No.35 are incongruous and out of character with the surrounding houses and the area, including 14 Raglan Road (Raglan Court), a Protected Structure.
- The changes give rise to a substantial loss of privacy to the front garden of No.33 which is the main outdoor recreational area of the property.
- Not all changes to the building are outlined in the application.

- Concerns about possible removal of certain internal structural elements that may adversely affect the Observers property.
- The vehicular entrance is excessively wide – from approx. 2700mm to about 3950mm – contrary to Appendix 5 of the development plan.
- The alterations have a detrimental effect on the value of the Observers house.
- Query if the applicants had the permission of the legal owner of the property to make the application.

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal. The Board will note that these refer solely to the refusal element of the planning authority decision and which relates to the re-configured entrance to the property.

The Observer submission refers to all elements of the development.

I am satisfied that no other substantive issues arise. The issues, therefore, are dealt with under the following headings:

- The entrance
- The upper floor window alterations
- Appropriate assessment

7.2. The Entrance

- 7.2.1. As indicated the reason cited by the planning authority for refusing permission for the retention of the re-configured entrance is solely based on it being considered excessively wide relative to the standards set down in Appendix 5, Section 4.3.1 of the development plan. While it is stated that these standards are to ensure that vehicular entrances are designed to avoid the creation of a traffic hazard, there is no suggestion in this case that the subject entrance gives rise to such hazard. I agree with the applicants that the new entrance, if anything, improves safety, especially for pedestrians, by affording greater visibility along the footpath.

- 7.2.2. Standards such as those cited in Appendix 5 must be applied with a degree of flexibility and in a way that allows planning judgement to take account of the particular circumstances of each case. Otherwise development management becomes unworkable. The required approach is reflected in Chapter 15 - Development Standards - of the development plan with it's frequent referencing of the appendices to the plan as being in the nature of guidance.
- 7.2.3. The entrance, as described, has been re-configured by removing the middle pier and installing a single set of steel gates. The overall width is stated as 3.8m. While the Observer suggests a width of about 3.95m I am inclined to accept the applicants measurements. In any case I do not see the difference as significant. Section 4.3.1 of Appendix 5 of the development plan suggests a maximum width of 3.0m. In my view the additional width of 0.8m is not significant and, as referred to above, in no way contributes to the creation of a traffic hazard. It is also noteworthy that many of the substantial residential properties along Clyde Road have vehicular entrances of similar width. In this connection it is difficult to reconcile the provisions of Section 4.3.7 of Appendix 5, and which suggests a maximum entrance width of just 2.6m in Conservation Areas, with the reality on Clyde Road and where the majority of the entrances appear to be original to the properties. In its decision, of course, the planning authority does not rely on this section.
- 7.2.4. Given the preponderance of vehicular entrances of similar width along Clyde Road the contention in relation to precedent, as advanced by the planning authority, does not hold up.
- 7.2.5. I recommend that the appeal be upheld and that permission to retain the new entrance should be granted.

7.3. The Upper Floor Window Alterations

- 7.3.1. As indicated this element of the development is only raised in the Observer submission. While the alterations do change the appearance of the house I do not agree with the planning authority Planners assessment that they are not in keeping with the character of the adjoining house nor do I agree with the Observer that they are incongruous and out of character with the surrounding area. In my view they add a sharper, contemporary look to the house and make a positive addition to the existing streetscape. I do not consider that they give rise to any substantial loss of

privacy to the Observers front garden. It follows that I do not consider that there are any negative implications for the value of the Observers house.

- 7.3.2. In relation to the Observers comments about other changes to the building, the subject application is in respect only of those elements specifically referred to in the application. As to the matter of ownership the application form indicates the applicants as the owners of the property and the Observer has not submitted any information to suggest otherwise.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and minor scale of the development within an established built up urban area it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that permission be granted to retain the entire development. In effect the Board should issue a single permission that will replace, in full, the planning authority split decision. Given the very minor nature of the development the single standard Condition 1, suitably amended, should suffice.

9.0 Reasons and Considerations

Having regard to the existing character and pattern of development in the vicinity and to the minor nature of the development carried out, comprising alterations to the upper floor windows on the front façade and the re-configuration of the entrance, which does not give rise to a traffic hazard or set a precedent in relation to same, and having regard, in particular, to Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028, it is considered, subject to compliance with the following condition, that permission to retain the development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application.</p> <p>Reason: In the interest of clarity.</p>
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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.

Brendan Wyse
Planning Inspector

8 October 2024