

An
Bord
Pleanála

Inspector's Report ABP320683-24

Development	Vehicular entrance with a 3.2m gate, dishing of public footpath and all associated site works.
Location	21 Clogher Road, Crumlin, Dublin 12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1781/24.
Applicant(s)	Clara Clark.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Clara Clark.
Observer(s)	None.
Date of Site Inspection	09/10/24.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 21 Clogher Road, Crumlin, is located on the north side of Clogher Road within a network of suburban streets principally characterised by semi-detached and terraced two-storey houses with front and back gardens.
- 1.2. No. 21 Clogher Road is a mid-terrace house. A number of houses on Clogher Road have in-curtilage car parking. The adjoining end of terrace house at no. 23 Clogher Road has a vehicular access.
- 1.3. The front garden of nos. 21 and 23 Clogher Road comprises a grassed lawn. There is no discernible division of the front curtilage of the houses. A dedicated pedestrian gate at the western extremity of the street frontage gives access to no. 21 Clogher Road.
- 1.4. The street frontage to the end of terrace property at no. 23 Clogher Road is extended by reason of a more generous site area. The access to no. 23 Clogher Road is via a vehicular access at the eastern extremity of the frontage.
- 1.5. There is a footpath between the front boundary of the houses and the carriageway. There is a Dublin bus stop located on the footpath outside nos. 21 & 23 Clogher Road - Stop 1401.
- 1.6. Site area is given as 140 sqm.

2.0 Proposed Development

- 2.1. Vehicular entrance with a 3.2m gate, dishing of public footpath and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

The proposed vehicular entrance would conflict with a bus stop, including the bus set down area and the pedestrian waiting area, and as such would endanger public

safety by reason of the creation of a traffic hazard. The proposed development would set an unacceptable precedent and 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 Traffic Division of the planning authority observe that the subject site is proximate to an existing bus stop located on the public footpath in front of the proposed vehicular access. It is considered that the vehicular entrance would conflict with the bus stop and the associated waiting set down area. Therefore the proposal would be inconsistent with Appendix 5 of the Dublin City Development Plan 2022-2028 by reason of pedestrian conflict and traffic hazard.

4.0 Planning History

There is no recent relevant planning history on the subject site.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The applicant site is zoning objective Z1 (Map G) (Residential): *to protect, provide and improve residential amenities.*

- Chapter 8 (Sustainable Mobility and Transport) is relevant and *inter alia* provides for the following:

Section 8.5.7 (car parking) is relevant, which provides for strong car parking policy implementation in Dublin City.

- Policy Objective SMT25 states 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

- Policy SMT2 (De-carbonising Transport) is relevant and states:

To support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure.

- Policy 2MT29 (Expansion of the EV Charging Network) is relevant and states:

To support the expansion of the EV charging network by increasing the provision of designated charging facilities for Electric Vehicles on public land and private developments in partnership with the ESB and other relevant stakeholders; and to support the Dublin Regional EV Parking Strategy.

- Vehicular Entrances and Front Garden Parking

Appendix 5, Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant.

- Section 4.3 (Parking in Front Gardens), which *inter alia* states:

Panning 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

dwelling 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.

- 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 would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- No. 21 Clogher Road does not have off-street car parking. The appellant claims that the resident (the subject property is a rental) must therefore park their car on the footpath outside the house. This action causes an obstruction. The appellant does not invite this hazard and wants the resident to be safe.
- There is a bus stop located between nos. 21 & 23 Clogher Road. However, there is precedence for the provision of off-street parking in locations where bus stops are present in Crumlin.
- For example at the following locations no. 47 Clogher Road, Slane Road - Stop 3355, no. 97 Kildare Road, Saul Road, no. 246 Sundrive Road - Stop

3353 and no. 207 Crumlin Road - Stop 2096. Thus the proposal would not set a precedent.

- The appellant claims that there is excellent visibility at this point on Clogher Road providing for good sightlines. It is claimed there would not be a public safety issue as the residents of the house can see anyone walking past or stopped at the bus stop.
- The alternative for the resident is to park on the footpath. The resident who is a tenant of this rental property has small children. Parking on the footpath is not a good option. It is more of a safety and traffic hazard given that Clogher Road is a busy throughfare.
- It is claimed virtually every other house on this section of Clogher Road has off-street parking.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

The planning authority would request that the Bord uphold their decision to refuse permission. A condition requiring the payment of a Section 48 development contribution is requested if permission is granted.

6.4. Observations

N/A

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and is a consideration of the proposed development. It is noted there are no new substantive matters for consideration
- 7.2. The appellant has applied for an in-curtilage car parking space and vehicular access from Clogher Road to facilitate the residents of no. 21 Clogher Road, which is a

rental property. The existing boundary wall to no. 21 Clogher Road is in place punctuated by a pedestrian entrance. The front garden area is grassed with no visible division along the shared property boundary with no. 23 Clogher Road. There is a bus stop (Stop 1401) located on the public footpath to the front of the subject houses aligned with the notional property boundary between nos. 21 & 23 Clogher Road.

- 7.3. The appellant proposes to remove in part the boundary wall and pedestrian access to create a new vehicular entrance with footpath dishing and gate. The access would be 3200mm in width. The dept of the front garden is given as 8170mm. The width of the garden is given as 4480mm. However, measuring the frontage from the submitted drawings the width of the front garden would appear to be approximately 3.5m. The appellant claims that access / egress to in-curtilage parking would be facilitated by clear sightlines.
- 7.4. The planning authority has refused planning permission on the ground that the proposed vehicular entrance would conflict with the bus stop located on the footpath on the public side of the front property boundary, including the bus set down area and the pedestrian waiting area. The planning authority concluded that the proposed development would endanger public safety by reason of the creation of a traffic hazard and would set an unacceptable precedent contrary to the proper planning and sustainable development of the area.
- 7.5. The Traffic Division of the planning authority observe that the subject site is proximate to an existing bus stop located on the public footpath in front of the proposed vehicular access - Bus Stop 1401. The Traffic Division consider that the vehicular entrance would conflict with the bus stop and the associated waiting set down area. Therefore the proposal would be inconsistent with Appendix 5 of the Dublin City Development Plan 2022-2028 by reason of pedestrian conflict and traffic hazard.
- 7.6. The feasibility of reducing the width of the new access and the feasibility of moving the bus stop were considered by the Traffic Division. However, a notional reduction in the width to the minimum 2.5m standard would not prevent conflict with the bus stop. Furthermore, following consultation with the NTA and Dublin Bus the bus stop will remain at its current location.

- 7.7. The appellant cites a number of precedents for the co-location of vehicular access and Dublin bus stops including Bus Stop 3353 proximate to no. 257 Sundrive Road, Bus Stop 1402 proximate to no. 47 Clogher Road and Bus Stop 5148 proximate to No. 97 (96) Kildare Road. The appellant does not clarify if the vehicular accesses cited are authorised.
- 7.8. I have viewed the co-locations on Sundrive Road, Clogher Road and Kildare Road. I note that the subject vehicular openings are legacy developments of longstanding. I do not consider that they are relevant to the subject application, which is for the creation of a new vehicular opening.
- 7.9. In the matter of new vehicular openings, Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022-2028 *inter alia* mandates that vehicular entrances shall be designed to avoid the creation of a traffic hazard for passing traffic and conflict with pedestrians. I consider that the proposal given its proximity to Bus Stop 1401 would create a conflict with the bus stop waiting area and with pedestrian movement in the environs of the bus stop, as such, the proposal would be contrary to the provisions of Section 4.3.1.
- 7.10. The appellant argues that the majority of houses on Clogher Road have off-street car parking. Furthermore, the existing parking arrangement for the resident of no. 21 Clogher Road is highly unsatisfactory. The resident parks their car on the public footpath outside the subject house, which results in the obstruction of the footpath. The appellant claims that the existing situation represents a greater traffic hazard than the provision of a new vehicular access to the subject house.
- 7.11. I observed on the day of my site visit that the existence of a vehicular access and in-curtilage parking does not mitigate parking on the footpath. In the instance of one property on Clogher Road proximate to the application, I noted a parked car in the in-curtilage parking space of a house on the north side of the road and a second car parked on the footpath directly in front of the subject vehicular access.
- 7.12. I conclude that the proposed development requiring the removal of the existing boundary wall and pedestrian gateway and the dishing of the footpath between the front boundary and the carriageway, in order to create a new vehicular access to the front curtilage of no. 21 Clogher Road, would give rise to a conflict between pedestrians and vehicular movements, accessing / egressing the proposed in-

curtilage parking bay, and the existing bus stop and waiting area located on the public footpath between the front property boundary and the carriageway.

7.13. **Appropriate Assessment Screening**

The proposed development comprises a vehicular entrance and an in curtilage car parking space 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 planning permission having regard to the reasons and considerations set out below.

9.0 **Reasons and Considerations**

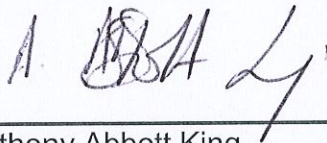
Having regard to the reason for refusal, the grounds of appeal and the policy framework of the Dublin City Development Plan 2022-2028, it is considered that the proposed development proximate to Dublin Bus Stop 1401, located on the public footpath between the front boundary of no. 21 Clogher Road and the carriageway, would conflict with the bus stop and bus stop waiting area, including pedestrian movement in the environs of the bus stop, as such, the proposal would be contrary to the provisions of Section 4.3.1, Appendix 5 of the Dublin City Development Plan 2022-2028, which *inter alia* mandates that new vehicular entrances shall be designed to avoid the creation of a traffic hazard for passing traffic and conflict with pedestrians. The proposal would therefore be inconsistent with the relevant provisions of the Dublin City Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

10.0 **Refusal**

1.	The proposed vehicular entrance would conflict with a bus stop, including the bus set down area and the pedestrian waiting area, and as such would endanger public safety by reason of the creation of a traffic hazard. The
----	--

	proposed development would set an unacceptable precedent and would 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.



Anthony Abbott King
Planning Inspector

11 October 2024