



An  
Bord  
Pleanála

## Inspector's Report ABP-320991-24

<b>Development</b>	<i>Permission to widen existing pedestrian gate to form new vehicular entrance to Albert Rd Lower with associated parking area to front garden</i>		
<b>Location</b>	<i>Florence Villa 21 Albert Rd lower Glenageary Co. Dublin.</i>		
<b>Planning Authority Ref.</b>	<i>D24A/0532</i>		
<b>Applicant(s)</b>	<i>Fergus Sheridan.</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Refuse Permission.</i>
<b>Type of Appeal</b>	<i>First</i>	<b>Appellant</b>	<i>Fergus Sheridan</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>08/01/25</i>	<b>Inspector</b>	<i>Ian Doyle</i>

**1. Site Location/ and Description** The site is located at 21 Albert St Lower on the northern corner of the junction of Marine Court and Albert Street. The dwelling on site is a 19-century single story terraced house extended to the rear with pedestrian access from Albert St and vehicular access from Marine Court.

**2. Proposed development.** Alterations to front boundary wall consisting of the widening of existing pedestrian access to accommodate vehicular access and use of front garden for a single car parking space.

**3. PA's Decision** The planning authority refused permission for the following two reasons:

- *Due to endangerment of public safety as a result of the location of the proposed additional vehicle or entrance, it's proximity to the junction between Marine Court and Albert Rd Lower, and the resulting associated conflict with traffic movements in the vicinity of the junction, i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- *Having regard to the provisions of the compact settlement guidelines for planning authorities, DHLGH 2024, in particular specific planning policy requirement 3, which seeks to minimise, substantially reduce, or wholly eliminate car parking in accessible urban locations, it is considered that the provision of an additional vehicular entrance and associated car parking space at this location would constitute an over provision of car parking at the site, contrary to SPPR 3, and would, therefore, be contrary to the proper planning and sustainable development of the area*

### **3.1 Internal Reports**

Transportation Planning Dept (dated 17<sup>th</sup> July 2024) – recommends that the proposed development be refused.

- *Transportation Planning considers that any vehicular entrance, to the front garden of Florence Ville, 21 Albert Road Lower, either from Marine Court or Albert Road Lower, would endanger public safety by reason of traffic hazard due to its proximity to the junction between Marine Court and Albert Road Lower and the resulting associated conflict with traffic movements in the vicinity of the junction.*
- *In addition, the proposed vehicular entrance would result in the provision of 2 No. vehicular entrances and hardstanding areas serving a single dwelling, which Transportation Planning would not be in favour of*

#### **4. Planning History.**

**D20A/0803** Permission refused for: 1) demolition of the existing pitched roofs and flat roof to the rear of the existing house and the construction of a first floor extension over. 2) relocation of existing pedestrian access gate on Albert Rd lower to a new location 3) provision of 2.8m wide vehicular access gate from Marine Court with single car parking Bay and associated site works.

**D20A/0803** Permission granted for a small extension at ground and 1st floor level to rear of existing dwelling.

#### **5.1. National/Regional/Local Planning Policy**

- Sustainable and Compact Settlements- Guidelines for Planning Authorities  
SPPR 3 - Car Parking It is a specific planning policy requirement that: (i) In city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling. (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.
- The Dun Laoghaire-Rathdown County Development Plan Section 11.4.3.3 Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features states: It is a Policy Objective to:
  - i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
  - ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings,

and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

- *Section 12.4.5.6 Residential Parking* states Car parking proposals will be assessed having regard to their impact on place making as well as providing residents with adequate and safe access to their private vehicle.
- *Section 12.4.8.1* of the plan states that for a single residential dwelling, the maximum width of an entrance is 3.5 metres and that parking spaces need to have a minimum length of 5.5m and width of 3m.
- *Section 12.4.8.3* states that a minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties - such as small terraced dwellings this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public.
- *Section 12.4.8.2* states that Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted.
- *Section 12.4.8.4* states "*In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted*".

## **5.2 Natural Heritage Designations**

- Dalkey Island SPA (Site Code 004172) which is located 1.72km east of the site
- South Dublin Bay and River Tolka SPA (Site Code 004024) which is located circa 2.6Km north of the site.
- South Dublin Bay pNHA (Site Code 000210) which is located circa 2.6Km north of the site.

## **6. The Appeal**

### **6.1 First Party Appeal.**

A first party appeal was lodged by *Fergus Sheridan* on the 07<sup>th</sup> of October 2024.

The appeal in summary states:

- The proposed development will not affect the character of the area as the majority of the properties in the vicinity of the subject site have front, off street parking, even on corner sites /junctions.
- Significant precedent exists in the general area.
- Due to a change of personal circumstances, the applicant and resident of 21 Albert Rd lower now requires wheelchair accessibility measures for access from their car to their door.
- The existing vehicle access /car parking area on the Marine Court side of the subject site is not currently used by the residents for off Street car parking but is instead used for private open space. Therefore, the site does not encompass an over provision of car parking spaces, the provision of 1no. parking space is not unreasonable.
- The council's decision to refuse permission does not have regard for future EV charging spaces as there is no possibility for an EV charging station without the provision of off-street parking.
- The site falls under zoning objective which aims to protect improve residential amenity. The proposed development would improve residential amenity by allowing for convenient and accessible parking infrastructure, allowing ease of access in the event of emergency.

### **6.2 P.A. Response**

- *No response received*

## **7. EIA Screening**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the

environment arising from the proposed development. EIA, therefore, is not required.

## **8. AA Screening**

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services 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.

## **Assessment**

### **1.2. Introduction**

1.2.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

1.2.2. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters:

- Policy/Principle of Development
- Traffic Safety

### **1.3. Policy/Principle of Development**

1.3.1. The second reason for refusal references non-compliance with SPPR 3 of the Sustainable and Compact Settlements- Guidelines. (hereunder referred to as the guidelines).

1.3.2. Table 3.8 of the guidelines identifies 4 categories of accessibility to public transport namely:

- High-capacity public transport node or interchange, (1km)
- Accessible location, (500m)
- Intermediate location, and (500-1000m)

- Peripheral. (greater than above)

- 1.3.3. Gleanageary Dart station is located 550m south of the site, Glasthule bus stop is 600m north west and Sandycove bus station is 1km north west. Ulverton Road bus stop is 1.1km north east of the site.
- 1.3.4. Technically the above locations do not constitute a “high-capacity public transport node or interchange” which is defined by the guidelines as *“places of convergence and interchange between different forms of transportation”*.
- 1.3.5. While the site is 50m in excess of the guidelines definition of an “accessible location” (500m), it is not accurate to describe it as an “intermediate location” given the extent of available public transport options in the area.
- 1.3.6. It is my opinion that a refusal on the basis of non-compliance with National Policy SPPR 3 is not justifiable in this instance.
- 1.3.7. The proposed development is located within an area subject to zoning objective A of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (hereunder referred to as the plan) which seeks *“To provide residential development and improve residential amenity while protecting the existing residential amenities”*.
- 1.3.8. Having regard to the above, it is considered that the proposed development which comprises the widening of an existing pedestrian gate to form a new vehicular entrance to accommodate a parking area in the front garden, does not contravene the zoning objective for the site.
- 1.3.9. The principle issue in question is with respect to Development Plan policy which in general is not supportive of accommodating new vehicular entrances to front gardens for the purposes of off-street parking provision.
- 1.3.10. Section 12.4.8.2 of the plan states that *“Vehicular entrances and on-curtilage parking should not normally dominate a property’s frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances,*

*proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted”.*

- 1.3.11. There are numerous examples along Albert Road where the front boundaries of properties have been altered to accommodate off street parking. However, of the 21 properties, including the subject site, along the west side of Albert Road Lower from the junction of Albert Rd Lower/Marine Court to the junction of Albert Rd Lower/Hudson Rd., only 2 have altered front boundaries to accommodate vehicular entrances. The remaining 19 properties have pedestrian access only.
- 1.3.12. The western side of Albert Road Lower from house no.'s 9 to 21 (including the subject property) is characterised by 19<sup>th</sup> century single storey/over basement terraces of similar design, with low front boundary walls of simple form punctuated by pedestrian access points at regular intervals. It is my opinion that collectively they make a valuable contribution to the streetscape and as such should be preserved.
- 1.3.13. Section 12.4.8.4 of the plan states *“In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted”.*
- 1.3.14. It is my opinion that the area is predominately characterised by pedestrian entrances and as such the proposed development is not in compliance with Section 12.4.8.4 of the plan and should be refused accordingly.
- 1.3.15. The subject property has an existing off street parking space to the rear accessed from Marine Court. The appeal states that this access is narrow and as a result is not utilised by the applicant for parking. It is my opinion that sufficient scope exists to alter the existing access point at Marine Court to provide safe access to the existing parking space to the rear of the site.
- 1.3.16. On the basis of the above, I am satisfied that the proposed development is contrary to Section 12.4.8.2 and Section 12.4.8.4, of the Plan and should be refused accordingly.



- 1.3.17. The stated purpose of the subject application is to provide wheelchair accessibility from a parking space to the dwelling on site. The appeal states that the parking space to the rear of the site is not suitable as the back door of the dwelling is located two steps higher than the level of the parking space.
- 1.3.18. The rear parking space is located approximately 7 metres from the back door of the dwelling which is a sufficient distance to accommodate modifications to facilitate wheelchair accessibility.
- 1.3.19. I consider therefore that sufficient scope exists to accommodate wheelchair accessibility from the existing rear parking space and that the vehicular access point at Marine Court can be widened if required.

#### **1.4. Traffic Safety**

- 1.4.1. The appeal includes sufficient detail to clearly demonstrate that adequate sightlines and stopping distances exist to accommodate the proposed development. The appeal includes autotracking layouts which clearly demonstrate how a car can access and egress the subject site.
- 1.4.2. However, the proposed development would result in extra traffic movements in and out of the proposed entrance. This will impact upon existing road users including cyclists and pedestrians. The location of on street parking along Albert Rd Lower is such that 2 passing cars cannot be accommodated. Additional movements in and out of the subject site will have a negative impact and cause disruption to the pre-existing flow of traffic.
- 1.4.3. I note the comments of the Transportation Planning Department of the Planning Authority which states that any vehicular entrance, to the front garden of Florence Ville, 21 Albert Road Lower, either from Marine Court or Albert Road Lower, would endanger public safety by reason of traffic hazard due to its proximity to the junction between Marine Court and Albert Road Lower and the resulting associated conflict with traffic movements in the vicinity of the junction.

- 1.4.4. I do not believe the applicant has submitted sufficient details to demonstrate that such conflict would not occur in the event of permission being granted. On the basis of the above, I generally concur with the Planning Authorities assessment on this matter.

## 2.0 Recommendation

- 2.1.1. I recommend that permission for the development be Refused for the following reasons:

1. *It is considered that the proposed development would endanger public safety by reason of traffic hazard due to its proximity to the junction between Marine Court and Albert Road Lower and the resulting associated conflict with traffic movements in the vicinity of the junction. The proposed development would, therefore, be country to the proper planning and sustainable development of the area.*
2. *The proposed development is contrary to Section 12.4.8.2 and Section 12.4.8.4 of the Dun Laoghaire-Rathdown County Development Plan which seeks to preserve pedestrian entrances in areas where they are prominent and to resist new or widened vehicular entrances particularly in circumstances where parking can be provided to the rear of properties. The proposed development would, therefore, be country 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.*



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*Ian Doyle*

*Planning Inspector*

*Date: 29/01/25*

**Form 1**  
**EIA Pre-Screening**

<b>An Bord Pleanála Case Reference</b>	ABP-320991-24		
<b>Proposed Development Summary</b>	<i>Permission to widen existing pedestrian gate to form new vehicular entrance to Albert Rd Lower with associated parking area to front garden</i>		
<b>Development Address</b>	<i>Florence Villa 21 Albert Rd lower Glenageary Co. Dublin</i>		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

A handwritten signature in blue ink, appearing to read 'S. High', is positioned above the Inspector's line.

Inspector: \_\_\_\_\_

Date: 27/01/25