

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0221 **Application Date:** 18-May-2022
Submission Type: New Application **Registration Date:** 18-May-2022
Correspondence Name and Address: Michael & Emer Meagher 36, St. Enda's Park,
Rathfarnham, Dublin 14
Proposed Development: Widen vehicular entrance involving relocation of
western pier and widen driveway taking in part of
grass margin.
Location: 36, St. Enda's Park, Rathfarnham, Dublin 14
Applicant Name: Michael & Emer Meagher
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site visit: 22/6/2022

Site Area: as stated 0.05963 Hectares.

Site Description:

The application site is located in a St Enda's Park, a crescent of residential dwellings of similar design with a uniform building line. The subject property is a two-storey, semi-detached dwelling with a pitched roof. The property has a shared driveway with the adjoining unit to the east.

Proposal:

- Widen vehicular entrance involving relocation of western pier and widen driveway taking in part of grass margin.

Zoning:

The subject site is subject to zoning objective RES - 'To protect and/or improve Residential Amenity'.

Consultations:

Surface Water Drainage – No report received.

Irish Water – No report received.

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

Roads – Recommend refuse permission.

Public Realm – Recommend refuse permission.

SEA Sensitivity Screening

- Abuts SFRA A 2016.
- Abuts Protected Structures 2016

Submissions/Observations /Representations

1 submission received which can be summarised as follows:

- It will reduce on-street parking spaces
- The development will most likely require the removal of a tree
- The current entrance is adequate

Conclusion

The submission is noted and has been reflected in the report.

Relevant Planning History

Subject Site:

SD13B/0004 – **Permission Granted** for demolition of side garage and rear kitchen and replacement with part two storey and part single storey extension to side and rear consisting of additional bedroom, new kitchen and living areas, new single window to stair, internal alterations, new garage door and associated works.

Adjacent Sites:

SD17B/0393 - St. Endas, Sarah Curran Avenue, Rathfarnham, Dublin 16. – **Refuse Permission** for new pedestrian gated entrance (0.9m wide) and new vehicular gated entrance (3.5m wide) adjacent to existing vehicular entrance with access onto Sarah Curran Avenue.

Relevant Enforcement History

None.

Pre-Planning Consultation

None on record.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- Drainage,
- Roads,
- Public Realm,
- Screening for Appropriate Assessment,
- Environmental Impact Assessment.

Zoning and Council Policy

A development comprising the widening of a vehicular entrance involving relocation of western pier and widen driveway taking in part of grass margin would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to the relevant provisions in the County Development Plan 2016-2022.

Residential & Visual Amenity

The development proposal involves the widening of the existing vehicular entrance which involves demolishing part of the wall and moving one of the piers which would not seriously injure the visual amenity of the area. The proposed development would require partial removal of the grass margin on the public domain, and would likely threaten the tree in the grass margin.

The application site is a shared entrance in a busy residential area and the width of the entrance is currently 4.17m whereas the max allowable by South Dublin County Council is 4.2m. The proposed width of the revised entrance would be 5.63m and this would be unacceptable to

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

South Dublin County Council Planning Department and as such would seriously injure the residential amenity of the area.

Conclusion

The proposed development would not be acceptable.

Drainage

No report received from Irish Water or Water Services.

Conclusion

Standard conditions should apply in the event of a grant of permission.

Roads

The Roads report states:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Widening of vehicular entrance involving relocation of western pier and widen driveway taking in part of grass margin.

The existing width of the shared entrance is 4170mm.

The proposed width of the shared entrance is 5630mm.

Roads Department considers this to be an excessive combined vehicular access, which would compromise the safety of pedestrians. The standard maximum width of a shared entrance allowed by SDCC Roads Department is 4200mm. This is considered an adequate distance for vehicles to access and egress safely.

Roads Recommend Refusal.

Conclusion

The report from the Roads Department is noted and a refusal of a grant of permission is considered appropriate.

Public Realm

The Public Realm Section would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the provision of an additional entrance. We believe by removing a section of the grass verge, it will have a significant

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

negative impact on the existing street tree. Street Trees play an extremely important role in mitigating the impacts of climate change and every effort should be made to protect and retain our existing street trees in urban areas.

The Public Realm Section would recommend the refusal of this planning application.

Comments

However, we do not have an issue with the relocation of the pillar, so far as there are no impacts to the grass margin and the existing street tree.

In the case it is granted, we would recommend that a tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing street tree in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: In the interest of tree protection and the proper planning and sustainable development of the area.

Conclusion

The report from the Public Realm Department is noted and a refusal of a grant of permission is considered appropriate.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of widening of a vehicular entrance involving relocation of western pier and widen driveway taking in part of grass margin.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, 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.

Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

Development Contributions

Development Contributions Assessment Overall Quantum

Widening Vehicular Entrance: 0sqm
Assessable Area: 0sqm

SEA Monitoring Information

Building Use Type Proposed:
Floor Area: 0sqm
Land Type: Urban Consolidation.
Site Area: 0.05963 Hectares.

Conclusion

A refusal of a grant of permission is recommended for the following reasons:

- The width of the existing entrance is 4.17m whereas the maximum allowable width of a shared vehicular entrance is 4.2m and the proposed development would be considered excessive.
- The proposed development would compromise the safety of pedestrians and would not be considered proper planning or sustainable development.
- The removal of the grass margin on the public domain would likely have an adverse impact on the existing street tree.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance would compromise pedestrian safety and adversely impact on the existing street tree. Thus, the proposed development would endanger public safety by reason of traffic hazard, impinge on visual amenity, residential amenity and the biodiversity of the residential area. As such, the proposed development would not be in accordance with the residential zoning objective and the proper planning or sustainable development of the area.


Comhairle Chontae Atha Cliath Theas

PR/0881/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22B/0221

LOCATION: 36, St. Enda's Park, Rathfarnham, Dublin 14

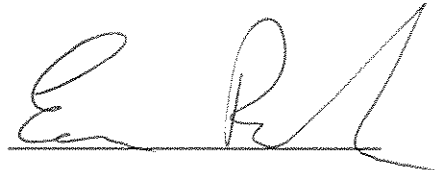


Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

12/2/22



Eoin Burke, Senior Planner