



An
Bord
Pleanála

Inspector's Report ABP-319337-24

Development

Widening of existing pedestrian gate/front railings to form new vehicular access and provision of a single parking space to front garden and all associated site works.

Location

28 Sandymount Road, Sandymount, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2139/23

Applicant(s)

Rachel Armstrong-O'Brien & Neil O'Brien

Type of Application

Planning Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Rachel Armstrong-O'Brien & Neil O'Brien

Observer

Phillip O'Reilly

Date of Site Inspection

10th December 2024

Inspector

Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site is located within the front garden of a 2 storey, brick faced, mid-terrace Victorian dwelling fronting onto Sandymount Road. The front garden is largely unkept and measures approximately 63.9m² with a concrete footpath leading from the roadside to the front door served by an existing inward opening pedestrian entrance gate from Sandymount Road. The front garden is bounded by low-level decorative cast iron railings above a granite plinth to the front, a pebble dashed concrete wall to the north and standard low-level metal railing to the south. A large mature street tree is located on the public footpath approximately 2m from the front railing. Controlled on-street parking operates in the area, including to the front of the site.
- 1.1.2. The surrounds of the site are characterised by a variety of terraced, semi-detached, and detached dwellings of varying scale and design within an established inner suburban setting. St Marys, Star of the Sea Church (Record of Protected Structure Ref. 7474) and National School lie approximately 120m to the north of the site. Sandymount Village lies approximately 350m to the southeast of the site. Sandymount Road abuts the site and operates as a link road between Irishtown and Sandymount. Although the road does not include a Quality Bus Corridor, it benefits from a high frequency urban bus service, particularly at peak hours.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Widening of the existing pedestrian gate/front railings to form new vehicular entrance to create 1 no. new vehicular parking space.
 - Dishing of the public footpath to facilitate entrance and egress from the new driveway.
 - Ancillary works including landscaping of the front garden area and provision of a bin store area in the front garden.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council (the Planning Authority) issued a notification of decision to REFUSE permission for the proposed development on the 22nd February 2024 for the following reasons:

- The vehicular entrance would result in the removal of on-street parking to accommodate private vehicular entrance, which would be contrary to Policy SMT25 and section 8.5.7 of the Development Plan. Impacts on the convenience of road users, the residential amenity of surrounding properties and would set an undesirable precedent for other similar developments in the area.
- Negative impact on the adjacent mature street tree and its root zone - contrary to Section 15.6.9 of Chapter 15 and Section 4.3.2 of Appendix 5 of the Development Plan, and the Dublin Tree Strategy 2021.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development should be refused for the reasons set out above. The Planning Officer concluded that:

- The principle of the proposed development is acceptable.
- The proposed development did not comply with the policies and objectives of the Development Plan.

3.2.3. Other Technical Reports

3.2.4. The following internal sections issued reports following consideration of the application:

- Drainage Section – No objection, subject to 1 no. condition.
- Transportation Section – Refusal recommended due to impact on mature tree and loss of on-street parking space.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. 1 no. 3rd party observation was received in response to the application submitted to the Planning Authority. The issues raised by the observer are generally reflected in the Planning Authority decision, and include the following concerns:

- Impacts on the mature street tree and the feasibility of moving it, in the event of a grant of planning permission.
- The proposed development would result in the loss of 1.5 car parking spaces.
- Contrary to Z2 zoning objective.

4.0 Planning History

Subject Site:

4.1.1. WEB1435/24 – Permission GRANTED in 2024 for removal of existing chimney to rear return; construction of new first floor extension to existing return of 10.7m²; new window to courtyard elevation to existing return; removal of existing shower room window; new Velux rooflight to rear return roof and all associated site works.

Neighbouring Sites of relevance:

4.1.2. 4624/07 – Permission GRANTED in 2007 for construction of a new gravelled driveway and a new vehicular access onto Sandymount Road at no.24 Sandymount Road 13m to the northwest of the site.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

5.1.1. The following are policies and objectives of relevance to the proposed development from the Dublin City Development Plan:

- Map F – Zoning Objective Z2 (Residential Neighbourhoods Conservation Areas) *‘To protect and/or improve the amenities of residential conservation areas’*.
- Chapter 8 – Sustainable Movement & Transport:
 - Section 8.5.7 – Car Parking – Addresses the balancing of needs between sustainable transport and residential parking. Promotes electric vehicle charging parking in all developments.
 - Policy SMT25 - On-Street Parking – *‘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’*.
- Chapter 11 – Built Heritage & Archaeology:
 - Policy BHA9 – Conservation Areas – Requires development within these areas to *‘contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting’*.
- Chapter 14 – Land use Zoning:
 - Section 14.7.2 – Residential Neighbourhoods (Conservation Areas) – Zone Z2 – Sets out the objective to protect structures in Z2 zoned areas from unsuitable works that would have a negative impact on amenities.
- Chapter 15 – Development Standards:
 - Section 15.6.9 - Trees and Hedgerows – Promotes the protection of existing trees when granting permission and places emphasis on the need to consider existing trees at the earliest possible stage of design. Sets out criteria for assessing developments effecting significant individual trees.

- Appendix 5 - Transport and Mobility: Technical Requirements:
 - Section 4.1 - On Street Parking – *‘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’.*
 - Section 4.3 - Parking in Front Gardens – Applies the same approach as Section 4.1 to parking proposals in front gardens.
 - Section 4.3.1 - Dimensions and Surfacing - *‘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’..... ‘The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres’.*
 - 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’...’The extent of the associated dishing of the footpath and kerb for a vehicular entrance shall not negatively impact on existing street trees and tree root zone. A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing’....’In the event the minimum clearance cannot be achieved, consultation with the Parks, Biodiversity and Landscape Services Department will be required to ascertain the acceptability of the potential loss of a street tree as a result of the proposed development and associated dishing’.*
 - Figure 1: Street Trees and Vehicular Entrances – Requires a minimum clearance of 3.5m between the edge of the dishing and the surface of a large tree.

- Section 4.3.7 - Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas – Discourages parking in the front gardens of structures within Conservation Areas where inappropriate site conditions exist. Where appropriate conditions exist, several criteria are set out for consideration.

5.2. Dublin City Tree Strategy 2016-2020:

- 5.2.1. Although referenced by the Planning Authority in the reasons for refusal, the Dublin City Tree Strategy 2021 does not exist at the time of writing and appears to be erroneously referenced in the reasons for refusal. The Dublin City Tree Strategy 2016-2020 is the most recent available strategy adopted by the Planning Authority and its implementation is supported by the Development Plan (Policy Objective GI041). There are no site-specific provisions within this strategy of relevance to the proposed development, however, I note that the strategy discourages the loss of or damage to trees.

5.3. Natural Heritage Designations

- 5.3.1. The closest sites of natural heritage interest to the proposed development are the South Dublin Bay proposed Natural Heritage Area (000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210) which are located approximately 305m to the east of the proposed development. Other sites of relevance include:
- The Grand Canal proposed Natural Heritage Area (002104) located approximately 1.1km to the northwest of the proposed development.
 - The Royal Canal proposed Natural Heritage Area (002103) located approximately 2km to the northwest of the proposed development.
 - The North Dublin Bay proposed Natural Heritage Area (000206) located approximately 2.1km to the north of the proposed development.
 - Booterstown Marsh proposed Natural Heritage Area (001205) located approximately 2.8km to the south of the proposed development.

- The North Dublin Bay Special Area of Conservation (000206) located approximately 4.1km to the northeast of the proposed development.
- The North Bull Island Special Protection Area (004006) located approximately 4.1km to the northeast of the proposed development.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by Rachel Armstrong-O'Brien & Neil O'Brien on the 22nd January 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The 1st party has an electric car and requires off-street space to provide charging and storage.
- Precedent exists for off-street parking on Sandymount Road.
- Section 8.5.7 of the Development Plan promotes electric vehicle parking in all developments.
- The proposed development complies with Policy SMT25 of the Development Plan as it serves the needs of residents and sustainable targets.
- The proposed development is in keeping with the overall style of neighbouring properties.
- The majority of properties on Sandymount Road already have off-street parking, supported by a diagram showing the properties with off-street parking.

- No undesirable precedent would be created by the proposed development.
- Dishing works adjacent to mature trees have been conducted elsewhere on Sandymount Road (photos provided) without damaging the trees.
- Suggested to include a condition, as part of a grant of planning permission, requiring a qualified arborist to supervise the works.
- The works can be completed without negatively impacting the adjacent mature street tree.
- Section 4.3.2 of Appendix 5 of the Development Plan states that a new entrance that damages a street tree may be granted, in exceptional circumstances, but must be mitigated.
- The proposed development would enhance the character of the dwelling.

6.2. Planning Authority Response

6.2.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to refuse permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.

The response included a letter from the Parks, Biodiversity & Landscape Section stating that they do not support the application due to the impact on the rootzone of the mature tree.

6.3. Observations

6.3.1. 1 no. observation was received by the Board on the 8th April 2024 from Phillip O'Reilly, 68 Gandon Close, Harold's Cross. The issues raised by the observer are summarised as follows:

- Precedent examples of off-street parking along Sandymount Road do not constitute planning for the common good, as they have removed on-street parking spaces and negatively impact residential and visual amenities.

- The fact that the applicant has an electric car is not a planning matter and is not justified due to the impact on the historic setting of a late Victorian dwelling in a Z2 Conservation Area.
- Many other Victorian dwellings in the vicinity have retained their front garden settings.
- A precedent refusal by the Board from 2014 relating to the development of 4 no. off street parking spaces, new gates and piers at 56-59 Grosvenor Road, Rathmines (Ref. 29S.242823) demonstrates that exceptional circumstances do not override planning objectives (Inspector's Report attached).
- There are many dwellings along and in the vicinity of Sandymount Road that were built with off-street parking or with larger front gardens. The subject dwelling differs to these dwellings; therefore, this precedent does not apply.
- Not in keeping with the style of neighbouring properties.
- The Z2 zoning within which the site is located prioritises the conservation of the original features of the dwelling.
- Remedial works conducted by the Planning Authority on mature trees elsewhere along Sandymount Road did not interfere with the tree roots and were undertaken for pedestrian safety purposes.
- The stability of existing trees is controlled by an extensive shallow root system.
- It will not be possible to undertake the proposed development without impacting the stability of the tree.
- The mature tree, in its current location, would comprise an increased safety hazard.
- Sandymount Road is well trafficked, and the proposed development would give rise to an increased traffic hazard.
- The proposed development would lead to undesirable sight lines that would be limited by existing on-street parking.

7.0 Assessment

7.1.1. I consider the key issues in determining this appeal are as follows:

- Principle of Proposed Development, Design & Compliance with Z2 Zoning
- Compliance with Parking Policy/Standards
- Impact on Trees/Tree Protection
- Precedent Cases
- Other Matters

7.2. Principle of Proposed Development, Design & Compliance with Z2 Zoning

7.2.1. The proposed development is located within an area zoned Z2 under which residential development is permissible in principle. The proposed development is ancillary to the existing onsite residential dwelling. Thus, I consider the principle of the proposed development to be acceptable in this context, subject to compliance with the relevant policies and objectives of the Development Plan.

7.2.2. Given that the proposed development is located within a Z2 zoned residential neighbourhood conservation area, Policy BHA9 of the Development Plan applies. This policy is referenced in the Planning Officer's Report and relates to the protection of the character and appearance of the area and its setting. The proposed development would involve an alteration to the character and appearance of both 28 Sandymount Road and the wider streetscape by virtue of the introduction of a vehicular entrance to the streetscape and alterations to the front garden area. The observer contends that the proposed development would not be in keeping with the style of surrounding properties. Considering that the proposed development would match the existing cast iron railings and that the landscaping of the front garden would be like that of neighbouring properties, I do not agree with the observer on this matter. Rather, I agree with the 1st party that the proposed development would be in keeping with the style of neighbouring properties due to the use of gravel materials, granite paving, retention of hedging and minimal interference with the cast iron railings to the front of the dwelling. In particular, I consider the cast iron railings above a granite plinth to be of most prominence in neighbouring properties and the proposed development would largely retain these features.

- 7.2.3. Regarding the matter of the introduction of a vehicular entrance to the streetscape, I note that properties within the streetscape include vehicular entrances and that such entrances are not uncommon within the streetscape, as demonstrated by the 1st party on pages 2-4 of their appeal. Thus, I do not consider the introduction of a vehicular entrance to the streetscape at this location to diminish the character and appearance of the area. I therefore consider the proposed development to be in keeping with the character and appearance of the area and its setting and, therefore, compliant with policy BHA9.
- 7.2.4. Regarding the Z2 zoning for the site and Section 14.7.2 of the Development Plan, the observer contends that the conservation of the original features of the dwelling must be prioritised. I am of the view that the proposed development would lead to minimal loss of the original features of the dwelling, such as the cast iron railings to the front. I am therefore satisfied that the proposed development would comply with the Z2 zoning objective and Section 14.7.2 of the Development Plan.
- 7.2.5. Section 4.3.1 of Appendix 5 of the Development Plan states that vehicle parking spaces within a front garden should be 3 metres by 5 metres and should have inward opening gates. Drawing P1003 shows the proposed parking space to be 3 metres in width and 5.5 metres in length. This largely aligns with the provisions of Section 4.3.1. I therefore consider the dimensions of the proposed off-street parking space to be compliant with the provisions of the Development Plan. Furthermore, I consider the inward opening entrance gates to be acceptable.
- 7.2.6. I note that the submitted drawings fail to indicate the length of public footpath that would be dropped and dished to cater for vehicles accessing from the public carriageway into and out of the off-street car parking space proposed. I therefore do not consider the submitted drawings to be wholly reflective of the proposed development. Given the substantive reasons for refusal, it is not considered necessary to include this matter in the reasons for refusal.
- 7.2.7. Regarding Section 4.3.7 of Appendix 5 of the Development Plan relating to parking in Conservation Areas, several criteria are set out for off-street parking proposals that do not significantly impact visual amenities or the historic fabric. The criteria include, but are not limited to:
- Use of natural materials such as gravels and granite.

- Retention of most of the original railings and plinth wall.
- Sufficient depth to accommodate a private car.
- Access and egress not giving rise to a traffic hazard.
- The remaining soft landscaped area should generally be in excess of half of the total area of the front garden.

7.2.8. Having analysed the submitted drawings, the remaining soft landscaped area would be generally more than half of the total area of the front garden as 34.3m² of the 63.9m² front garden area would be retained. I am also satisfied that sufficient depth would be provided to accommodate a private vehicle; However, notwithstanding the length of the proposed off-street parking space, the inward opening gates would likely result in a tight but not unworkable parking space. As previously stated, I am satisfied with the proposed materials and the retention of most of the original railings.

7.3. Compliance with Parking Policy/Standards

7.3.1. I consider the site to be positioned in an accessible location due to the proximity of 3 no. frequently serviced bus stops within 100m of the site. The proposed development would introduce an additional off-street parking space in an accessible location on a site that currently does not benefit from an off-street parking space. This would prioritise residential parking over sustainable transport, in what is an accessible location. Thus, I do not consider the proposed development would comply with the provisions of Section 8.5.7 of the Development Plan which takes a balanced approach to the needs of sustainable transport and residential parking. I do not consider the reduction in on-street parking, as a result of the proposed development, to be of relevance as this serves a different function to an off-street parking space which would be solely for private use.

7.3.2. I note that the 1st party contend that Section 8.5.7 of the Development Plan promotes electric vehicles. Whilst I agree with the 1st party that the Development Plan generally promotes electric vehicle charging parking, I do not believe that this facilitates a carte blanche approach to such development as it must be viewed in the context of balancing the needs of residential parking and sustainable transport. I therefore do not consider the proposed development to be acceptable solely based on its electric vehicle element as I consider that it would negatively impact residential

parking needs by the removal of existing on-street parking. Thus, I agree with the Planning Authority that the proposed development does not comply with Section 8.5.7 of the Development Plan. I note that the observer outlined some reservations with electric vehicles in general, however, I do not consider these reservations to be a planning matter.

- 7.3.3. Policy SMT25 of the Development Plan is referenced by the Planning Authority in their reasons for refusal, in respect of the loss of on-street parking and the impact this would have on *'the needs of the city'* as a whole. Having visited the site, I observed high usage of the on-street parking spaces, and this is further evidenced on Google Maps Street view which visually demonstrates usage of the on-street parking spaces over time. The proposed development would lead to the loss of at least 1 no. on-street parking space. I consider that this would have a detrimental impact on the on-street parking provision in the area which has been eroded over time as a result of off-street parking interventions along Sandymount Road. I note the 1st party contends that the proposed development complies with Policy SMT25 as it serves the needs of residents and sustainability targets. I am not in agreement with the 1st party on this matter as they have not demonstrated that the proposed development would serve the needs of the city, on balance. Rather, the proposed development would solely serve their own needs which are not necessarily reflective of the wider needs of the city.
- 7.3.4. Sections 4.1 and 4.3 of Appendix 5 of the Development Plan sets out a presumption against the removal of on-street parking to facilitate off-street parking proposals, particularly where there is a demand for on-street parking or a reliance on on-street parking for residential purposes. Given that I have observed high usage of the on-street parking on Sandymount Road and that the parking controls apply from 7am to 7pm (Monday-Saturday), I consider that there is a demand for and reliance on on-street parking at this location. Thus, I agree with the Planning Authority that the proposed development would not comply with Appendix 5 of the Development Plan. The proposed development also involves the removal of on-street parking space for private residential amenity purposes, and I agree with the observer that this would negatively impact residential amenities, as a result. I do not therefore consider that exceptional circumstances exist that would merit the removal of on-street parking

space. I note that charging of electric vehicles can be undertaken within on-street parking spaces, in consultation with the Planning Authority and ESB.

7.4. Impact on Trees/Tree Protection

- 7.4.1. Section 15.6.9 of the Development Plan relates to the protection of trees and refers to the Planning Authority's Tree Strategy, both of which are referenced by the Planning Authority in their reasons for refusal. I observed a large mature street tree near the front railings of the site during my site visit. The tarmac at the base of the tree appeared to be wearing away and cracks were beginning to form in the tarmac. In respect of the impact of the proposed development on the tree, the Planning Authority's Parks, Biodiversity & Landscape section raised concerns with the potential impact on its root zone. The 1st party did not engage an arboricultural specialist as part of their appeal submission but did suggest that this could be imposed by way of planning condition. The 1st party also contended that the proposed development could be undertaken without impacting the mature tree by referencing examples of similar vehicular entrances elsewhere along Sandymount Road. However, I consider that these examples do not demonstrate that a vehicle entrance could be achieved at this location without impacting the existing tree as there is no supporting evidence to demonstrate that the condition of the trees in these examples was not impacted over time, as required by Section 15.6.9 of the Development Plan. In the absence of any empirical evidence to the contrary, I consider it likely that the proposed development would impact the existing mature street tree. Thus, the proposed development would be contrary to Section 15.6.9 of the Development Plan, including the Planning Authority's Tree Strategy. In addition, I agree with the observer that the relocation of the mature street tree to facilitate the proposed development would not be possible due to the size and nature of the tree in this inner suburban setting. I therefore do not consider that the impact of the proposed development on the existing tree could be adequately mitigated by way of relocation.
- 7.4.2. Section 4.3.2 of Appendix 5 of the Development Plan is referenced in the Planning Authority's reasons for refusal and relates to impacts on street trees. Within this section, it is set out that a proposed vehicle entrance shall not negatively impact street trees or their root zones. Minimum clearances are set out under this section for small, medium, and large trees. Given the span of the existing mature tree's

canopy and the width of its tree trunk, I consider it to constitute a large tree in this context. A minimum clearance of 3.5m between the edge of the dish and the surface of a large tree is advised. Having analysed drawing P1003, this minimum clearance for a large tree is not achieved by the proposed development (approximately 0.8m). Accordingly, the proposed development would not comply with Section 4.3.2 of Appendix 5 of the Development Plan.

7.5. Precedent Cases

- 7.5.1. Precedent vehicular entrances in the vicinity were referenced by both the 1st party and the observer in their submissions. Having visited the site, I observed significant precedent for off-street residential parking spaces throughout Sandymount Road. Notwithstanding this, I note that Sandymount Road consists of a wide range of dwelling types of differing scales, forms, and age. I consider the dwellings of most relevance to be those dwellings forming the terrace within which the proposed development is located (No.16-30 Sandymount Road) due to their similar architectural form, front garden size and boundary treatments. From my observations of the front gardens of these dwellings, 2 dwellings included off-street parking spaces in their front gardens. This represents a minority of dwellings on this terrace. One of the off-street parking spaces was constructed with the benefit of planning permission granted in 2007 (4624/07), under a separate planning regime. I could not identify any planning permission attached to the other off-street parking space. Given that the majority of dwellings on this terrace do not include off-street parking and that the 2 no. existing off-street parking spaces appear to be historic, I do not therefore consider that a clear precedent exists for off-street parking in the immediate vicinity. Therefore, I agree with the observer that precedent in this respect is relative to the house type and that the majority of Victorian houses on Sandymount Road do not have off-street parking spaces. I therefore consider that the proposed development would likely expediate an undesirable precedent in this terraced part of Sandymount Road.
- 7.5.2. I note the observer's reference to a previous determination by the Board in 2014 (29S.242823) whereby the inspector determined that exceptional circumstances cannot override planning objectives, without reasonable justification. In this instance, the applicant submitted that they required off-street parking as they had a deaf child, and it would be dangerous for the child to cross the road. The inspector determined

that this did not constitute exceptional circumstances as it was considered that it did not justify the need for an off-street parking space, given that these requirements could be met by designated disabled on-street parking. Whilst the circumstances of the subject proposal do not strictly compare to this precedent case, I consider the thrust of the inspector's determination to be of relevance. The justification provided by the 1st party for the off-street parking space, in this instance, relates to the benefits of electric vehicle charging parking and family needs. Given that these needs could be facilitated with on-street parking, I do not consider the 1st party's justification to constitute a reasonable justification for the provision of off-street parking.

7.6. Other Matters

- 7.6.1. The observer stated that the proposed development would potentially lead to a traffic hazard due to the introduction of an additional vehicular entrance onto a busy road and the achievability of clear sightlines, considering the proximity of large mature street trees. Upon undertaken my site visit, I observed a busy road, however, the Dublin City Council Special Limit Byelaws (2020) indicate that this road benefits from a 30km/h speed limit which, in theory, would lead to a safer receiving environment. Notwithstanding the relative speed limit of the road, I did not observe compliance with this speed limit on my site visit. Considering the extent and width of the existing mature street tree and the proliferation of on-street parking near the proposed entrance, I am of the view that clear sightlines are not likely to be achieved by the proposed development. I note that the submitted drawings do not accurately demonstrate that clear sightlines would be achieved as they do not fully consider the likely obstructions arising. Thus, the proposed development would potentially create a traffic hazard and would not comply with Section 4.3.7 of Appendix 5 of the Development Plan. Given the substantive reasons for refusal and the fact this would potentially be a new issue in the context of this appeal, it is not considered appropriate to include this matter in the reasons for refusal.
- 7.6.2. Drawing P1003 shows the proposed front garden plan which includes a bin store area, lawn area, granite paving, a planting bed, a gravel area adjacent to the front of the dwelling and retention of hedging. The bin store area measures approximately 2.5m² in size and does not appear to be covered. The Planning Authority did not comment on this element of the proposed development which would normally be

considered as ancillary works. The observer did not directly comment on the ancillary works but did raise concerns about the negative impact of the proposed development on the front garden area. Notwithstanding my views on the proposed off-street parking space, I consider the proposed ancillary works to be acceptable as they appropriately complement the existing dwelling and generally align with the design and layout of neighbouring front gardens. Given that the ancillary works would be minor in nature, I do not consider a split decision to be appropriate and note that the 1st party could potentially undertake these works as exempted development.

- 7.6.3. If the Board decide to grant permission, I consider the imposition of a Section 48 contribution to be applicable based on the provisions of the Dublin City Council Development Contribution Scheme 2023-2026. I note that the scheme provides for contributions relating to residential ancillary car parking to be calculated at 25% of the applicable rate of contribution.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, 305m from the proposed development.
- 8.1.3. The proposed development is located within a residential area and comprises the widening of an existing pedestrian entrance to form a vehicular entrance and all associated site works.
- 8.1.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development

- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

8.1.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the removal of on-street parking space, the addition of an off-street parking space and the residential amenity impacts arising, the proposed development would be contrary to the provisions of Section 8.5.7, Policy SMT25 and Appendix 5 of the Dublin City Development Plan 2022-2028, and would therefore, be contrary to the proper planning and sustainable development of the area. The proposed development would set an undesirable precedent for the loss of on-street parking within its terrace.
2. The proposed development, by reason of its inadequate clearance from the base of the existing mature street tree, lack of exceptional circumstances and lack of specialist arboricultural evidence would conflict with the provisions of Section 15.6.9 and Appendix 5 of the Dublin City Development Plan 2022-2028 and would not satisfactorily protect the existing mature street tree. The proposed development would, therefore, 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.

Conor Crowther
Planning Inspector

19th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 319337-24		
Proposed Development Summary	Widening of existing pedestrian gate/front railings to form new vehicular access and provision of a single parking space to front garden and all associated site works.		
Development Address	28 Sandymount Road, Sandymount, Dublin 4		
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	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	✓	Not a class	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		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)

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Conor Crowther Date: 19th December 2024