



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321953-25

|                                     |                                                                                                        |
|-------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | New vehicular entrance to facilitate off street parking and EV charging with associated kerb dishing . |
| <b>Location</b>                     | 131 Brookwood Avenue, Artane,<br>Dublin 5 D05 E365                                                     |
| <b>Planning Authority</b>           | Dublin City Council North                                                                              |
| <b>Planning Authority Reg. Ref.</b> | 4422/24                                                                                                |
| <b>Applicant(s)</b>                 | Zarah McDonnell                                                                                        |
| <b>Type of Application</b>          | Permission                                                                                             |
| <b>Planning Authority Decision</b>  | Refuse                                                                                                 |
| <b>Type of Appeal</b>               | First Party                                                                                            |
| <b>Appellant(s)</b>                 | Zarah McDonnell                                                                                        |
| <b>Observer(s)</b>                  | None                                                                                                   |
| <b>Date of Site Inspection</b>      | 28/03/2025                                                                                             |
| <b>Inspector</b>                    | Gillian Kane                                                                                           |

## **1.0 Site Location and Description**

- 1.1.1. The subject site is a mid-terrace two storey dwelling in a terrace of four similar dwellings, on a busy, heavily trafficked distributor road in the north Dublin suburb of Artane.
- 1.1.2. The existing dwelling has a pedestrian access in a low boundary wall, beside a footpath that is separated from the main road by soft landscaping with mature trees. A single tree site between the subject site and the neighbouring dwelling at no. 129. All bar the subject dwelling have created vehicular entrances to provide for off-street car parking. On the date of my site visit, a large number of cars were parked on-street and on the soft landscaped areas.

## **2.0 Proposed Development**

- 2.1. On the 29<sup>th</sup> November 2024, permission was sought for the creation of a new vehicular entrance to facilitate off-street parking and EV charging with associated kerb dishing.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 31/01/2025, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
  - 1 Having regard to the location of a mature public street tree to the front of the subject site, it is considered that it would not be possible to construct the proposed entrance and dishing without impacting on the tree root zone of said street tree. To accommodate sufficient setback from these requirements would result in a substandard vehicular entrance and therefore be contrary to Section 4.3.1 (Dimension and Surfacing) of Appendix 5 and Section 4.3.2. on Street Trees in Appendix 5 of the City Development Plan. To permit the proposed development would seriously injure the amenities of property in the vicinity, would be contrary to the above mentioned sections of the Development Plan and therefore would be contrary to the proper planning and sustainable development of the area.

### 3.2. **Planning Authority Reports**

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Transportation Planning:** Report notes that proposed entrance of 3.6m does not comply with section 4.3.1 of Appendix 5 of the development plan which states that the vehicular entrance for a single dwelling must be within 2.5m-3.0m.  
Recommendation to refuse permission due to the impact on existing mature tree on public street, being contrary to Appendix 5 of the development plan.
- 3.2.3. **Planning Report:** Notes the 3.6m width and the comments of the transportation Department. Recommends refusal.

### 3.3. **Prescribed Bodies**

- 3.3.1. None on file.

### 3.4. **Third Party Observations**

- 3.4.1. None on file.

## 4.0 **Relevant Planning History**

- 4.1.1. None on file.

## 5.0 **Policy Context**

### 5.1. **Dublin City Council Development Plan 2022-2028**

- 5.1.1. The subject site is zoned Z1 Sustainable Residential Neighbourhoods, which has the stated objective “to protect, provide and improve residential amenities”.
- 5.1.2. **Appendix 5, section 4.3 Parking in Front Gardens:** Planning 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 dwellings 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.
- 5.1.3. **Appendix 5, section 4.3.1:** 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.

- 5.1.4. **Appendix 5, 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. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused and a financial security required to cover any damage caused (see Chapter 15 for further

## 5.2. **Natural Heritage Designations**

- 5.2.1. North Dublin Bay SAC (000206) and North Bull Island SPA (004006) are approx. 2.5km to the east.

## 5.3. **EIA Screening**

- 5.3.1. 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 report.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- The mature tree between no. 129 and no. 131 will be ring-fenced during the opening of the boundary wall
  - The proposed new pillar will be over 3m from the from the tree trunk and built on the existing public footpath, meaning there will be no need for excavation for footings.

- The road kerb is 70mm so kerb dishing is not essential.
- The appellant is unable to secure a parking space outside her property.
- Permission was granted for an entrance at no. 129 (ref. 3843/15) despite the tree in question being closer to no. 129 than the subject property.
- The appellant plans to purchase a plug-in EV and needs access to charge.
- The Board is requested to grant permission.

## **6.2. Planning Authority Response**

- 6.2.1. Should the Board grant permission, a s48 development contribution condition should be attached.

## **7.0 Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the single issue raised is the principle of the proposed development.
- 7.1.2. The Planning Authority's single reason for refusal refers to the impact of the proposed development on the existing street tree. The reason refers to section 4.31 and 4.3.2 of Appendix 5 of the development plan and that the proposed development is contrary to these provisions of the plan.
- 7.1.3. Section 4.3.1 of the appendix seeks to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians and that the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width. The proposed vehicular entrance is 3.6m in width. Should the Board decide to grant permission, the entrance can be reduced to in width by way of condition.
- 7.1.4. With regard to the creation of a traffic hazard, the existing pattern of off-street parking with vehicular entrances along Brookwood Avenue, coupled with the requirement to cross a footpath and a separation zone before accessing the public road, results in traffic moving at slow speed across the footpath. Further, pedestrians are accustomed to vehicles cross the footpath so the addition of an additional vehicle crossing would not, in my opinion, cause a traffic hazard. The creation of an off-

street parking space and the removal of at least one car from the haphazard parking along the footpath and street would be a welcome improvement, as recognised in section 4.3.1.

- 7.1.5. With regard to the impact of the proposed development on the existing street tree (section 4.3.2 of appendix 5), the transportation department report on the development refers to figure 1 of the appendix. Figure 1 shows the minimum clearing distance from 'the surface of the tree trunk to the proposed edge of dish' as being 3.5m for a large tree, 2.5m for a medium tree and 1.5m for a newly planted or small tree. Accepting that the tree on site is a medium sized tree, compliance with section 4.3.2 requires a 2.5m separation distance from the centre of the tree to the start of the dish point. With an overall frontage of 6.26m, there is room for a boundary opening of at least 2.5m and a minimum clearance of 2.5m from the surface of the tree trunk. I note the appellant states that no dish is required, however, it is standard practice to dish.
- 7.1.6. I am satisfied that should the proposed vehicular entrance be reduced (by condition) to a minimum of 2.5m in width, no impact on the root zone of the existing street tree will occur. I am satisfied that the creation of an off-street parking space through a new vehicular entrance is in keeping with the pattern of development in this area and will not cause a hazard to pedestrians or vehicles on Brookwood Avenue. I am satisfied that the proposed development is in keeping with the development plan technical requirements for transport and mobility for parking in front gardens, particularly sections 4.3.1 and 4.3.2.

## **8.0 AA Screening**

- 8.1.1. Having regard to the nature and scale of the proposed residential development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that 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.

## **9.0 Recommendation**

- 9.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature and scale of the development proposed to the existing dwelling, to the pattern of vehicular entrances along Brookwood Avenue, to the non-availability of on-street parking on the road, and to the policies of the Dublin City Development Plan 2022 – 2028, particularly the technical requirements of Appendix 5, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area, and would not detract from the character. The development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority, revised plans showing the proposed vehicular entrance not exceeding 2.5m in width.

**Reason:** In the interest of traffic safety and protecting of the existing street tree on Brookwood Avenue.

- 3 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

- 4 Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity

- 5 All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

- 6 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

- 7 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

- 8 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Gillian Kane  
Senior Planning Inspector

02 April 2025

# Form 1

## EIA Pre-Screening

|                                                                                                                                                                                                                |                                                                     |                                                                                                                                                                                                                                                                                                         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>                                                                                                                                                               | ABP-321953-25                                                       |                                                                                                                                                                                                                                                                                                         |  |
| <b>Proposed Development</b><br><b>Summary</b>                                                                                                                                                                  | New vehicular entrance for off-street parking and EV charging point |                                                                                                                                                                                                                                                                                                         |  |
| <b>Development Address</b>                                                                                                                                                                                     | 131 Brookwood Avenue, Artane, D5                                    |                                                                                                                                                                                                                                                                                                         |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                                                     | <b>Yes</b>                                                                                                                                                                                                                                                                                              |  |
|                                                                                                                                                                                                                |                                                                     |                                                                                                                                                                                                                                                                                                         |  |
| <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>No</b>                                                                                                                                                                                                      |                                                                     | 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. |  |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                                                                                                  |                                                                     |                                                                                                                                                                                                                                                                                                         |  |
| <b>No</b>                                                                                                                                                                                                      |                                                                     |                                                                                                                                                                                                                                                                                                         |  |

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

Date: \_\_\_\_\_