



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313357-22

#### Development

Construction of vehicular access, electric car charging point, one car parking space and all associated site works including removal of a street tree. The proposed driveway to be finished in permeable pebble.

#### Location

9, Arranmore Road, Donnybrook,  
Dublin 4

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

3137/22

#### Applicant(s)

Siobhan Brady

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Siobhan Brady

#### Observer(s)

Philip O'Reilly

#### Date of Site Inspection

25 August 2022

#### Inspector

Gillian Kane

## **1.0 Site Location and Description**

- 1.1.1. The subject site is located on the southern side of Arranmore Road, in the south Dublin suburb of Donnybrook. The tree-lined mature residential road is comprised of red-brick detached and semi-detached dwellings. Many of the dwellings have been upgraded recently, some with the provision of off-street car parking.

## **2.0 Proposed Development**

- 2.1. On the 25<sup>TH</sup> January 2022 planning permission was sought for the construction of a 3.1m wide vehicular access and one parking space, electric car charging point.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 21<sup>st</sup> March 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following two reasons:
- 1 The proposal for the provision of a vehicular access and private off-street car parking space is contrary to Dublin City Council policy in that it would reduce the supply of on-street car parking available to residents along Arranmore Road. The proposed development would directly contravene Policy MT14 of the Dublin City Development Plan 2016-2022 which seeks to retain on-street parking as a resource for the City, as far as practicable. In addition, the proposal would set an undesirable precedent for similar sites throughout the City, and as such, would seriously injure the amenities in the area and would be contrary to the proper planning and sustainable development of the area.
  - 2 The development would result in the loss of one street tree to the front of No. 9 Arranmore Road and would seriously injure the residential amenities of property in the vicinity. The development is contrary to the Section 16.3.3 of the Dublin City Development Plan 2016-2022 and the Dublin Tree Strategy, and Appendix 5, Parking Cars in Front Gardens. The development would set an undesirable precedent and would, therefore, be contrary to the proper planning and sustainable development of the area

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

- 3.2.1. **Drainage Division**, Engineering Department: No objection subject top standard conditions.
- 3.2.2. **Transportation Planning**: Proposed development requires the removal of a tree on the street. The loss of a street tree would be contrary to policy GI28, MT14. Section 16.38.9 and section 16.3.3 of the development plan. Alternative parking is available to the resident. Permission was refused by the Board (ABP-303345-19) for a similar development. Recommendation to refuse permission for 2 reasons.
- 3.2.3. **Planning Report**: Notes the requirement to remove the street tree. Proposed development is contrary to policy MT14, GI28 and sections 16.3.3 and 16.38.9 of the development plan. Proposed development would set an undesirable precedent. Recommendation to refuse permission for two reasons.

### 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.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

- 5.1.1. In the Dublin City Development plan, the site is zoned '**Z1**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
  - Indicative site coverage for the Z1 zone is 45-60%

5.1.3. **Section 16.38.9** 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.

5.1.4. **MT14:** To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

## 5.2. **Natural Heritage Designations**

5.2.1. The subject site is 2.2km from South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).

## 5.3. **EIA Screening**

5.3.1. Having regard to nature of the development comprising redevelopment of an existing dwelling and the urban location of the site 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.

## 6.0 **The Appeal**

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

6.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The appeal states that permission should be granted for the following reasons:

- Regarding the alleged undesirable precedent, of the 12 no. houses on Arranmore Road, 9 no. have off-street parking. A further two houses at the Brendan Road end and two houses on the Herbert Park end have vehicular access off Arranmore Road.
- The removal of the street tree can be off-set by a replacement tree at the applicants expense. Two trees that were removed on Arranmore road were not replaced.

- The large crop of the small fruit of the subject Malus tree remains on the ground for weeks every Autumn. The applicant has complained about people slipping as it is a health & safety issue. It is not a suitable street tree and is no longer planted for this reason.
- Electric cars are more sustainable in urban areas, with greatly beneficial effect on air quality. National government policy on EV's should be considered.
- Permission was granted for a new vehicular access at 2 Arranmore Road WEB1432/21 refers. The subject decision is therefore unfair and inconsistent.
- The subject development will future proof access to the house.
- Photos submitted.

## **6.2. Planning Authority Response**

6.2.1. None on file.

## **6.3. Observations**

### **6.3.1. Philip O'Reilly**

- The reasons for refusal conform with the objectives of the development plan.
- Hundreds of similar applications have been refused by the Planning Authority where the destruction of on-street trees are concerned.
- The subject tree is a good specimen tree of 15-20 years. If removal was sanctioned it would be retrograde planning.
- The Planning Authority's refusal should be upheld for the reasons stated.

## **6.4. Further Responses**

6.4.1. None one file

## **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.

## **7.2. Principle of development**

- 7.2.1. I note the lane to the rear of the applicants property which has a roller garage door on a flat-roofed structure. The applicant has not addressed why this vehicular entrance cannot be used for parking, EV charging and access to the dwelling.
- 7.2.2. The proposed development requires the removal of an existing tree, to facilitate vehicular access. The appellant submits that a replacement tree can be planted, to mitigate the loss of the existing tree. It is not clear where such a proposal could occur, given the placement of trees on the road currently. I note section 16.3.3 of the current County Development Plan which recognises the sense of character, screening, shelter and privacy provided by trees and that the successful retention of suitable trees is a benchmark of sustainable development.
- 7.2.3. The proposed development involves not only the removal of a street tree but also the removal of an on-street car parking space. One could argue that it is a space that is used by the applicant and therefore the impact is null. However, this may not always be the case. Particularly where the applicant has other vehicular access options to their property. I note policy MT14 of the development plan which is clear that the loss of on-street car parking should only occur for sustainable transport provisions, access to new developments or public realm improvements, none of which apply to the subject development.
- 7.2.4. That EV charging is preferable to internal combustion engines is not at question. There are alternative EV charging options for on-street car parking, or as noted above, the applicant has rear vehicular access on which an EV charging point could be installed. The disadvantages arising from the environmental impact of removing of a healthy tree is not warranted by those arising from facilitating an electric / hybrid car that can be parked and charged elsewhere.
- 7.2.5. I note that the comparison suggested by the appellant at 2 Arranmore Road (ABP-311300-21 refers). The development granted at no. 2 is not comparable as it did not involve the removal of a street tree and there is no alternative access in the form of a back lane available to no. 2.
- 7.2.6. Given that an alternative exists that would not involve the removal of a street tree and an on-street car parking space, I find no reason for recommending a grant of permission for the proposed development.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed 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.

### **8.0 Recommendation**

- 8.1. I recommend permission is REFUSED for the following reasons and considerations:

### **9.0 Reasons and Considerations**

- 1 The proposed development which is to facilitate a private vehicular entrance involves the loss of an on-street parking facility available to the applicant and the wider community. The proposed development also requires the removal of a mature street-tree, which lends itself to the character of the street. The proposed development would materially contravene Policy MT14 and Section 16.38.9 of the Dublin City Development Plan 2016-2022, according to which it is the policy of the planning authority to retain on-street parking as a resource for the city and would, therefore, be contrary to the proper planning and sustainable development of the area

---

Gillian Kane  
Senior Planning Inspector

30 August 2022