



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314682-22

#### Development

Permission is sought to widen existing pedestrian entrance and create a new vehicular entrance to provide for off street parking with associated kerb dishing.

#### Location

No. 5, Malone Gardens, Dublin 4.

#### Planning Authority

Dublin City Council.

#### Planning Authority Reg. Ref.

4415/22.

#### Applicant(s)

Anne Kearns.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Refused.

#### Type of Appeal

First Party.

#### Appellant(s)

Anne Kearns.

#### Observer(s)

None.

#### Date of Site Inspection

7<sup>th</sup> day of December, 2022.

#### Inspector

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 5 Malone Gardens, the appeal site has a stated 90m<sup>2</sup>, containing a 2-storey mid terrace dwelling setback from the western side of Malone Gardens public realm by way of metal railings which contained a pedestrian access gate with the setback area consisting of mainly soft landscaping, a pedestrian footpath and used for bin storage. The western roadside boundary of the site is situated c35m to the north of Malone Garden's junction with Bath Road.
- 1.2. The residential cul-de-sac of Malone Road was designed and formally laid out without the provision of off-street car parking space to serve the dwellings it contains.
- 1.3. Over time these circa 1940s properties have been subject to *ad hoc* alterations and additions, including examples of varying in design, layout, and quality off-street car parking within their semi-private front gardens.
- 1.4. In addition, there is on-street car parking along the roadside boundary of the site and the pedestrian footpath to the immediate south contains a mature specimen ornamental cherry tree.

## 2.0 Proposed Development

- 2.1. By way of the subject planning application permission to widen existing pedestrian entrance to 3.6m to create a new vehicular entrance flanked by brick piers on either side with associated kerb dishing and all associated site development works to provide for off-street parking to serve the residential use of No. 5 Malone Gardens.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 29<sup>th</sup> day of August, 2022, the Planning Authority decided to **refuse** permission for the development set out in Section 2.1 above for the following stated 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 Malone*

*Gardens. The proposed development would therefore 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, 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 impact on the street tree located on the public footpath adjacent to the site and would therefore seriously injure the residential amenities of property in the vicinity. The proposed 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 and the DCC's document '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. Planning Reports**

The Planning Officer's report is the basis of the Planning Authority's decision.

### **3.2.2. Other Technical Reports**

**Transportation Division:** Report dated the 16<sup>th</sup> day of August, 2022, includes the following comments:

- In relation to P.A. Ref. No. 3366/20 this related to a 2.95m vehicular entrance that resulted in the loss of one on-street parking bay and did not impact on any street tree. This grant of permission should not set a precedent for vehicle entrances.
- Though containing pay and display parking as well as permit parking it is noted that parking is restricted in the area of the subject site.
- There is dedicated parking to the front of No.s 4, 5 and 6 Malone Gardens which accommodates three on street parking spaces. The proposed 3.6m in width vehicle entrance would result in the loss of two car parking spaces and the loss of a street tree.
- The creation of excessively wide vehicular entrances results in the loss of on-street parking provision and impacts on pedestrian safety. It also impacts on streetscape

character and can also result in hazardous manoeuvres by a vehicle across the public footpath.

- Vehicular entrances need to be balanced against the loss of on-street car parking and pedestrian safety.
- Reference is made to Policy MT14 and its stated presumption against the removal of on-street car parking spaces to facilitate the provision of vehicle entrances to single dwellings in predominantly residential areas where residents are largely reliant upon on-street car parking spaces.
- Exceptional circumstances have not been demonstrated.
- The car parking bay to the front of this dwelling has capacity to accommodate the car parking generated by the subject dwelling unit.
- The Development Plan sets out a minimum buffer between a street tree and the dishing of a footpath. This is 2.5m and it does not appear to be achievable based on the submitted information.
- Concludes with a recommendation of refusal.

**Drainage:** No objection, subject to standard safeguards.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. Site and Setting

**P.A. Ref. No. WEB 1730/21:** Permission for the construction of a two-storey side extension with flat roof, single storey rear extension with flat roof and creation of a vehicular access to the front, at No. 15 Malone Gardens. Split Decision that **refused** permission for the vehicular entrance for the following stated reason:

“1. The proposed vehicular entrance would result in a loss of on-street parking which would reduce the supply available to residents on the street and in the wider area and as such would be contrary to 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. The driveway which is to facilitate off-street parking is of insufficient depth to avoid overhanging and/or encroachment of parked vehicles on the public footpath and would thereby create a safety hazard for pedestrians, and is contrary to the City Development Plan, Appendix 5, Parking Cars in Front Gardens. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.”

**Decision date:** 30<sup>th</sup> August 2021.

**P.A. Ref. No. 3366/20:**

Planning Permission was **granted** for a vehicular access and off-street parking to front garden at 9 Malone Gardens, Sandymount, Dublin 4.

**Decision date:** 2nd November, 2020.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December, 2022, under which the site is zoned: ‘Z1 – Sustainable Residential Neighbourhoods’.
- 5.1.2. Section 14.7.1 of the Development Plan in relation to ‘Z1’ zoned land states that the land use objective is: “to protect, provide and improve residential amenities”.
- 5.1.3. Section 15.6.13 of the Development Plan deals with Boundary Treatments, Walls, fences, metal railings and gates used to define spaces and states that: “their usage all impact on the visual character and the quality of a development”.
- 5.1.4. The following sections of Volume 2 – Appendix 18 of the Development Plan are relevant to the development sought under this application:
- Section 4.1 - On Street Parking.

- Section 4.2 - Accessible Car Parking.
- Section 4.3 - Parking in Front Gardens.
- Section 4.3.1 - Dimensions and Surfacing.
- Section 4.3.2 - Impact on Street Trees.
- Figure 1 - Provides Separation Distances between Street Trees and dished footpaths and kerbs.
- Section 4.3.3 - Impact on Public Transport Infrastructure.
- Section 4.3.4 - Sustainable Urban Drainage
- Section 4.3.5 - Treatment of Front Boundaries
- Section 4.3.6 - Landscape Treatment of Front Gardens

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest European Site is located c1.2km to the west (Special Area of Conservation: South Dublin Bay SAC ( Site Code: 000210)).

## 5.3. EIA Screening

- 5.3.1. Having regard to the minor nature, extent and scale of the proposed development and its location in a serviced inner urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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. The grounds of this First Party appeal can be summarised as follows:
- The Board is sought to overturn the decision of the Planning Authority.
  - The raises concerns over the availability of car parking at Malone Gardens.

- The appellant may wish to purchase an EV car in the future, but their lack of car parking would present an issue to do this.
- Permission has been granted for others to provide off-street car parking on this street.
- The precedent for car parking off-street has been provided long ago on this street.
- The appellants car insurance is more expensive due to the lack of a car parking space within the curtilage of their property.
- This development would not adversely impact a street tree.
- This street tree is gives rise to several nuisances, hazards and is not a suitable tree for this setting.
- This tree is not protected and that it can be felled without any permission.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the grounds of appeal makes the following comments:

- This development would cause direct impact on an existing public street tree fronting the residence due to the construction of the required footpath dishing that will impact upon its root zone during excavations. This would cause decline and stability issues for this tree.
- This application did not include a tree survey.
- Reference is made to local planning provisions contained in the Development Plan and the Councils 'City Tree Strategy'. These seek the protection of such trees as well as their retention.
- Assessment of such applications requires regard to the visual and amenity contribution of trees in their streetscape scene to be considered.
- The tree that would be impacted is one of only three trees on this short residential cul-de-sac and together with front gardens contributes positively to urban greening as well as visual amenity.



- The loss of this tree would be contrary to the land use zoning of the site and its setting.
- The Park Services supports the decision to refuse permission for this development.

### 6.3. Observations

6.3.1. None.

## 7.0 Assessment

### 7.1. Overview

7.1.1. I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle of the Proposed Development
- Compliance with Planning Provisions
- Other Matters Arising

7.1.2. The matter of '*Appropriate Assessment*' also requires examination.

7.1.3. Outside of the above stated broad issues my assessment below is confined to the planning considerations arising from the proposed development and the proposed developments compliance with the proper planning and sustainable development of the area. In particular the provisions set out in the Dublin City Development Plan, 2022-2028, which is the applicable Development Plan under which this proposed development is to be considered against in terms of local planning provisions.

### 7.2. Principal of the Proposed Development

7.2.1. Under the provisions of the Dublin City Development Plan 2022-2028 No. 5 Malone Gardens, the appeal site is located within an area zoned '*Z1 – Sustainable Residential Neighbourhoods*'. The given land use objective is: "*to protect, provide and improve residential amenities*". On such zoned land residential development such the general principle of the creation of a vehicular access to form off street residential car parking is acceptable subject to compliance, with the relevant policies, standards and requirements set out in the current development plan.

### 7.3. Compliance with Planning Provisions

- 7.3.1. The Planning Authority refused permission for the widening of the existing pedestrian entrance, the creation of a new vehicular access to provide an entrance to off-street in curtilage car parking together with associated site works for No. 5 Malone Gardens for two given reasons.
- 7.3.2. The Planning Authority's first reason for refusal considered that the proposed development would give result in the unacceptable loss of on-street car parking and thereby reducing the supply to residents on this street in a manner that would be contrary to local planning provisions.
- 7.3.3. In particular, this stated reason made reference to Policy MT14 of the Dublin City Development Plan, 2016 to 2022. This Development Plan policy seeks the retention of on-street car parking as a resource for the city and this Development Plan has been recently superseded by the Dublin City Development Plan, 2022 to 2028.
- 7.3.4. In relation to the recently adopted Development Plan Volume 2 – Appendix 18 of the Development Plan is of particular relevance to this application. Under Section 4.1 it states the following: *“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”*.
- 7.3.5. Further, under Section 4.3 it states: *“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”*.
- 7.3.6. Having examined the site context the original design and layout of Malone Gardens did not include provision for on-site car parking and there is a limited provision of on-street car parking bays along its cul-de-sac length. At the time of my inspection there was spare for on-street car parking for resident. Notwithstanding, from the appellants submission to the Board it would appear that this is not always the case and that there is capacity alongside a variety of parking control issues that arise for residents on this street who are dependent upon this publicly provided resource.

- 7.3.7. I also observed that where car parking off-street has been provided this has not only resulted in the loss of original boundary treatments but also a loss of urban greening as the semi-private open spaces have been lost. It is also possible that originally the design and layout of the public domain could have included more than the three street trees that are now present. With the specimen cherry street of likely to be several decades old. The loss of urban greening and deep soil also impacts on the capacity of this area to sustainably deal with surface water drainage and places a higher level of reliance upon the public drainage infrastructure.
- 7.3.8. Of further concern due to the restricted depths and widths of the majority of properties along Malone Road where *ad hoc* car parking has occurred it is clear that there is an issue with vehicles oversailing onto adjoining sections of the public footpath. This together with the *ad hoc* car parking that occurs along this street outside of the designated car parking bays and also by cars mounting onto the public footpath results in the safety of the public footpaths being compromised for vulnerable users. When taken together with the lack of the apparent substandard nature of these off-street car parking spaces.
- 7.3.9. With this conclusion based upon their substandard depth and width to accommodate in-curtilage space sufficient for one car and/or the space to manoeuvre a standard sized car so that these vehicles can access and egress onto the carriageway of Malone Road in forward motion.
- 7.3.10. Alongside this there are other very apparent issues observable on this cul-de-sac.
- 7.3.11. These include issues with the road carriage of Malone Gardens being of restricted width as well as its width being further restricted due to the obstruction that arises from the car parking bays. When these on-street car parking bays are in use together with the other *ad hoc* car parking that occurs outside of them the carriageway of Malone Gardens is not suitable for safe two way traffic. With traffic movements also obstructed by the manoeuvring that is required for vehicles to access and egress from the off-street in-curtilage car parking spaces. Overall these issues results in additional road safety and traffic hazard for road users. In particular, the circa 45 dwellings it contains.
- 7.3.12. Section 4.3.1 deals with the matter of dimensions and surfacing. It states that: *“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” and “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”.*

- 7.3.13. In relation to this proposal, a 3.6m in width vehicle entrance is proposed. This is significantly wider than that permitted under the Development Plan. At such a proposed width it would effectively result in the loss of two functioning on street car parking spaces from the three space car parking bay located along the roadside kerb to the front of No.s 4 to 6 Malone Gardens.
- 7.3.14. Of further concern the width of road frontage for No. 5 Malone Gardens is 4.475m with no gate proposed to incorporate the original railings that are present. In addition, one brick pier is proposed on the southern side of the gate. This is at odds with the palette of materials that characterised the original roadside boundary treatments.
- 7.3.15. Moreover, the drawings show that one pier present on the northernmost side of the boundary would be maintained. When taken together this pier and the brick pier are not visually in unity in one another. With the brick pier further eroding the character of this streetscape by way of cumulatively reinforcing other roadside and front boundary treatments replacement with treatments that are at odds with their streetscape scene. A streetscape scene whose intrinsic character is primarily defined by the original design and layout which was highly uniform and coherent in its built form, building to space relationship, palette of materials and the like.
- 7.3.16. I further note as a concern Section 4.3.5, in relation to the treatment of front boundaries, states that: *“when considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape”.*
- 7.3.17. Section 4.3.1 sets out that the basis footprint of a car within a front garden shall be 3 metres by 5 meters.
- 7.3.18. It would appear from the submitted drawings that there would be 5.2m from the roadside edge to the front elevation of the dwelling. Notwithstanding, the submitted drawings appear to show that the roadside boundary has been moved slightly forward

to incorporate the outermost edge of the new brick pier which appears to project forward of the roadside boundary.

- 7.3.19. Of further concern there is no provision made for the storage of three bins currently stored within the front garden area and there is no space within the remaining front garden area to accommodate adequate manoeuvring and circulation between the front boundary and the front of the building.
- 7.3.20. In such a restricted space like is the situation with examples of existing off-street car parking provisions with the same lateral separation distance between the front façade and the roadside boundary along Malone Gardens, it is visually evident that oversailing of the footpath is likely to be an issue for most cars parking in the off street space proposed under this application.
- 7.3.21. Moreover, the drawings fail to indicate the presence of the car parking bay along the roadside edge or the length of the public footpath that would be dropped and dished to cater for vehicles accessing from the public road carriage over the public footpath into and out of the off-street car parking space proposed.
- 7.3.22. As said the location of this vehicle entrance is such that it would effectively reduce the car parking bay to one space to the front of No.s 4 to 6 Malone Garden.
- 7.3.23. Further, the presence of cars parked on one or both sides of the proposed entrance together with the presence of a mature specimen cherry tree trunk would obscure views for vehicles egressing this site and/or carrying out manoeuvres to access the proposed space. Of further this application does not clearly delineate all obstructions that are present and the drawings omit the presence of a utility pole to the immediate north of No. 6 Malone Gardens. This is also a sightline obstruction that impacts on achieving safe access and egress from the proposed in-curtilage of No. 5 Malone Gardens car parking space onto the public carriageway.
- 7.3.24. Section 4.3.1 states that: *“a proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath, or where safe access and egress from the proposed parking space cannot be provided”* and *“where visibility to and from the proposed access is inadequate”*.

- 7.3.25. Having regards to the second given reason for refusal for the development sought under this application I note that it sets out that the loss of a street tree on the public footpath adjacent to the site would adversely impact on the residential amenities of property in the vicinity. It was also considered that its loss would be contrary to Section 16.3.3 of the Development Plan as well as the Councils Tree Strategy.
- 7.3.26. The appellant in their grounds of appeal contend that this tree is of no amenity value and any amenity value that it has is outweighed by the nuisance it gives rise to.
- 7.3.27. It is also concerning in my view that the appellant sets out that there is no licence required for its felling. This tree is on the public realm and in the absence of the Planning Authority's consent a Third Party does not have any rights to cause harm or damage to this tree which is a natural feature in public ownership.
- 7.3.28. Importantly this tree is mature and in a good state of health specimen cherry tree that adds to the visual amenity of a streetscape scene whose level of original urban greening has been significantly eroded by removal of front gardens. These trees and front gardens play an important role in the biodiversity of the cityscape, the quality of the air we breathe, they soften built structures through to they play an important role in sustainable urban drainage.
- 7.3.29. Under the new Development Plan Section 4.3.2 it states that: *"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 details)"*.
- 7.3.30. It further sets out that 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"*. A visual aid for this is provided under Figure 1. This figure clearly illustrates the various minimum clearance distances required, based on the maturity of the street tree.

- 7.3.31. Moreover, it states: *“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”*.
- 7.3.32. Having regard to the drawings submitted little detail is provided on the street tree and its location is generally indicated to the immediate south of the proposed entrance.
- 7.3.33. As said the street tree is a specimen cherry tree and is several decades old. Its canopy width provides a good indicator of its minimum root extent. This I note extends beyond the area of works associated with the provision of the proposed off-street car parking space. In particular the amended public footpath and front garden area.
- 7.3.34. If one considers this tree to be a medium sized tree it is evident that the minimum 2.5m clearance can not be achieved and the works are such that they would inevitably have a detrimental impact on the lifespan of this tree and most likely result in its loss. Given the span of its canopy it would be likely in my view that having regard to the minimum clearance’s set out in Figure 1 a more generous minimum of 3.5m would be required to ensure that this tree, a tree that positively contributes to the greater good of its urban setting, continues to add to the visual qualities of its streetscape scene, biodiversity, urban greening through to sustainable drainage.
- 7.3.35. Notwithstanding, the expertise of the Council’s Parks, Biodiversity and Landscapes Department would provide more expertise on what minimum clearance would be appropriate in this scenario and there is no tree survey accompanying this application prepared by a competent professional of relevant expertise. Nor are there any mitigation measures proposed to safeguard this tree, in particular, it’s root structure from any significant harm.
- 7.3.36. In either case this application does not achieve this minimum clearance and given the consequences of this they have not ascertained the acceptability of the potential loss of this tree from the Parks, Biodiversity and Landscape Services Department.
- 7.3.37. Though the Council’s Parks and Landscape Services did not provide comments as part of the Planning Authority’s determination of this application, it is of note that their comments were provided in response to the grounds of this appeal. These comments I have summarised under Section 6.2.1 of this report above.

- 7.3.38. In summary, it is their view that this development would cause direct impact on this existing street tree, particularly from the required footpath dishing that it states: “*will impact on the tree root zone due to the excavation works and cause expected decline/stability issues*”.
- 7.3.39. The quality of the street tree is also noted with them describing it as being of the Prunus species and “*well established and in good condition*”.
- 7.3.40. They support the reasons given for the refusal of permission given the impact the proposed development would give rise to this street tree an impact they considered would be contrary to the Development Plan as well as the City Tree Strategy.
- 7.3.41. In relation to the matter of sustainable urban drainage, a matter that I have touched upon already in my assessment above, Section 4.3.4 Sustainable Urban Drainage sets out in accordance with Policy SI22 of the Development Plan proposals should indicate how the design aims to control surface water runoff in a sustainable fashion through the use of permeable or porous surfaces such as gravel and green areas etc. rather than excessive hard surfacing.
- 7.3.42. The documentation accompanying this application does not demonstrate this and it is of further concern that the design provides no meaningful landscaping of the little remaining front garden area.
- 7.3.43. On this concern I note that Section 4.3.6 requires space to be left for the planting of shrubs and ground cover. The provision of such landscaping would lessen the visual impact of the effective loss of the green front garden space to one open space that accommodates simply pedestrian access and the parking of a car. Alongside in a small way lessening the quantum of urban greening lost to the front of No. 5 Malone Gardens by this proposal.
- 7.3.44. Having regard to the above, I concur with both reasons that form the basis of the Planning Authority’s given reasons for refusal and I consider that the recently adopted Development Plan provides more robust provisions for this type of development that further bolsters these reasons. To permit the proposed development would in my view be contrary to the proper planning and sustainable development of the area as set out under the recently adopted Development Plan. In particular the provisions set out for this type of development under Volume 2 – Appendix 18 of the Development Plan, Sections Section 4.1 and Section 4.3.



#### 7.4. **Other Matters Arising**

- 7.4.1. **Exceptional Circumstance:** There are no exceptional circumstance provided by the applicant that would support and/or warrant the overturning of the Planning Authority's decision in this case.
- 7.4.2. **Planning Precedent:** I have had regard to the planning history of the site and its setting. Whilst the site setting of Malone Gardens is a highly coherent and uniform in its design, layout and building to space relationship, the Board is not bound by decisions made by the Planning Authority in terms of establishing precedent. It is appropriate that all cases are dealt with on their own individual merit against all relevant planning provisions in accordance with the proper planning and sustainable development of the area.
- 7.4.3. **Unauthorised Development:** The appellant in their grounds of appeal raise concern that the public realm of Malone Gardens is used for non-residential car parking and for use for the repair of vehicles as a commercial enterprise. This like the manner in which car parking permits as well as issues with the pay and display controls on car parking spaces publicly provided on the public realm are matters for the Planning Authority to deal with as they see fit. Further any anti-social and road violations are a matter for An Garda Siochana to deal with as they see fit. The Board has no remit in such matters.

#### 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature, scale and extent of the proposed development, to the serviced urban location, the lateral separation distance between the site and the nearest European Site together with the character of the intervening land, I consider that no Appropriate Assessment issues arise. 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 that permission be **refused**.

## 9.0 Reasons and Considerations

1. The proposed development would result in a loss of on-street parking spaces which would reduce the supply available to residents on the street and in the wider area. As such the proposed development would be contrary to Volume 2, Appendix 18 Sections 4.1 and 4.3 of the Dublin City Development Plan 2022- 2028, which seeks to retain on-street parking as a resource for the city as far as practicable. In addition, the design and layout of the proposed off-street car parking space would also be contrary to the standards set out under Section 4.3 and as such would give rise to an inappropriate form of development that could set a precedent for other similar developments in its locality. Further, the traffic generated, and the traffic movements of the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users as a result of the design, layout, and the lack of adequate sightlines. The proposed development as well as the design approach would be out of character with the intrinsic character and features of its streetscape and would seriously injure visual amenities as well as would set a precedent for further inappropriate development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would impact on a street tree located on the public footpath adjacent to the site in a manner that would be contrary to Volume 2, Appendix 18 Section 4.3.2 of the Dublin City Development Plan, 2022- 2028 . The development would set an undesirable precedent for the loss of street trees that contribute positively to visual amenities of the area, urban greening, biodiversity and sustainable urban drainage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

31<sup>st</sup> day of January 2023