



An
Bord
Pleanála

Inspector's Report

ABP-319821-24

Development	To remove front boundary wall, creation of a new vehicular entrance, 3500mm wide, new gates and new block pier 1380mm high, driveway to provide 2no. car spaces, dish footpath accordingly and all associated site works
Location	27 Fortfield Terrace, Rathmines, Dublin 6, D06 X0F3
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1301/24
Applicant(s)	Matthew & Caitriona Quinn
Type of Application	Permission
Planning Authority Decision	Dublin City Council
Type of Appeal	First Party
Appellant(s)	Matthew & Caitriona Quinn
Observer(s)	None
Date of Site Inspection	12 th December 2024
Inspector	Gerard Kellett

1.0 Site Location and Description

- 1.1.** The subject site relates No. 27 Fortfield Terrace, Rathmines, Dublin 6, which is part of a terrace of ten houses on the road. Fortfield Terrace comprises two storey terraced housing finished mainly in red brick at ground floor and dry dash above. The subject house has an existing pedestrian gate with a 1.2-metre-high front boundary wall.
- 1.2.** Fortfield Terrace on the northern side of the street, backs onto a laneway which runs along the flank of a dwelling at Fortfield Gardens and accesses the rear of properties at Fortfield Terrace and Fortfield Gardens. There is a mix of on street and in house curtilage parking provided along Fortfield Terrace with a five-space formal 'pay and display' parking bay to the front of the application site.

2.0 Proposed Development

- 2.1.** Permission is sought for to remove front boundary wall of No. 27 Fortfield Terrace and for the creation of a new vehicular entrance, 3500 mm wide, new gates and new block pier 1380 mm high, provision of a driveway to provide 2 no. car spaces with dish footpath and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on the 13th of May 2024 for the following reason:

1. The proposed development would result in the removal of on-street parking space(s) on Fortfield Terrace to accommodate a private vehicular entrance, which would be contrary to the policy of the Planning Authority as set out in Policy SMT25, section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements.

Furthermore, the proposed width of the vehicular entrance exceeds the maximum standard in Appendix 5, Section 4.3.1. The reduced supply of on-street parking on Fortfield Terrace would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments on adjacent roads. The proposed development 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 Planner's Report forms the basis for the decision to refuse permission stating:

- The 3.5-metre-wide proposed entrance exceeds the maximum 3.0 metre width set out in Section 4.3.1 of the Development Plan. In the event of permission being considered, the entrance should be no more than 3.0 metres wide, and the car parking area should be sufficient to accommodate one car only.
- Concerns raised that the proposal would result in the removal of one to two on-street car parking spaces on Fortfield Terrace, which serve both residents and visitors. It is stated that the removal of on-street parking to facilitate a vehicular entrance for a single dwelling is contrary to Development Plan Policy SMT25 and Appendix 5, Section 4.1, and that permission should therefore be refused.
- It was noted only vehicular entrance permitted in recent years (to No. 30) was permitted by An Bord Pleanála in 2012 following a recommendation to refuse permission by the Planning Authority.
- No concerns with respect to AA or EIA were raised.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division – Recommend refusal.

Drainage Division – No object subject to conditions.

3.3. Prescribed Bodies

Irish Water – No comments received.

3.4. Third Party Observations

None received.

4.0 Planning History

There is no relevant planning history for the subject site.

Relevant planning history in the immediate area includes:

PA REF: 1453/98 – Refers to refusal by Dublin City Council in 1998 for a vehicular entrance and off-street parking at No.23 Fortfield Terrace.

PA REF: 2154/12 – Refers to refusal by Dublin City Council in 2012 for or new vehicular entrance and construction of a new gate pier, wall and gates and driveway, all to front of No. 30 Fortfield Terrace. The decision to refuse permission was overturned by An Bord Pleanála on appeal.

5.0 Policy Context

5.1. National Guidance

Climate Action Plan

5.2. Development Plan

The Dublin City Development Plan 2022 – 2028.

The site is subject to land use zoning “Z1” – (*Sustainable Residential Neighbourhoods*) which has the objective “to protect, provide and improve residential amenities”.

Volume 1 of the Dublin City Development Plan 2022 – 2028 contains a number of policies and objectives that relevant to the proposal.

Chapter 3 – Climate Action

Policy CA25: To ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments subject to appropriate design, siting and built heritage considerations and having regard to the Planning and Development Regulations (2001) as amended, which have been updated to include EV vehicle charging point installation.

Chapter 8 – Sustainable Movement and Transport

Section 8.5.7 (Car Parking) outlines Dublin City Council recognises the need to further control and manage on-street parking across the city to safeguard and enhance city living for people of all ages and abilities and for families.

Policy SMT25: 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.

Policy SMT29: Expansion of the EV Charging Network To support the expansion of the EV charging network by increasing the provision of designated charging facilities for Electric Vehicles on public land and private developments in partnership with the ESB and other relevant stakeholders; and to support the Dublin Regional EV Parking Strategy

Volume 2 of the Dublin City Development Plan 2022 – 2028 contains a number of appendices containing notes and standards for various development types.

Appendix 5 - 'Transport and Mobility: Technical Requirements' is relevant to the subject appeal.

Section 4.1 (On Street Parking) is relevant and states that: 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. Where new residential developments result in the removal of on-street parking spaces or where no parking is provided for new residential developments, residents of these dwellings will not automatically be entitled to a parking permit. In this instance, the issuing of a parking permit will be based on the current capacity of the permit parking scheme in question.

Section 4.3 (Parking in Front Gardens) is relevant and states that: 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.

Section 4.3.1 (Dimensions and Surfacing) is relevant and 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.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3.0 metres in width and shall not have outward opening gates.

Section 4.3.5 (Treatment of Front Boundaries) is relevant 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.

5.3. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 3.8km to the east of the subject site.
- South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), 3.8km to the east of the site.

5.4. EIA Screening

Refer to Appendix 1 – Form 1. Having regard to the nature of the proposed development, it is not considered a project that falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal against the decision of Dublin City Council to refuse planning permission. The grounds of appeal can be summarised as follows:

- The appellant states, the use of the 'garage' at the back of the house for parking is constrained.
- The appellant seeks the creation of an entrance so they can park and charge their electric car off street. At present they claim the charging cable required would have to cross the public footpath creating a health and safety problem.
- The appellant states the increase in electric cars will be in line with the Climate Action Plan.
- The appellant is agreeable to reduce width of the entrance to 3.0 metres.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Compliance of Development Plan Policy/Standards
- Other Matters

7.1. Principle of Development

- 7.1.1. The proposed development is in an area zoned “Z1” – (Sustainable Residential Neighbourhoods) as per the Dublin City Council Development Plan 2022 – 2028 which has the zoning objective, *“to protect, provide and improve residential amenities”*. Therefore, the principle of the development is acceptable, subject to normal planning considerations.

7.2. Compliance of Development Plan Policy/Standards

- 7.2.1. The issue regarding loss of on street parking and the widening of the existing entrance has been raised as a reason for refusal by the Planning Authority. Fortfield Terrace is a formal ‘pay and display’ area with parking bay to the front of the application site. The Planning Authority in their reasons for refusal stated the proposed development would be contrary to Policy SMT25 which seeks to manage on-street car parking; Section 4.1

(On Street Parking) which states there will be a presumption against the removal of on-street parking spaces and Section 4.3.1 (Dimensions and Surfacing) which states that a proposed vehicular opening shall be at least 2.5 metres or at most 3.0 metres in width.

7.2.2. The proposed development seeks permission for the creation of a new vehicular entrance 3.5 metres wide with ancillary piers and dished kerb. It is my view, that consequences of creating an entrance 3.5 metres wide along the front boundary of the site would result in the loss of a formal 'pay and display' car parking spaces along the public road which I consider is unacceptable. Therefore, I consider this would be contrary to policy SMT 25 of the Development Plan which aims to manage on street parking and Section 4.1 (On Street Parking) of the Development Plan which states there will be a presumption against the removal of on-street parking spaces.

7.2.3. Furthermore, the creation of a new entrance to 3.5 metres would be contrary to Appendix 5, Section 4.3.1 (Dimensions and Surfacing) of the Development Plan regarding dimensions of parking in front gardens, which states that the maximum width permitted for vehicular entrances serving a single residential dwelling shall be at most 3.0 metres. I acknowledge that the grounds of appeal state they would be content to reduce to the width of the proposed entrance to 3.0 metres if needed. However, in my view a proposed entrance width of 3.0 metres would still result in the loss of formal 'pay and display' parking along the roadside outside the property.

7.2.4. Having regard to the foregoing it is my view that the creation of a new vehicular entrance to 3.5 metres and the resulting loss of on street parking would be contrary to Policy SMT 25, Section 4.1 (On Street Parking) and Section 4.3.1 (Dimensions and Surfacing) of the Dublin City Development Plan 2022 – 2028.

7.3. Other Matters

7.3.1. The appellant has argued in their grounds of appeal that running an electric cable across a public footpath to charge their electric vehicle would pose a health and safety risk. However, this is not considered within the scope of this report.

- 7.3.2. The appellant has raised the issue that a right of way to their existing 'garage' via a laneway behind the existing dwelling is not within their control. This in my view is a civil matter and is outside the scope of this planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 7.3.3. Precedent has been raised by the applicant. It is my view the examples provided by the applicant of other permitted entrances do not relate to the operative Development Plan and that all applications are assessed on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 7.3.4. The appellant references the Climate Action Plan 2023, suggesting that their use of an electric car contributes to the target of increasing the percentage of electric vehicles, as outlined in the plan. I note policy CA25 of the Development Plan promotes to the use of charging points subject to appropriate design, siting and built heritage considerations. I acknowledge the above however I do consider this relevant in the context of the subject development being the construction of a new entrance. My assessment is consistent with the Climate Act.

8.0 Appropriate Assessment Screening

Refer to Appendix 2. Having regard to nature, scale, and location of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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

I recommend that permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the Dublin City Development Plan 2022 – 2028, the proposed widening of the existing vehicle entrance to 3.5 metres would be contrary to Appendix 5, Section 4.3.1 (Dimensions and Surfacing) of the Development Plan regarding dimensions of parking in front gardens, which states that the maximum width permitted for vehicular entrances serving a single residential dwelling shall be at most 3 metres. Furthermore, the proposed development would result in the removal of on-street parking spaces on Fortfield Terrace to accommodate a private vehicular entrance, which would be contrary to Policy SMT25 and Section 4.1 (On Street Parking) of the Development Plan where 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 in order to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements. The development would, therefore set an undesirable precedent for similar developments and would 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.

Gerard Kellett

Planning Inspector

23rd December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319821-24		
Proposed Development Summary	Permission to remove front boundary wall and the creation of new vehicular entrance, 3500mm wide, new gates and new block pier 1.380mm high, driveway to provide 2no. car spaces, dish footpath and all associated site works		
Development Address	27 Fortfield Terrace, Rathmines, Dublin 6, D06 X0F3		
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	√
		No	
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			
No	√		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required. (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 3.8km to the east of the subject site.
- South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), 3.8km to the east of the site.

The development is located within a residential area and comprises the creation of a new entrance.

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. The reason for this conclusion is as follows:

- The 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.

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.