



An
Coimisiún
Pleanála

Inspector's Report ABP-320476-24

Question

Whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is or is not development and is or is not exempted development.

Location

Cairnbrook Estate, Glenamuck Road,
Carrickmines, Dublin 18

Declaration

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

REF6324

Applicant for Declaration

Cairnbrook OMC CLG

Planning Authority Decision

Is not exempted development

Referral

Referred by

Cairnbrook OMC CLG

Owner/ Occupier

Cairnbrook OMC CLG

Observer(s)

None

Date of Site Inspection

16th April 2025

Inspector

Bernadette Quinn

1.0 Site Location and Description

- 1.1. The referral site is a road which forms the main spine road leading from Glenamuck Road to Cairnbrook, an established development of houses and apartments in Carrickmines. Sections of the southern and western side of the road have line marking providing for on-street car parking. There is a footpath and a grass verge adjacent to the on-street parking. A section of the road has faded double yellow lines, including a section of the marked parking area close to the junction with Glenamuck Road.

2.0 The Question

- 2.1. The question referred to the planning authority (the PA) pursuant to Section 5(1) of the Planning and Development Act, 2000, as amended (“the Act”) and subsequently referred by the referrer to the Coimisiún, pursuant to Section 5(3)(a) of the Act is, as follows:

“Whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is or is not development and is or is not exempted development”.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.2. Dun Laoghaire Rathdown County Council (DLR) issued a declaration on the question on the 11th July 2024 as follows:

Having regard to the plans and particulars lodged with the subject Section 5:

- Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended)
- Section 4(1) and 4(2)(a) of the Planning and Development Act 2000 (as amended)

- Article 9(1)(a)(viiB) 2001 of the Planning and Development Regulations, 2001, as amended.

The Planning Authority hereby determines that the proposed works at Cairnbrook Avenue comprising line markings of on-street parking spaces are considered to constitute development and do not constitute exempt development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The recommendation within the report of the Planning Officer dated 11/07/2024 reflects the declaration issued by the planning authority. The Report can be summarised as follows:

- The development relates to line marking carried out on an existing internal road [structure] within a residential estate to address 'haphazard' parking. The road is considered a 'structure', the painting of parking lines is considered 'works' and the overall works are considered development.
- A second Section 5 has been submitted as BPS was not notified of the decision of the previous Section 5 because of a wrong address and the decision was not received in time to appeal the decision. It is understood that the subject declaration is being sought to rectify this matter.
- The road is managed privately by the owners management company.
- It is considered that the development described constitutes a material change of use of the subject structure, that there are no exemptions provided for such a change and is therefore development and not exempted development.
- The development would not significantly impact upon a Natura 2000 site and there is no real likelihood of significant effects on the environment.
- Having regard to Section 2(1), 3(1), 4(1) and 4(2)(a) of the Planning and Development Act 2000 (as amended) and Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, the works comprising line markings of on-street parking spaces are considered to constitute development and do not constitute exempt development.

3.3.2. Other Technical Reports

None on file.

4.0 Planning History

Referral Site:

REF3124 – Section 5 Declaration concerning whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is or is not development and is or is not exempted development. On 23rd April 2024 Dun Laoghaire Rathdown County Council decided that the works at Cairnbrook Avenue comprising line markings of on-street parking spaces are considered to constitute development and do not constitute exempt development.

D00A/0970/PL 06D.128136: Permission Granted by Dun Laoghaire-Rathdown County Council and An Bord Pleanala following a third party appeal. Development consists of construction of a residential development consisting of 18 houses and 50 apartments at Glenamuck Road, Carrickmines, County Dublin. The following conditions of note are attached to the decision of An Bord Pleanala.

Condition 13: Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement. Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

Condition 17: The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works. Reason: In the interest of amenities and public safety.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2022-2028

The Cairnbrook Estate is zoned Objective A 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. The roads within the estate, including the areas to which the referral relates, are unzoned.

Policy Objective T19: Carparking Standards It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.

Policy Objective T20: Control of OnStreet Parking It is a Policy Objective to regulate and control on-street parking by discouraging commuter parking.

Four parking zones have been established for the County with the aim of ensuring adequate residential parking/car storage and control of destination carparking (non-residential uses), whilst also allowing greater flexibility in car parking standards on sites well served by public transport. The appeal site is located in Zone 3.

In Chapter 12, Section 12.3.4.5 refers to management companies and taking in charge. Section 12.4.5 outlines Car Parking Standards for residential development and Section 12.4.5.6 refers to Residential Parking.

5.2. Natural Heritage Designations

The site is located approximately 4.2km north of Knocksink Wood SAC (Site Code: 000725) and approximately 4.5 km north of Ballyman Glen SAC (Site Code: 000713).

6.0 The Referral

6.1. Referrer's Case

The appeal against the decision of the Planning Authority can be summarised as follows:

- The referral is made on behalf of the Owners Management Company (the OMC) who are the body under contract to manage all the estate's common areas including roads.
- The re-submission of this Section 5 arises from the failure of DLR to inform BPS of the decision of a previous Section 5 in relation to the matter, REF3124. The previous Section 5 should be disregarded by ABP arising from the acknowledged shortcomings of DLR to properly and legally confirm their decision.
- The road space on which the parking spaces are now painted was used for haphazard on-street parking before the lines were marked and this parking required management. Such management does not change the use of the road which was already a road with kerbside parking.
- The road is not a public road and is not maintained by any public authority.
- The planning history of the site does not include any condition removing exempted development rights. Conditions referred to in the planning officers report require compliances which does not in and of itself mean that exempted development rights cannot subsequently be exercised.
- Compliance was submitted in relation to Condition 13 and accepted by DLR which proves the OMC is in partnership with the planning authority and this partnership allows the OMC to carry out development to manage the estate's roads and parking areas. DLR and ABP required the OMC to manage the scheme's roads arising from compliance with Condition 13 and the OMC is doing so under the grant of permission and/or by way of Section 4(1)(f) of the Act.
- Replacing the haphazard on-street parking with painted parking spots on one defined side of the road makes the estate road safer.
- The painting of parking spots was an act of maintenance or improvement or an alteration which does not materially affect the external appearance of the road so as to render the appearance inconsistent with the character of the road or neighbouring roads as provided for in Section 4(1)(h) of the Act. The meaning of Section 4(1)(h) has been addressed by the courts.

- The painting of parking spaces represents improvement works which are exempt under Class 13 of Part 1 of Schedule 2 of the Regulations.
- The works are trivial, immaterial and de minimis.
- The pre-existing use was on-street parking without painted lines, the use after the painted lines is on-street parking. There is no external impact, and the painting of the spaces does not alter the use. The on-street parking has always been a permitted use under the planning permission and there is no intensification of use.
- Section 12.3.4.5 of 'Management Companies and Taking in Charge' and Section 12.4.5.6 'Residential Parking' of the CDP and Section 2.2 'Maintenance Services' of Circular Letter PD1/08 all confirm that all common roads and parking areas within a housing estate must be managed by the owner's management company.
- Further proceedings would be statute barred as the works took place more than 7 years ago.

6.2. Planning Authority Response

None received.

6.3. Further Responses

None received.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 (the Act)

Section 2 (1) of the Act states: - In this Act, except where the context otherwise requires -

“development” has the meaning assigned to it by Section 3,

Section 3(1) of the Act states -

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (1) sets out development that is exempt from requiring planning permission and includes subsections (e) development consisting of the carrying out by a local authority of any works required for the construction of a new road or the maintenance or improvement of a road; (f) development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity; and (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(3) states A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1) or (1A), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 4(4) ‘Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.’

Section 5 (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Section 138. Board may dismiss appeals or referrals if vexatious, etc.

- (1) The Board shall have an absolute discretion to dismiss an appeal or referral—

(b) where, the Board is satisfied that, in the particular circumstances, the appeal or referral should not be further considered by it having regard to—

(i) the nature of the appeal (including any question which in the Board's opinion is raised by the appeal or referral), or

(ii) any previous permission which in its opinion is relevant.

7.2. Planning and Development Regulations, 2001 (the Regulations)

Article 6 (1) of the Regulations states:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Part 1 of Schedule 2 sets out exempted development to which Art 6(1) refers:

CLASS 13 The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving. Conditions and Limitations: The width of any such private footpath or paving shall not exceed 3 metres.

CLASS 29A and CLASS 29B include development consisting of the construction of a charging point for electric vehicles and CLASS 29A also refers to the adaptation of a car parking payment machine situated on a public road.

CLASS 33 includes development consisting of the laying out and use of land as a roadside shrine.

7.3. Roads Act 1993

Section 2 states the definition of “*public road*” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

7.4. Relevant Coimisiún Referral Decisions

I confirm that the Coimisiún’s database of referral cases has been referenced and I note the following relevant referral:

RL2351-The referral site formed the end of a private laneway that was being used as a parking space by the owner of the property behind which it was located. The Coimisiún decided that the converted use was development and not exempted development, concluding that it constituted a material change from use as a laneway to use as a parking space, which was development per Section 3 of the Act; and that it did not come within the exempted development provisions of Part 1 Class 13 of the Planning and Development Regulations, 2001 (not constituting repair/improvement of a private street).

7.5. Relevant Legal Cases

Court of Appeal 2020/232 Narconon Trust v ABP

This relates to a challenge to two An Coimisiún Pleanála decisions pursuant to Section 5 of the Planning and Development Act 2000 whereby ABP decided that a change of use from a nursing home to a residential drug rehabilitation centre was development and was not exempted development.

An Coimisiún Pleanála decision quashed (High Court judgment upheld).

The basis for the decision to quash:

The court held that An Coimisiún Pleanála was precluded from determining a Section 5 referral in circumstances where a planning authority has previously determined the same, or substantially the same, question, in respect of the same land, where there is no evidence that there has been a material change in the planning facts and circumstances since the planning authority's determination.

Narconon Trust challenged this decision and the court found that once a declaration had been made (whether by a planning authority or by the Coimisiún) and not challenged by way of judicial review, that the declaration stands and the Coimisiún is not entitled to look behind it.

7.6. Environmental Impact Assessment (EIA) Preliminary Examination

- 7.6.1. Schedule 5, Part 1 and Part 2 of the Planning and Development Regulations, 2001 (amended) sets out specified development for which EIA is mandatory and development which requires screening for EIA. The proposed development does not

fall within a class of development for the purposes of EIA. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity 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.

7.7. Appropriate Assessment

- 7.7.1. The site is located approximately 4.2km north of Knocksink Wood SAC (Site Code: 000725) and approximately 4.5 km north of Ballyman Glen SAC (Site Code: 000713). Having regard to nature and scale of the development and the nature of the receiving environment and the distance and lack of connections to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the 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 Assessment

8.1. Preliminary Assessment

- 8.1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the line marking of on-street parking spaces in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.
- 8.1.2. As noted in Section 4.0 above, works comprising line markings of on-street parking spaces was the subject of a previous referral decided by the PA under Declaration Reference REF3124 wherein the PA decided that the works are considered to constitute development and do not constitute exempt development.
- 8.1.3. Having viewed the file and visited the site and having considered the previous Section 5 application on site, I consider that the question currently poised is the same as that already considered and determined by Dun Laoghaire Rathdown County Council under REF3124. I note that the referrer is the same in both cases and I consider that there is no material change in the planning facts and

circumstances since the planning authority's determination. I note that the referrer has outlined in the appeal that this second Section 5 arises because the agent acting on behalf of the applicant was not notified of the decision on the previous referral because of a wrong address. Having reviewed the decision relating to REF3124 I note that the agents address is a P.O. Box whereas the PA issued the decision relating to that Section 5 to a different address. The reasons for the PA's decision to send the decision to an address that does not appear to be the agent's address are not before me.

- 8.1.4. Based on the foregoing, I consider it reasonable that the referrers agent may not have received the decision on the declaration issued under REF3124. I note that the PA accepted the subsequent referral and that the planning officers report relating to the current referral states that it is understood that the subsequent declaration is being sought to rectify this matter. I see no other evidence on file to believe that the applicant received the decision relating to REF3124.
- 8.1.5. I refer to the legal case Narconon Trust and An Coimisiún Pleanála as detailed in section 7.4 of this report, where the Court of Appeal held that An Coimisiún Pleanála was precluded from determining a Section 5 referral in circumstances where a planning authority has previously determined substantially the same question in respect of the same land and where there is no evidence of a change in planning facts and circumstances since the planning authority's determination.
- 8.1.6. The Coimisiún may wish to dismiss the appeal under Section 138 (1)(b)(ii) wherein the Coimisiún has the absolute discretion to dismiss a referral where the Coimisiún is satisfied that, in the particular circumstances, the referral should not be further considered having regard to the nature of the referral or any previous permission which in its opinion is relevant.
- 8.1.7. In my opinion, having regard to the information before me, I consider the Narconon Judgement is not relevant in this case and I consider it appropriate to consider the referral.

8.2. Is or is not development

- 8.2.1. The first question that must be determined is whether the line marking of on-street parking spaces is or is not development. In Section 2 of the Planning and Development Act 2000, as amended, the definition of "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. I consider that the line marking of on-street parking spaces constitutes an alteration and therefore comes within the definition of works.
- 8.2.2. As per section 3(1) of the Act, "development" is the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land. I am satisfied that the line marking of on-street parking spaces is works, and that such works would be carried out on land and therefore constitute "development" as per section 3(1) of the Planning and Development Act 2000, as amended. I note that the Planning Authority and the referrer agree that the works constitute development.
- 8.2.3. I also consider it necessary to consider whether a material change of use occurred and if so, is this exempted development. In accordance with Section 3(1) of the Act, for a change of use to result in 'development', the change of use must be 'material'.
- 8.2.4. The referrer puts forward the case that no change of use has occurred as the road was previously used for parking prior to the line marking of the street. I have found no evidence on the file that the area was previously used for parking and I note faded double yellow lines exist along a section of the road where line marking of on-street parking spaces has occurred. I do not agree therefore that no change of use has occurred on the grounds that the areas were used for parking prior to the painting of the parking spaces.
- 8.2.5. I consider that a change of use has occurred from road to on-street car parking. In relation to whether the change is material, I note that legal judgements in relation to what constitutes materiality have tended to focus on the issues which would be considered if determining the impacts of the respective uses on the proper planning and sustainable development of the area. I consider the change from road to on-street parking raises questions that are material such as the provision of, and demand for additional parking beyond what was permitted, including impacts on traffic movements and trip mode which are different to those that would take place

where no on-street parking was in place, and on the visual amenities of the area. I therefore consider that the change of use is a material change of use.

8.2.6. I also note a previous referral RL2351, (see section 7.3) wherein the Coimisiún decided that the use of a private laneway as a parking space constituted a material change from use as a laneway to use as a parking space.

8.2.7. In view of the foregoing, I consider the test for material change of use is met and the line marking of on-street parking spaces constitutes development

8.3. Is or is not exempted development

8.3.1. Development can be considered exempt under either Section 4 of the Planning and Development Act or Article 6 of the Planning and Development Regulations. Section 4 (1) of the Act sets out the provisions in relation to exempted development and is separate to and has primacy over the exempted development provisions of the Regulations.

8.3.2. The referrer argues that Sections 4(1)(e), 4(1)(f) and 4(1)(h) of the Act are relevant. Condition 13 of permission reference D00A/0970/PL 06D.128136 required submission of a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas be agreed with the PA. The appeal outlines that a compliance submission was made in this regard and that the compliance submission was approved by the Planning Authority on 11th September 2020. The referrer argues that this compliance submission and its acceptance by the PA provides that the PA has given over responsibility for the management of the estate's roads to the OMC, that the OMC is the Roads Authority for the estate, that the OMC is in a partnership with the planning authority and that this partnership allows it to carry out development to manage the estate roads and parking areas. It is also argued that Section 4(1)(e) of the Act permits DLR to carry out works to a road that is taken in charge but that the OMC, who has the same responsibility for the estate roads is alleged to have committed unauthorised development.

8.3.3. I do not agree that the OMC can be considered to be exempt under Sections 4(1)(e) or (f) as the OMC is not a local authority and the local authority did not carry out the works. Having reviewed the file I have found no evidence that the works were carried

out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority. I do not consider that the OMC can be described as the Roads Authority for the estate as a result of Condition 13 and compliance with same. I therefore consider that the exemptions provided for in Section 4(1)(e) and 4(1)(h) are not applicable.

- 8.3.4. In relation to exemption provided for under Section 4(1)(h) I consider the alterations are 'material' in the sense that they are easily visible from the public road and are obvious to a casual viewer. The line markings are painted white on an otherwise tarmac surface and provide for designated areas of parking. I consider this is a significant alteration from the remainder of the street and the street prior to the works having been carried out. I consider the painting of car parking spaces on the street materially affects the character of the street and I do not consider the exemption under Section 4(1)(h) is applicable to the works. I note the references to case law relating to the meaning of Section 4(1)(h) and I do not consider these are relevant to the subject case. I do not consider the painting of car parking spaces on the road constitutes works for the "maintenance, improvement or other alteration" of the existing structure, and I consider the works do not, therefore, come within the scope of the exemption provided under Section 4(1)(h).
- 8.3.5. Section 2 of the Roads Act 1993 states the definition of "*public road*" means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority. Section 2 of the Roads Act also states that road authority means a local authority. Whilst I note the referrers case that the estate road does not constate a public road, I do not consider the OMC can reasonably be interpreted as being the road authority within the meaning of the Roads Act or the local authority or that based on the documents on the file that they can be considered to be acting in partnership with the planning authority.
- 8.3.6. Section 4(2) of the Act provides that the Regulations can make provisions in respect of exempted development. This is provided for by Article 6, which provides that development of a class specified in Schedule 2 to the Regulations shall be exempted provided that the conditions and limitations attached to those various classes are met.

- 8.3.7. Part 1 of Schedule 2 of the Regulations include Class 13 which permits the repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving with the limitation that the width of any such private footpath or paving shall not exceed 3 metres. Reference is also made in the appeal to Class 29A and Class 29B relating to charging points for electric vehicles, car parking payment machines and Class 33 relating to a roadside shrine. I am of the opinion that Classes 13, 29A, 29B or 33 are not applicable to the development. These classes, in my opinion, do not relate to the provision of car parking spaces. I note in referral RL2351 the Coimisiún decided that the use of a private laneway as a parking space was development and not exempted development, concluding that it did not come within the exempted development provisions of Part 1 Class 13 of the Planning and Development Regulations, 2001 (not constituting repair/improvement of a private street).
- 8.3.8. Part 4 of Schedule 2 allows for certain material changes of use to be exempt subject to certain limitations. I do not consider Part 4 is relevant to the works carried out which are the subject of this referral.
- 8.3.9. I agree with the Planning Authority's finding that there is no exemption available under Article 6 of the Planning and Development Regulations 2001 (as amended).
- 8.3.10. I do not consider that the inclusion of requirements relating to management companies in the Development Plan or Circular Letter PD1/08 provides for exemptions beyond what is provided for in legislation. I do not consider management of roads and parking areas would include provision of additional parking and I do not consider that maintenance of roads, footpaths and parking includes provision of new car parking spaces.
- 8.3.11. The referrer argues that the works are de minimus. Having regard to my assessment above I do not agree that the works are de minimus. I also do not consider that matters relating to whether or not the works are statute barred are relevant to the assessment of this referral.

8.4. Restrictions on exempted development

- 8.4.1. Article 9 of the Regulations states that development of a class specified in Column 1 and Part 1 of Schedule 2 shall not be exempted development for the purposes of the Act if certain conditions are met. Consideration of de-exemption under Article 9 is only required in instances where the development is considered to be exempted development under Article 6. Having regard to my findings in Section 8.3.7 above that Article 6 of the Regulations does not apply to the works I consider that the restrictions under Article 9 do not apply.

9.0 Recommendation

- 9.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

A question has arisen as to whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is or is not development or is or is not exempted development:

AND Cairnbrook OMC CLG requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 11th day of July, 2024 stating that the matter was development and was not exempted development:

AND Cairnbrook OMC CLG referred this declaration for review to An Coimisiún Pleanála on the 06th day of August, 2024:

AND An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,

- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1) (e), (f) and (h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1, 3 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND An Coimisiún Pleanála has concluded that the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is development and is not exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the is development and is not exempted development.

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.

Bernadette Quinn
Planning Inspector

14th October 2025