



An  
Bord  
Pleanála

## Inspector's Report ABP-321333-24

<b>Development</b>	Widening of vehicular access.
<b>Location</b>	166 Corrib Road, Terenure, Dublin 6W.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4257/24
<b>Applicant(s)</b>	Sarah Sharkey and Darragh Dunne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First V Conditions
<b>Appellant(s)</b>	Sarah Sharkey and Darragh Dunne
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> February 2025
<b>Inspector</b>	Ronan O'Connor

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	3
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History .....	4
5.0 Policy Context .....	4
5.1. Development Plan .....	4
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	7
6.3. Observations .....	7
7.0 Assessment .....	7
8.0 Recommendation .....	10
9.0 Reasons and Considerations .....	10
Appendix 1 – Form 1: EIA Pre-Screening	

## 1.0 Site Location and Description

- 1.1. The subject site is a two-storey end of terrace house. The house has an off-street car parking space to the front garden. There is a street tree in proximity to the vehicular access on the public footpath.

## 2.0 Proposed Development

- 2.1. It is proposed to widen the existing vehicular access to facilitate off-street parking for two cars and EV charging.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Grant permission, subject to conditions (Decision Date 1<sup>st</sup> November 2024).

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report (dated 25<sup>th</sup> October 2024) is summarised below:

- Notes that there are no double-yellow lines on Corrib Road and that there is uncontrolled parking for neighbouring dwellings.
- Notes the provisions of Appendix 5 Table 2 of the Development Plan – sets out a max of 1 space per dwelling/vehicular opening shall be a maximum of 3m in width.
- Refers to the report of the Transportation Department (as summarised below)/No objections to the proposal subject to a condition that the vehicle access is limited to 3m.
- Recommended that permission be granted, subject to conditions.

#### 3.2.2. Other Technical Reports

Transportation Planning Division (dated 9<sup>th</sup> October 2024)

- Notes existing street tree outside the boundary of the site/Notes the provisions of Appendix 5 as relates to street trees.
- Site is within Zone 2 Map J – Max of 1 space per dwelling/Max width of 3m.
- Proposed width of 3.6m and the principle of 2 no. proposed parking spaces is not in compliance with Development Plan standards.
- Reducing the proposed vehicular entrance width to 3m with associated dishing will not negatively impact the street tree.
- No objection subject to conditions including – max width of gate to be 3m/limited to one parking space.

Drainage Division (report dated 19<sup>th</sup> September 2024)

- No objection subject to conditions.

3.2.3. Conditions

Condition 3 – Vehicular entrance to be no more than 3m in width/only one parking space to be provided.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1.1. No recent planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The operative Development Plan is the Dublin City Development Plan 2022-2028.

Site is zoned Z1 – Sustainable Residential Neighbourhoods

The site lies within Zone 2 of Map J 'Strategic Transport and Parking Areas'.

## Appendix 5 Technical Requirements:

### Table 2: Maximum Car Parking Standards for Various Land Uses

Section 4.3.1 'Dimensions and Surfacing' of the Development Plan states:

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

### Section 4.3.2 Impact on Street Trees

In all cases, the proposed vehicular entrance shall not interfere with any street trees.

Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated.

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

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. Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree. 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.

## **5.2. Natural Heritage Designations**

5.2.1. None.

## **6.0 The Appeal**

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

6.1.1. The appeal is a 1<sup>st</sup> Party Appeal V Condition No. 3. I would note that the specific condition number is not referred to in the appeal submission but the from the contents of same it is clear that the appeal relates to Condition No. 3. I have summarised the appeal submission below:

- One of the applicants travels home to take care of his parents so it is a necessity to have 2 cars.
- Finds it difficult to find on-street parking.
- Would like to be able to charge EV vehicles in the driveway.
- Road can be cluttered and busy/applicant's car has been damaged when parked on the street.
- Would be worried about unloading a child from the car when parked on the street.
- Refer to Appendix 5, Section 4 'Car Parking Standards' state that 'parking provision in excess of these maximum standards shall only be permitted in exceptional circumstances e.g. boundary areas/home is located at the border with South Dublin County Council.
- Many houses in the road have widened driveways/would not be changing the aesthetic integrity of the road.
- Proposal would reduce the strain on off-street parking.
- Proposal will have tangible benefits for parking, safety, sustainability and quality of life

Encl: Appendix 1 Boundary Map; Appendix 2 Proposed Drawings - Front Elevation; Appendix 3 Proposed Drawings – Site Plan.

## **6.2. Planning Authority Response**

6.2.1. A response from the Planning Authority was received on 14<sup>th</sup> December 2024. This is summarised below:

- Request that ABP uphold the decision of the Planning Authority in this case.
- Request that if permission is granted that a condition requiring the payment of a Section 48 development contribution is imposed.

## **6.3. Observations**

6.3.1. None.

## **7.0 Assessment**

7.1. This is a first-party appeal against Condition 3 of the Planning Authority's decision. The issues raised in the appeal are limited to the following considerations:

- Condition No. 3 (Limitation of vehicular width to 3m and maximum of 1 no car parking space on site).

### **7.2. Condition No. 3**

7.2.1. The application as submitted to the Planning Authority was to widen the existing vehicular entrance to 3.6m to facilitate the parking of 2 no. cars on site and EV charging for both. The Planning Authority granted permission, subject to conditions. Condition No. 3 of the Council's decision limited the width of the widened entrance to be no more than 3m in width and states that only one parking space can be provided.

7.2.2. The site lies within Zone 2 of Map J 'Strategic Transport and Parking Areas'. Appendix 5, Table 2: 'Maximum Car Parking Standards for Various Land Uses' of the Development Plan set outs parking standards within such zones, and I note that for dwelling houses within this zone, there is a limit of 1 no. car parking space per dwelling. Appendix 5 also limits the maximum width of vehicular entrances to 3m, and also sets out required buffer zones around existing street trees.

7.2.3. I would note that the restriction on the number of car parking spaces to 1 no. space, and the restriction of the vehicular entrance width to 3m is in line with the above car

parking standards, as set out in Table 2 of the Development Plan, and is also in line with the Technical Standards as set out Appendix 5 of said Plan.

- 7.2.4. I would note also that Transportation Division report also raised concerns in relation to the potential impact on the existing street tree and have noted that a proposed 3m width should limit any impact on same.
- 7.2.5. The first-party appellants have set out reasons as to why they need 2 no. cars, and as to why they require both cars to be parked on site, and I have noted same. These relate to family commitments, safety issues, difficulty finding an on-street parking space, and previous damage caused to the applicants car while parked on street. However, none of the reasons as set out by the appellants would allow for the standards as set out in the Development Plan to be set aside, and such standards are equally applicable to all residents within the DCC area, noting, in particular, the limitation to 1 no. car parking space with this zone (Zone 2) which seeks to reduce car dependency within the Council's administrative area. The development as proposed does not comply with the standards as set out in the plan, both in relation to the number of car parking spaces proposed on the site and in relation to the proposed vehicular entrance width, although the imposition of Condition No. 3 brings the proposal back into compliance with said standards, while still allowing for a widened vehicular entrance, from 2.6m to 3m.
- 7.2.6. The applicants also state that 'exceptional circumstances' should apply in this instance, noting that the site is on or close to the boundary with South Dublin County Council. The appellants have included a map (Appendix 1 Boundary Map) indicating the location of the relative to the boundary of South Dublin County Council administrative area. I have estimated that the site is approximately 800m from the administrative boundary at the closest point.
- 7.2.7. In relation to the issue of 'exceptional circumstances' I note the following wording as set out in the Development Plan:

*Table 2 specifies the requisite level of on-site parking to be provided for residents, staff and visitors for various types of development. These car parking standards shall be generally regarded as the maximum parking provision and parking provision in excess of these maximum standards shall only be permitted in exceptional*



*circumstances e.g. boundary areas, or where necessary for the sustainable development of a regeneration area (see Chapter 13).*

- 7.2.8. While the term 'boundary areas' is not defined, given the context in which it is stated, I am of the view it is likely to refer to boundary areas such as those lying on the boundaries of Parking Zones 2 and 3, for example, as defined on Map J. This would be a reasonable situation in which to consider an exemption or in which to consider exceptional circumstances. I do not consider that proximity to the boundary of South Dublin County Council is a valid reason in which to apply exceptional circumstances in this instance, and the Planning Authority did not consider that exceptional circumstances applied in this instance, and did not refer to this provision of the Development Plan in the assessment of the original proposal.
- 7.2.9. The appellant's have stated that there are existing sites with widened entrances and that this proposal would not change the aesthetics of the road. In relation to same, I would note that each application is considered on its merits, and are assessed under the provisions of the relevant Development Plan in place at that period. In relation to this particular application, the current Development Plan limits the vehicular entrance width to 3m and the number of off-street parking spaces to 1 no. space, and I see not valid planning reasons to contravene same in this instance.
- 7.2.10. In relation to the potential impact on the existing street tree, I would note that it is possible that the widening of the entrance to 3.6m, and related dished kerb, would have an impact on the root zone of this tree. However, the tree is not indicated on the application drawings, as required by Appendix 5 of the Development Plan, nor is this tree indicated the drawings submitted with the appeal. For a medium tree, this required buffer is 2.5m from the surface of the tree trunk to the proposed edge of the dishing, while for a large tree this buffer is required to be 3.5m (as per Figure 1: Street Trees and Vehicular Entrances of Appendix 5). From my observations on site, I would be minded to define the street tree in question as 'medium', with a required buffer of 2.5m. The Planning Authority have not set out a required buffer zone (i.e. have not stated if the tree is a 'medium tree' or 'large tree'). However, given the lack of sufficient information, it is not possible to determine with accuracy if a 3.6m wide entrance vehicular entrance and associated dished kerb would encroach into this buffer zone. However, I would concur with the view of the PA that a reduced width of 3m is less likely to encroach into the required 2.5 buffer zone.

7.2.11. Having regard to the above considerations, and having regard to the relevant provisions of the Dublin City Development Plan, I am of the view that Condition No. 3 should be retained in this instance.

## **8.0 Recommendation**

8.1.1. Having regard to the nature of the conditions that are the subject of the appeal, I am satisfied that the determination by the Board, of the relevant application as if it had been made to it in the first instance, with attachment of said conditions, would not be warranted and based on the reasons and considerations set out below, I recommend that the Board direct the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to:

1. RETAIN Condition No. 3

## **9.0 Reasons and Considerations**

Having regard to:

(1) The planning policies and objectives under the Dublin City Development Plan 2022-2028, in particular the Parking Standards as set out in Appendix 5, Table 2 'Maximum Car Parking Standards for Various Land Uses' and technical standards as set out in Section 4.3.1 'Dimensions and Surfacing' and Section 4.3.2 Impact on 'Street Trees' of Appendix 5.

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.

---

Ronan O'Connor  
Senior Planning Inspector

4<sup>th</sup> February 2025