



An
Bord
Pleanála

Inspector's Report ABP-321545-24

Development	Retention of demolition of rear extension and construction of single storey extension with all associated site works.
Location	22 Corrig Park, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0811
Applicant(s)	Anne Kelly
Type of Application	Retention permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Anne Kelly
Observer(s)	none
Date of Site Inspection	27 th February 2025
Inspector	Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is an existing semi detached bungalow in an urban residential area in Dun Laoghaire, Co. Dublin. The site is accessed from a residential cul de sac Corrig Park. The site is adjoined to the rear and both side boundaries by existing residential properties, 21 Corrig Park to the northern side, 22A Corrig Park to the rear and which is accessed by driveway running along the southern/ side boundary of the site and 10 Corrig Park which is located to the southern side of the driveway access to no.22A.

2.0 Proposed Development

- 2.1. Permission is sought to retain the following:
- Demolition of rear kitchen extension and side chimney,
 - Construction of a flat roofed single storey ground floor extension to the rear,
 - Provision of roof lights to the front, side and rear elevations,
 - Conversion of the roof space into two no. bedrooms and two no. en-suite bathrooms,
 - Widening of the original front pedestrian entrance to a vehicular entrance,
 - Site works

The area of the site is 0.02ha.

The floor area of the existing building is 145sqm. The floor area of the proposed works is 82sqm. The floor area of demolition works is 7sqm.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant retention permission by order dated 28th November 2024 subject to 9 conditions.

Condition 2

The vehicular entrance shall be omitted and only pedestrian access shall be provided.

Reason: To promote active travel modes.

Condition 4

- (a) The width of the proposed widened vehicular entrance shall be a maximum of 3.5m.*
- (b) The footpath in front of the proposed widened vehicular entrance shall be dishd and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath the Applicants shall contact the Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.*
- (c) The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.*

Reason: In the interest of orderly development

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Case Planner sets out the basis for a recommendation to grant permission. The case planner noted the report of the Transportation Section recommending to not permit the vehicular entrance and on site parking, however considered that having regard to the existing dwelling, surrounding development of Corrig Park and the existing dwelling's location on the periphery of the 1km catchment to the Dart station, that in this instance the provision of a single car parking space is justified. The case planner recommended grant of permission for development including the widening of the front pedestrian entrance to vehicular entrance and attached condition no.

2 for removal of pay and display parking bay and signage on Corrig Park to accommodate the new entrance and condition 4 which related to the detailed construction of the vehicular entrance. The report and recommendation was considered by senior staff who concurred with the report of the Transportation Section and considered that the provision of a vehicular entrance and carparking is not justified. Condition 2 was replaced with a new condition requiring that the vehicular entrance be omitted and pedestrian access be provided. Condition 4 however was not altered.

3.2.2. Other Technical Reports

- Transportation Planning: recommends refusal of the retention of the vehicular entrance. Having regard to section 12.4.5.2 of the CDP and SPPR3 of Compact Settlement Guidelines, represents unjustified overprovision of car parking noting location 950m from Dart Station and 450m from town centre where car parking provision should be minimised, substantially reduced or wholly eliminated.
- Drainage: no objection subject to conditions relating to surface water and drainage.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An observation was received from the owners /occupiers of 22A Corrig Park raising the following:

- Visually obtrusive
- Overbearing and overlooking
- Injures amenities of area
- Non compliance with standards of development plan
- Discrepancies in plans

4.0 Planning History

No planning history on the site.

The planner's report includes details of the planning history of adjoining sites.

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

The following Section 28 Ministerial Guidelines are considered of relevance to the proposed development:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)

5.2. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 applies.

- Zoning: 'Objective A' - "To provide residential development and improve residential amenity while protecting the existing residential amenities".
Chapter 4 Neighbourhood – People, Homes and Place
- Policy Objective PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- Policy Objective PHP40: Shared Space Layouts It is a Policy Objective to promote safer and more attractive streets and public realm for all road users throughout the County by proactively engaging with, and adhering to, the 'shared space' concept and guidance set out in the 'Design Manual for Urban Roads and Streets' (2013)

Chapter 5 Transport and Mobility

- Policy Objective T4: Development of Sustainable Travel and Transport It is a Policy Objective to promote, facilitate and cooperate with other transport agencies in securing the implementation of the transport strategy for the County and the wider Metropolitan Area as set out in Department of Transport's 'Smarter Travel A Sustainable Transport Future 2009 –2020', and subsequent updates and the NTA's 'Transport Strategy for the Greater Dublin Area 2016-2035' and subsequent updates, the RSES and the MASP. (Consistent with NPOs 26, 64 of the NPF and RPOs 5.2, 5.3, 8.4, 8.7, 8.8 and 8.9 of the RSES
- 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.

Chapter 12 Development Management

- 12.3.7 Additional Accommodation in Existing Built-up Areas
- 12.4.5 Car Parking Standards
- 12.4.5.6 Residential Parking
- 12.4.8 Vehicular Entrances and Hardstanding Areas

5.3. Natural Heritage Designations

There are no natural heritage designations at the site or in the vicinity of the site.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal raised by the applicant include the following:

- Satisfied with grant of permission. The appeal is against condition 2 only and is not appealing any other aspect of the permission and do not see the need to consider the entire application 'de novo'. Request the Board upholds the Council's decision to grant permission but to remove condition 2 from the decision.
- The in-curtilage parking space is acceptable for the following reasons:
 - According to the CDP, the site is within zone 2 Near Public Transport where the standard parking provision for a three bedroom house is 2 parking spaces
 - The planning authority have assessed the site against SPPR3(i) rather than SPPR3(iii). The site would be categorised an 'intermediate location' under the Compact Settlement Guidelines if consideration is not given to the pedestrian shortcut connecting Corrig Park to Northumberland Avenue. In 'intermediate locations' a maximum of 2 car parking spaces per dwelling is permitted.
 - Is reflective of the existing pattern of development – all other houses on the cul de sac are provided with in curtilage parking,
 - There is a precedent of granting of planning permission by the Council and by the Board for in curtilage parking (details of grant of permissions on adjoining properties set out including D15A/0303, D12A/0045, D12A/0411, D07B/0857, PL06D.227170).
 - The applicant was in possession of two on street parking spaces. This arrangement would be altered resulting in one on street parking space and one in curtilage parking space. Therefore the applicant is not gaining any additional parking spaces. Removing on street parking would help in reducing congestion on the road and would help the overall appearance of the street.
 - Client works in the construction industry, will provide additional security protection for the applicant's vehicles (expensive work tools and equipment in

the applicants vehicle), unable to avail of public transport as requires vehicle for work purposes.

- The permission includes contradictory conditions – condition 2 and condition 4 contradict each other.

6.2. Planning Authority Response

The planning authority has submitted a response stating the following:

- Acknowledges that conditions 4(a) and (b) were attached in error and should not have formed part of the decision.
 - No other issues have been raised that would warrant a change in position.
- The Board is invited to agree with the planning authority and apply the provisions of SPPR3 of the Compact Settlement Guidelines having regard to the sites location and absence of satisfactory justification for the provision of parking on site.

6.3. Observations

None

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- determination of the appeal
- principle of development and car parking policy

7.2. Determination of the appeal

- 7.2.1. This is a first party appeal against condition 2 of a grant of retention permission for works to an existing house including demolition, extension and alterations and the widening of the original front pedestrian entrance to a vehicular entrance. Condition

2 relates specifically to the proposal for the widening of the pedestrian entrance for vehicular entrance.

- 7.2.2. Where an appeal is made against a condition, section 139 of the Planning and Development Act 2000 (as amended) allows the Board to restrict its determination to the condition only and to not carry out a de novo assessment of the proposed development.
- 7.2.3. Whilst the first party appeal is only against condition 2, issues have also been raised by both the first party applicant and the planning authority in relation to condition 4 which also relates to the vehicular entrance. Both parties raise that condition 2 and condition 4 contradict each other and the planning authority has stated that conditions 4(a) and (b) were attached in error.
- 7.2.4. I am satisfied that, having regard to the nature of conditions 2 and 4, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted.
- 7.2.5. I recommend that the Board use its discretion and give directions relating to the attachment, amendment or removal by the planning authority of condition 2 and condition 4.

7.3. Principle of development and car parking policy

- 7.3.1. This appeal relates specifically to the proposal for the widening of the original front pedestrian entrance to a vehicular entrance which would accommodate on site parking. The planning authority made the decision that the vehicular entrance and on site parking is not in accordance with specific planning policy requirement (SPPR) 3 of the Sustainable and Compact Settlement Guidelines for Planning Authorities and granted permission subject to conditions. Condition 2 requires the applicant to omit the vehicular entrance and to provide pedestrian access only. Condition 4 (a) and (b) relate to width of the vehicular entrance and the dishing of the footpath and were attached in error, noting that these parts of the condition would conflict with condition 2 which is to omit the vehicular entrance.
- 7.3.2. Objective T19 of the Dun Laoghaire Rathdown County Development Plan (CDP) 2022-2028 states that it is an objective to manage car parking in accordance with the

standards set out in section 12.4.5. Section 12.4.5 sets out parking standards and section 12.4.5.6 sets out standards for residential parking.

- 7.3.3. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities are in place. When making a decision in relation to an application that includes a residential element or other element covered by these Guidelines, regard is to be paid to the policies and objectives of the Guidelines and the specific planning policy requirements of the Guidelines shall be applied. These Guidelines include specific planning policy requirement (SPPR) 3 in relation to car parking. Where a specific planning policy requirement of the Guidelines differs from the provision of a development plan, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan. With this in mind, I am satisfied that SPPR3 shall be applied instead of the parking standards for residential parking in the CDP.
- 7.3.4. Having regard to Table 3.1 and Table 3.8 of the Guidelines, the site is located within a 'city - urban neighbourhood', being located within the Dublin suburban area and located within a 'high capacity public transport node or interchange' at a distance of 900m from DunLaoghaire Dart station. Therefore the site is at a highly accessible urban location. SPPR3(i) states that at these locations car parking provision should be "*minimised, substantially reduced or wholly eliminated*" and that the "*maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling*".
- 7.3.5. Prior to the carrying out of the works to the house that are the subject of the permission, there was no on site parking to the front of the house and the front boundary wall contained a pedestrian gateway only. It is from this base that the proposal should be considered. The policy is to eliminate, minimise or reduce parking and where justified to allow a maximum of 1 no. space per dwelling.
- 7.3.6. If the starting point is one where there is no parking space on site, then in broad terms, any introduction of a space would run contrary to the policy to reduce car parking ratios in urban areas. However, the policy does allow for minimum parking and as such, I would take the view that consideration can in principle be given to the

proposal for on site parking, however a maximum rate of one space only can only be considered in any circumstance and this requires justification.

- 7.3.7. The applicants argue that all other houses on the road have on site parking and therefore the proposal is keeping with this established character. In this regard I note that there are 20 dwellings on Corrig Park and that all of these properties (including the subject site) are currently provided with a vehicular entrance serving on site parking. This is a very strong established pattern of development for on site parking on the road which is in favour of permitting the applicant to retain their on site space.
- 7.3.8. On Corrig Park cul de sac road there is pay and display on street parking with capacity for about 9 spaces (including the on street parking to the front of the site). The proposed development would result in the removal of one of these on street parking spaces. This is a small residential cul de sac road and is not a 'through' road. The site is outside of the main town centre area and is lightly trafficked. At this location, there is less demand for a turnover of on street parking compared to that of more central locations. I consider that the loss of one on street parking space can be accommodated and would not be detrimental to public demand and turnover of spaces, traffic calming or visual amenity.
- 7.3.9. I note that the applicant states that they need an on site space as are employed in the construction industry, that a vehicle is required for their employment and public transport is not feasible and that on site parking would provide security of their vehicle which contains expensive equipment and tools.
- 7.3.10. I also note the distance of the site from the Dart Station, falling just within the 1km range that puts the site within the 'highly accessible' location under the Guidelines.
- 7.3.11. Having regard to the pattern of on site parking on the road, the small domestic nature and scale of the development which relates to a single existing house and to the location of the site and to the case put forward by the applicant to justify their need, I consider that a proposal for one on site space can be considered to be an appropriate and necessary form of development in this instance and that there is reasonable justification for the proposal and that it is in accordance with SPPR 3 of Guidelines. Should the Board agree, I recommend that condition 2 be amended to allow one on site parking space.

- 7.3.12. Finally, in terms of traffic safety, I also consider that the new entrance can be accommodated without resulting in any significant traffic safety issues. The road is a cul de sac and existing speeds and traffic levels are relatively low. There is a footpath along both sides of the road. Sightlines at the entrance would be acceptable.
- 7.3.13. Condition 4 relates to works for a vehicular entrance. Condition 4(a) restricts the width of the vehicular entrance to 3.5m. Condition 4(b) relates to dishing of the footpath to accommodate the entrance and condition 4(c) relates to protection of the public road during construction. I recommend that condition 4 be attached.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European site is South Dublin Bay Special Area of Conservation and South Dublin Bay and River Tolka Estuary Special Protection Area located approximately 1.4km to the northeast. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development
- The location of the development in a serviced urban area, the distance to the Natura 2000 site network and the absence of 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 or projects, on a European site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that condition number 2 be amended and that condition number 4 be attached.

10.0 Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

AMEND condition number 2 to the following:

- (a) Only one car parking space shall be provided within the site. Details of how it is proposed to comply with this requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Prior to commencement of the proposed works, the applicant shall arrange for the removal of existing 'Pay and Display' parking bay and signage on Corrig Park as a result of the proposed vehicular entrance. The works shall be arranged at the applicants own expense and in accordance with the terms of the planning authority (Municipal Services Department) which shall include a fee / charge for the loss of a 'pay and display' parking bay (or part of).

Reason: In the interest of sustainable transportation.

ATTACH condition number 4 and the reason therefor.

Reasons and Considerations

Having regard to the residential land use zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2022-2028 , the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, the location of the development and the pattern of development in the area and the small domestic scale of the proposals which relate to an existing house, it is considered that the proposal to retain the widening of the original front pedestrian entrance to a vehicular entrance, which would accommodate on site parking, is justified in this

instance and is in compliance with specific planning policy requirement 3 of the Guidelines and would not result in traffic hazard.

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.

Aisling Mac Namara
Planning Inspector

11th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321545-24		
Proposed Development Summary	Retention of demolition of rear extension and construction of single storey extension with all associated site works.		
Development Address	22 Corrig Park, Dun Laoaghaire, Co.Dublin		
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 x	Proceed to Q2.
		No	No further action required
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		State the Class here.	Proceed to Q3.
No	x		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____