



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321712-25**

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|-------------------------------------|--------------------------------------|
| <b>Development</b>                  | Vehicular driveway (domestic)        |
| <b>Location</b>                     | 14A Garville Road, Rathgar, Dublin 6 |
| <b>Planning Authority</b>           | Dublin City Council                  |
| <b>Planning Authority Reg. Ref.</b> | WEB2373/24                           |
| <b>Applicant(s)</b>                 | Alex Martin and Sylvia O'Keefe       |
| <b>Type of Application</b>          | Permission                           |
| <b>Planning Authority Decision</b>  | Refuse permission                    |
| <b>Type of Appeal</b>               | First Party                          |
| <b>Appellant(s)</b>                 | Alex Martin and Sylvia O'Keefe       |
| <b>Observer(s)</b>                  | Philip O'Reilly                      |
| <b>Date of Site Inspection</b>      | 24 March 2025                        |
| <b>Inspector</b>                    | B. Wyse                              |

## 1.0 Site Location and Description

- 1.1. No.14A is an end of terrace Victorian house on the southern side of Garville Road. The property includes a small gravelled front garden enclosed by a granite wall, brick pier and railings with a pedestrian gate. There is a narrow lane to the side of the house that provides rear access to the property and to several other properties in the vicinity.
- 1.2. Garville Road is predominantly residential and comprises a mix of house types. There are speed bumps and on street parking is confined to the northern side of the road. The parking is pay and permit controlled from 7am to midnight Monday to Saturday. A double yellow line prohibits parking at any time on the southern side. There is a bend in the road just west of No.14A. Many of the houses along the road have front garden vehicular parking while others do not.

## 2.0 Proposed Development

- 2.1. The proposal is to create a 3.5m vehicular entrance to the front garden from the adjacent laneway. The entrance would include sliding steel gates and the existing pier at the corner would be modified to an angular profile to facilitate access. The front railings and pedestrian gate would remain unaltered.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. This is a decision to refuse permission for the following reason:

*Having required (sic) to the inadequate layout of the proposed car parking area, and taking into consideration the restricted nature of the laneway and the location of the existing boundary walls and piers, the proposed development would endanger public safety by reason of traffic hazard and obstruction for pedestrians due to inadequate manoeuvrability, reduced sightlines and poor visibility for drivers exiting the property across a public footpath. The proposed development would also be contrary to standards set out in Section 4.3.1, Appendix 5 of the Dublin City development Plan 2022-2028 and would set an undesirable precedent for other similar developments.*

*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 Report**

Basis for planning authority decision. Includes:

- The recommendation to refuse permission essentially rests on the report of the Transportation Planning Division.
- It also notes that there is adequate on-street parking available and that there is an existing vehicular access to the rear providing secure off-street parking for the dwelling. On this basis it is considered that a vehicular entrance to the front of the dwelling is not essential.
- No requirement for appropriate assessment or environmental impact assessment.

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

**Transportation Planning Division.** Includes:

- The front garden measures a maximum of 5.6m in depth and 6.1m in width. The proposed vehicular entrance is 3.5m wide and the proposed parking space is 4.9m in depth and 2.5m wide.
- According to Appendix 5 of the Dublin City Development Plan 2022-2028, vehicle entrances should be designed to avoid traffic hazards and conflicts with pedestrians.
- For new entrances onto public roads, the Council considers factors such as road layout, impact on on-street parking, traffic conditions, and sightlines. The width of the entrance should be between 2.5m and 3.0m and gates must not be outward opening. The proposed 3.5m entrance exceeds these standards, making it unacceptable.

- Section 4.3.1 of Appendix 5 specifies that the minimum dimensions for a car parking space in a front garden are 3.0m by 5.0m, with sufficient space for manoeuvring and circulation. A proposal will not be acceptable if the car cannot be parked without overhanging the public footpath. The parking space dimensions of 2.5m in width and 4.9m in depth fall short of the required size, making it insufficient for safely accommodating a car without potentially blocking the footpath.
- Additionally, the applicant proposes a bin store at the northeast, retaining the inward-opening pedestrian gate at the southwest and bushes along the west boundary. The inward sliding gate for the vehicular entrance has not been specified in terms of direction or available space. With these elements in place, the area available for parking a car is too tight to accommodate a vehicle safely.
- The proposed vehicular entrance on the narrow lane, surrounded by two walls, presents further hazards. Even if the vehicular entrance width were reduced to 3.0m or 2.5m, it would still be too narrow for a car to manoeuvre safely. The presence of a wall opposite the proposed entrance would obstruct the driver's visibility, creating a safety hazard when attempting to exit onto the road.

**Drainage Division** – recommends standard conditions.

### 3.3. **Prescribed Bodies**

**Irish Water** – no response received.

### 3.4. **Third Party Observations**

None received.

## 4.0 **Planning History**

**PA Ref WEB1216/15** – c.2015 permission for rear extension to the house.

**PA Ref 0803/03** – c.2003 refusal of permission for car parking in the front garden as it was considered to be detrimental to the setting and character of the Garville Road streetscape.

**PA Ref 0008/92** – c.1992 permission for a mews house to the rear. Not constructed.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2022-2028

The property is subject to zoning objective Z2 – *To protect and/or improve the amenities of residential conservation areas.*

Policy BHA9 – *to protect the special interest and character of all Dublin's Conservation Areas.*

Appendix 5, Section 4.0 – Car Parking Standards

Includes:

*There is a predisposition to consider residential off-street car parking, subject to design and safety criteria..... proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are largely reliant on on-street car parking and there is a strong demand for such parking.*

*Residential parking spaces are mainly to provide for car storage to support family friendly living policies in the City.*

Section 4.3

*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 shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.*

*The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath...*

#### Section 4.3.7 (Conservation Areas)

*...poorly designed parking within the curtilage and front gardens of protected structures and in conservation areas can have a negative impact on the special interest and character of these sensitive buildings and areas. For this reason, proposals for parking within the curtilage and front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant, and can lead to the erosion of the character and amenity of the area and where the historic plinths, decorative railings and gates, historic gate piers, and historic ground surfaces are still intact.*

## 5.2. **Natural Heritage Designations**

None relevant.

## 5.3. **Environmental Impact assessment (EIA ) Screening**

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and, therefore, the requirement for EIA screening does not arise.

## 6.0 **The Appeal**

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

The main grounds of appeal can be summarised as follows:

- The application is based on the family circumstances, pressure on public parking spaces on the roadway and a lack of charging points for an electric car.
- The application was designed with the previous refusal (PA Ref 0803/03) in mind so as to ensure no discernible alteration to the appearance of the front of the property.
- There are a number of precedents for permitted vehicular entrances in the vicinity (No.s 8, 11 and 21 Garville Road).
- There would be no loss of on-street parking.
- The adoption of electric cars and the provision of charging points is in keeping with Government policy and the aspirations of the Dublin City Development Plan. While Policy SMT27 of the plan refers to charging points in new developments such provision in existing houses should also be supported.
- Enclosed Auto-track diagram illustrates that the entrance can work.
- The entrance could be conditioned to 3m in width. The Auto-track is based on this width.
- There is no suggestion of the parked car overhanging the public road/path.
- A parking bay of 5mx3m can be accommodated in the front garden. Revised drawings enclosed.
- The laneway is already in use on a daily basis by neighbouring properties (in excess of 10), which include vehicular entrances, and without cause for concern to public safety.
- Cars exiting the laneway slow to a stop at the point to cross the footpath and check for traffic on the road. The same would apply in the subject proposal.
- Several houses in the area have both a rear vehicular parking and off-street parking to the front.

## 6.2. Planning Authority Response

The Board is requested to uphold the planning authority decision. In the event of permission being granted a Section 48 condition should apply.

## 6.3. Observation

This is an objection to the proposed development submitted by Mr. Philip O'Reilly. It includes:

- The parking layout is inadequate and the laneway is extremely restricted with no sightlines to Garville Road, which itself is very narrow with a sharp bend close by.
- The house is a small Victorian dwelling of significant charm and character which requires its open amenity space to the front. The front garden is very small. The proposal would overwhelm the character and setting of the house and have a serious negative impact on the area.
- The proposal would result in the loss of important historical content in the form of the granite stone wall and part of the historic pier that supports the historic railings.
- The proposed steel gate is totally inappropriate in a conservation area. No detail of the sliding leaf arrangement is provided. The proposed gate arrangement would reduce the open width to 2m.

## 6.4. Further Responses

None requested.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the planning authority reason for refusal and in the Observer submission and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings.

- Traffic Safety
- Conservation



- Appropriate Assessment Screening

## **7.2. Traffic Safety**

- 7.2.1. This, and the related parking standards, is the focus of the planning authority decision to refuse permission.
- 7.2.2. In relation first to the issue of the parking space dimensions it is clear that the front garden can easily accommodate a space that meets the development plan standard of 3m by 5m. There would be no overhanging of a public road or footpath. The garden can also, in my view, accommodate bins, which of course are highly moveable. While the proposed gate is not fully specified I also consider that a suitable design could be achieved – see more on this below. If this means an entrance width of 3.5m as originally proposed then I see no reason why this should not be permitted, noting also that the proposed entrance would not be from a public road.
- 7.2.3. The principal issue, therefore, is whether or not access and egress is reasonably possible and in a safe manner. There is no question that the space available for manoeuvring a car into and out of the garden as proposed is tight. The laneway is slightly less than 3m in width. However, the applicants Auto-track diagram demonstrates that such manoeuvres are possible for both a small car and a medium sized car. As indicated the easiest, and most likely, pattern of use would be to drive in in forward gear and to reverse out onto the laneway and then exit onto the road. While sightlines are restricted at the junction of the lane and the public footpath this is not unusual in an urban area. As referenced by the applicants the lane is in use for vehicular access to several properties and traffic speeds are of necessity very low and require a stop at the exit from the lane prior to proceeding. It is also the case that traffic speeds on Garville Road are low given its alignment, relatively narrow width and the speed bumps.
- 7.2.4. As indicated there is no on-street parking on the northern side of Garville Road and the proposal does not involve the creation of a new access from the public road. There would, therefore, be no loss of on-street parking.
- 7.2.5. The Board will note that one of the motivations for the application is to provide for charging an electric car. It is not difficult to imagine in this case that the garden parking might be used primarily for this purpose and otherwise to perhaps store the

car at certain times. Given that it would not be the easiest space to access it seems unlikely that it would be used, in and out, on a daily or very frequent basis when the alternative of on-street parking is also available. In this connection the reference in the planning authority Planners Report to the proposed parking space being not essential is inappropriate. It is perfectly reasonable for the applicants to pursue their preference in a manner that meets their lifestyle requirements. They are also correct to point, in support of their proposal, to both government policies and those of the planning authority to encourage a move to electric cars. The proposal also sits well with the idea of family friendly living policies in the city as referenced in the development plan.

- 7.2.6. In conclusion, I do not consider that the proposed development would give rise to a traffic hazard or be substantially contrary to development plan standards. Nor do I believe that there would be any negative precedent set in granting permission.

### **7.3. Conservation**

- 7.3.1. By reference to a previous c.2003 refusal of permission the applicants indicate that the design now proposed seeks to ensure no discernible alteration to the front of the property. The Observer submission takes a contrary view, suggesting that the development would have a negative impact on the character and setting of the house and that it would involve an excessive loss of historic fabric, granite wall and brick pier, and that the proposed steel gate is inappropriate in a conservation area.
- 7.3.2. I note that the planning authority did not raise a conservation concern in relation to the proposed development and I agree with this position. As indicated, while it is a conservation area, Garville Road comprises a wide mix of house types. Many of the houses retain their original front gardens but many have front garden vehicular access and car parking. It is this mix that defines the existing character of the street. In this context the proposed development, in my view, would not have a significant impact.
- 7.3.3. The removal of the majority of the side granite wall and the reconfiguration of the brick pier would not, in my view, constitute an excessive loss of historic fabric. Being to the side it would have a minimal impact on the appearance and character of the house. The main view of the house, from the front, would remain essentially the same. Any such alterations, and including that there would be a car in the garden

from time to time, also have to be viewed in the context of the need to reasonably accommodate modern living requirements in these properties, thus facilitating their continued occupation as residences which is the best means to ensure their conservation.

- 7.3.4. I do share the concerns raised about the proposed steel gate. While it is not fully specified in the application the drawings indicate a sliding structure in three sections that are suggested as solid panels. A more considered approach is warranted, in my view. A lighter, more open structure would be more suitable, perhaps similar to the existing front garden railings. Final design details could be required by condition. This condition could also require details in relation to the proposed modified pier.
- 7.3.5. Subject to such a condition, I consider the proposed development to be acceptable from a conservation perspective.
- 7.3.6. The planning authority appeal response indicates that if a permission is granted then a Section 48 development contribution should apply. The Dublin City Council Development Contribution Scheme 2023-2026, the current scheme, indicates a charge of 25% of the applicable rate for residential ancillary parking. The standard condition can be applied.

#### **7.4. Appropriate Assessment Screening**

- 7.4.1. Having considered the nature, small scale and location of the project within an established urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 7.4.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

It is considered that the proposed vehicular driveway can be provided without giving rise to a traffic hazard and that it reasonably satisfies development plan parking standards. The proposal is supported by government and planning authority policies to encourage a move to electric cars and to support family friendly living in the city. The works can be carried out in a manner that respects the heritage value of the house and its setting in a conservation area. Subject to compliance with the following conditions, therefore, it is considered that the proposed development, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>  |
| 2. | <p>Prior to the commencement of development revised design details and specifications for the proposed new gate and the modified pier shall be submitted to the planning authority for written agreement. The gate design shall take account of the existing front railings and gate design and be in accordance with good conservation practice. The modified pier shall retain the brick and granite coping in the view to the front of the house.</p> <p><b>Reason:</b> In the interests of ensuring an appropriate design and finish that reflects the heritage value of the house and its setting in a conservation area.</p> |

|    |  |
|----|--|
| 3. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
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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.

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B. Wyse  
Planning Inspector

2 April 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|  |                                      |  |  |
|--|--------------------------------------|--|--|
| <b>An Bord Pleanála<br/>Case Reference</b>   | 321712                               |  |  |
| <b>Proposed Development<br/>Summary</b>  | Vehicular driveway (domestic)        |  |  |
| <b>Development Address</b>   | 14A Garville Road, Rathgar, Dublin 6 |  |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                      | <b>Yes</b><br><b>X</b>   | Tick if relevant and proceed to Q2.          |
|  |                                      | <b>No</b>  | Tick if relevant. No further action required |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |                                      |  |  |
| <b>Yes</b>   | Tick/or leave blank                  | State the Class here.  | Proceed to Q3.                               |
| <b>No</b>  | Tick or leave blank                  | <b>X</b>   | Tick if relevant. No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |                                      |  |  |
| <b>Yes</b>   | Tick/or leave blank                  | State the relevant threshold here for the Class of development.  | EIA Mandatory EIAR required                  |
| <b>No</b>  | Tick/or leave blank                  |  | Proceed to Q4                                |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>   |                                      |  |  |
| <b>Yes</b>   | Tick/or leave blank                  | 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   |                     | Screening determination remains as above<br>(Q1 to Q4) |
| Yes  | Tick/or leave blank | Screening Determination required                       |

Inspector:     B. Wyse     Date:     25 March 2025