



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321984-25

<b>Development</b>	<i>Removal of part of existing railings to provide vehicular access</i>		
<b>Location</b>	<i>23 Rosmeen Park, Dun Laoighre, Co. Dublin, A96 AH99</i>		
<b>Planning Authority Ref.</b>	<i>D24A/0976/WEB</i>		
<b>Applicant(s)</b>	<i>Ross Bartley &amp; Eithne O'Brien</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Refuse Permission</i>
<b>Type of Appeal</b>	<i>First</i>	<b>Appellant</b>	<i>Ross Bartley &amp; Eithne O'Brien</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>11<sup>th</sup> April 2025</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

**1. Site Location/ and Description.** The site is located in the southern suburbs of Dublin between Dun Laoighre and Glastule. The site is located on a small cul-de sac and comprises of a two storey semi-detached unit with front garden enclosed by railing. Access to the garden is via a pedestrian gate.

There are vehicular access to the front gardens in the houses to both sides of the proposed development site. Most of the front gardens in the avenue have been given over to car parking.

There is kerbside parking to the front of the proposed development site and on this side of the road in general. I understand from the case planners report that this is residents permit parking. There is a double yellow line on the other side of the road preventing kerbside parking

**2. Proposed development.** The proposed development comprises of permission to :

- Remove part of the existing railing to provide a vehicular access to the site. In this case the pedestrian gate and part of the railing adjacent to the same is proposed to be removed to facilitate the vehicular access.

**3. PA's Decision Refuse Permission for the following reason;**

*'Having regard for the subjects site's location within and 'Urban Neighborhood' as defined by the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities and the provision of existing public on-street parking spaces on Rosmeen Park, the proposed provision of a vehicular access and an off-street car parking space would be contrary to Section 5.3.4 and SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, and Sections 5.5 and 5.6 of the County Development Plan 2022- 2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area'*

**3.1 Submissions:** None received

**3.2 Internal Reports.**

- Drainage Planning Report received 24<sup>th</sup> December 2024 – no objection
- Transportation Planning Report received 9<sup>th</sup> December 2024 states that;
  - The site is located within the City Urban Neighbourhood location as defined in Tables 3.1 and 3.2 of the Compact Settlements Guidelines.
  - The proposed development is located an approx. 12 minute walk (850m) to Dun Laoghaire town centre and is also an approx. 3 minute walk (200m) to the train/DART station at Glasthule and the

existing, and future Bus Connects Dublin Network Redesign, bus services on Glasthule Road.

- Transportation Planning also note that there is existing on-street pay and display parking on Rosmeen Park, Dun Laoghaire for which the Applicant would be entitled to resident parking permits.
- Transportation Planning consider that the proposed provision of off-street car parking would not be consistent with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities Section 5.3.4 and SPPR 3, and Sections 5.5 and 5.6 of the County Development Plan 2022-2028, and hence the proposed development should be refused.

#### **4. Planning History**

- D16A/0237: Permission was GRANTED by the Planning Authority on 30 June 2016 at 22 Rosmeen Park for the removal of an existing pedestrian gate and a section of fixed railings and associated low level stub wall under, to be replaced by a pair of new vehicular entrance gates nominally 2.9 meters wide to match in style the existing retained railings to the street, providing access to a new off street parking space treated in permeable paving located within the existing front garden, with associated enabling and landscaping

#### **5. National/Regional/Local Planning Policy**

##### **5.1 The Dun Laoighre-Rathdown County Development Plan 2022-2028**

- The site is zoned 'R' the objective of which is To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.
- Section 5.5 Promoting Modal Change and Section 5.6 Promoting Active Travel: Cycling and Walking of Chapter 5 Transport and Mobility of the County Development Plan 2022-2028 sets out the planning authorities policy objectives to promote sustainable and to encourage a modal shift

in favour of public transport and other active modes such as walking and cycling. Key to the shift to more sustainable modes is the Avoid–Shift–Improve approach. The overarching policy approach of the Plan is centred on promoting the ten minute neighbourhood and compact climate resilient communities where people have the options to use public transport and the softer modes for everyday trips.

## **5.2 Sustainable Residential Development and Compact Settlements**

- SPPR3:Car Parking in part states that ‘It is a specific planning policy requirement of these Guidelines that: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated’
- Table 3.1 defines ‘Urban Neighbourhood’s’ as *‘The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area’*

## **5.2 Natural Heritage Designations**

The nearest designated site is;

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 1.7km to the north west
- Rockbill to Dalkey Island SAC (Site Code 003000) is located 2.6km to the east
- Dalkey Islands SPA (Site Code 004172) is located 2.8km to the south east

## **6. The Appeal**

**6.1** A first party appeal was lodged by O’Dea & Moore Architects obo Ross Bartley & Eithne O’Brien of 23 Rosmeen Park, Dun Laoighre, Co. Dublin A96 AH99

The appeal in summary states;

- That this house is the only one on the road that does not have a vehicular access to it.
- That one of the appellants Ross Bartley profession requires that he carries heavy equipment as part of his job and as such public transport would not be an option for him
- That the appellants wish to purchase an electric vehicle and as such a charging point within his property is required.
- That Policy CA17 of the statutory development plan which seeks to 'support the government's electric transport function' should supersede that of the Sustainable Residential Development and Compact Settlements

**6.2 P.A. Response** Dun Laoighre Rathdown County Council responded to this appeal by letter dated the 6<sup>th</sup> March 2024. The following issues were raised;

- That regard should be made to the previous planners report
- It is considered that the grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development

## **7. 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.

## **8. AA Screening**

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site..

## 9.0 Assessment

### 9.1 Introduction

9.1.1 I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development
- Policy
- Visual Amenities
- Traffic Safety

### 9.2 Principle of Development

9.2.1 The site is located on lands zoned as 'R' in the Dun Laoighre Rathdown County Development Plan 2022-2028 , the objective of which is *'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'*

9.2.2 I note that a 'car park' is a use which is considered 'Open to Consideration' in the land use zoning matrix set out in Table 13.1.2 of the Dun Laoighre Rathdown County Development Plan 2022-2028 subject to such parking being an 'ancillary component of and directly connected to the primary use'<sup>1</sup>. In this case the primary use is a residential dwelling and the said car park which comprises of a single space is directly connected to the residential use. In this respect, I consider that the proposal complies with the land use zoning objective

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<sup>1</sup> Table 13.1.2 subsection (b) Dun Laoighre Rathdown County Development Plan 2022-2028

9.2.3 In general and having regard to the nature of the proposed development which is to alter an existing front garden boundary so as to facilitate a car parking space within the said garden would be in accordance with this land use zoning objective. The question here is as to whether the proposed development complies with national policy and local development plan policy with respect to the provision of parking spaces for residential units.

### 9.3 Policy

9.3.1 The case planners report and the reason for refusal issued by the Planning Authority refers to SPPR3 of the Sustainable Residential Development and Compact Settlements (referred to hereunder as SRDCS) which in part states that *'It is a specific planning policy requirement of these Guidelines that: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated'*

9.3.2 The report from the transportation planner on file states that the site is located within what the guidelines define as an 'urban neighbourhood (which is defined in the SRCDS in Table 3.1 as *'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area'*

9.3.3 The site is located between Dun Laoighre town centre (14 minute walk to Marine Road) and Glastule village (6 minute walk to east). There is a train station where there is a dart service to the city centre within a 4 minute walk of the proposed development site.

9.3.4 Having regard to the above, I conclude that the site is located within a 'Urban Neighbourhood' as defined in the SRDCS and on this basis the policy with respect to

car parking is to be *minimised, substantially reduced or wholly eliminated*’ in accordance with the same guidelines.

- 9.3.5 The guidelines also state under Section 5.3.4 Car Parking – Quantum, Form and Location that ‘Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport
- 9.3.6 Policy with respect to car parking in the Dun Laoighre Rathdown County Development Plan 2022-2028 is set out in Chapter 12 in which the location of the proposed development site is located within an area which is referred to as Parking Zone 1 where the maximum car parking space allowed for a 3 bed unit is just one space. There is no clear policy within the plan which clearly expresses that it is council policy not to allow parking in the front gardens of existing residential premises.
- 9.3.7 It is understood from the appeal that one of the applicants needs a car for work purposes. There is kerbside parking in front of the house which according to the planner’s report has the benefit of residents parking for households. The applicant could therefore park on street.
- 9.3.8 The provision of a vehicular entrance at this location will result in the loss of one kerbside space. There will be no net loss of car parking therefore as the proposed development will result in one on site car parking space but there will be a loss of one kerbside space which while could be used by the general public, the likely scenario is that the applicant parks his car at this location. There will therefore be no net loss or increase in car parking provision. The fact that the adjacent properties have vehicular parking within the confines of their front gardens must also be considered.
- 9.3.9 The appellant has stated that car parking is needed within the confines of the site for the purpose of charging an electric car which one of the appellants intends to purchase. This is considered reasonable.
- 9.3.10 With respect to the foregoing, I am of the opinion that there is no clear policy in either the SRDCS or the County Development Plan preventing the proposed development. There will be a net loss of one kerbside parking space in front of the house but there



will also be a net gain of a single space within the confines of the front garden. There will therefore be no net increase in spaces as a consequence.

9.3.11 In this respect, I do not consider that the proposal contravenes SPPR3 of the SRDCS.

The proposal will not encourage the appellants to use public transport or other forms of sustainable transport as they already have access to a parking space in front of their property as a consequence of the availability of residents parking. As stated previously there will be no net increase in car parking as a result of the proposed development and therefore SPPR3 therefore does not apply in this circumstance.

9.3.12 On the basis of the above therefore it is considered that the proposed development does not contravene any policy in the SRCDS or the statutory development plan serving the area subject to one space only being provided within the confines of the front garden.

#### **9.4 Visual Amenities**

9.4.1 The proposal comprises of the amendment to the existing front railing of the property to make provision for a vehicular entrance to the site

9.4.2 In general subject to the provision of space for a single car only, I am satisfied that the proposed development will not impact on the visual amenities of the area

#### **9.5 Traffic Safety**

9.5.1 The proposed development will result in the loss of a single kerbside space and as such the parking box in front of the said development site will need to be shortened to allow for the vehicular entrance. This will allow a single space within the said shortened parking box

9.5.2 Traffic volumes on the cul-de-sac are low and as such I do not consider that access to the site or egress from the site will result in any traffic safety implications for the appellants or other road users.

9.5.3 It is considered appropriate that works to the footpath and road are required to facilitate the proposed vehicular entrance - these details can be agreed prior to the commencement of development by way of planning condition.

## 10. Recommendation

I recommend that permission for the development be granted permission

## 11. Reasons & Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site as set out in the Dun Laoighre Rathdown County Development Plan 2022-2028, would not contravene any policies as set out in the Section 28 Guidelines Sustainable Residential Development and Compact Settlements, would not be injurious to the visual or residential amenities of the area, would not impact upon traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12. Conditions

1.	<p>The development shall be carried out 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>This permission is for one single car parking space only and revised drawings showing a reduced area allocated to a single vehicle within the front garden of the proposed development site shall be submitted to and agreed with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> To define the scope of the permission</p>

3	<p>Prior to the commencement of development revised drawings shall be submitted to the Planning Authority for agreement showing location of dished kerbs, associated drainage works and any works on the public road required for the vehicular entrance hereby permitted. These works shall be carried out by the developer at his/her own expense.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety</p>
4	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity</p>

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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Name: Andrew Hersey

Planning Inspector

Date: 13<sup>th</sup> May 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP321984-25		
<b>Proposed Development Summary</b>	Car Parking Space		
<b>Development Address</b>	23 Rosmeen Road, Dun Laoighre, Co. Dublin, A96 AH99		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<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.	
<b>No</b>	Tick or leave blank		√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			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>		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)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_