

An  
Bord  
Pleanála

## Inspector's Report

**ABP322127-25**

<b>Development</b>	Off-street disabled car parking space.
<b>Location</b>	4 Heather Lodge, Tubbermore Avenue, Dalkey, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown county Council
<b>Planning Authority Reg. Ref.</b>	D25A/0012
<b>Applicant(s)</b>	Paul & Kate McNeive.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Paul & Kate McNeive.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	30/04/25.
<b>Inspector</b>	Anthony Abbott King

## **1.0 Site Location and Description**

- 1.1. No. 4 Tubbermore Avenue (Heather Lodge) is a single-storey terraced villa style house built circa.1850 located on a corner site with dual frontage onto Tubbermore Road and Tubbermore Avenue.
- 1.2. The house is an end of terrace 2-bedroom property with an internal courtyard and a mature side and front garden with low boundary wall elevating onto Tubbermore Road / Avenue.
- 1.3. Tubbermore Avenue is a short cul-de-sac at a right angle to Tubbermore Road serving half a dozen properties. The entrance front to No. 4 Tubbermore Avenue elevates onto Tubbermore Avenue.
- 1.4. The house is presently a building site screened by a hoarding.
- 1.5. The low boundary wall characteristic of these period villa style properties encloses the dual frontage plot. There is a pedestrian entrance that punctuates the boundary onto Tubbermore Avenue and a second pedestrian entrance onto Tubbermore Road.
- 1.6. Tubbermore Road and Tubbermore Avenue have Pay & Display on-street parking.
- 1.7. The site area is given as 0.0293 hectares.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for an off-street disability car parking space and all associated site works to the side garden of an existing single-storey end of terrace corner dwelling located in the Dalkey Conservation Area (ACA).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reasons:

- (1) Having regard to the provisions of the Compact Settlements Guidelines for Planning Authorities, DHLGH 2024, in particular Specific Planning Policy Requirements 3, which seeks to minimise, substantially reduce, or wholly*

*eliminate car parking in accessible urban locations, it is considered that the provision of an additional vehicular entrance and associated car parking space at this urban neighbourhood location, which is located in an area with provision of designated disabled on street parking spaces, would constitute an overprovision of car parking at the site, contrary to SPPR 3, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- (2) The proposed development, by reason of the demolition of a section of boundary wall which forms part of the special character of the Dalkey Village ACA, would have a material and negative impact on the character of the ACA, and would therefore be contrary to Policy Objective HER13 of the County Development Plan. 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 Reports**

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

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

- The Conservation Officer concludes that the proposed development would impact negatively upon the special character of the Dalkey Village ACA and would therefore be contrary to the Policy Objective HER13 and Section 12.4.8.4 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The Conservation Officer is not in favour of granting planning permission in the interests of preserving the streetscape character of this part of the Dalkey ACA.
- The Transportation Planning section of the planning authority recommends the refusal of off-street parking, as it would be inconsistent with Section 5.3.4 and SPPR3 of the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities (2024) and Section 5.5 and



Section 5.6 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

### 3.3. Third Party Observations

There is one third-party submission on file. The submission expresses concern at the removal of an on-street car-parking space noting that the third-party is dependent on on-street parking.

## 4.0 Planning History

The following planning history is relevant:

Under Reg. ref. 101/24 a Section 5 for re-construction / construction and refurbishment works to no. 4 Tubbermore Avenue issued from the planning authority.

## 5.0 Policy Context

### Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is "A" (Map 4): *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

#### Adaptable Homes

Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:

*Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.*

#### Mobility

Chapter 5 (Transport & Mobility) is relevant.

- Section 5.5 (Promoting Modal Change) is relevant and *inter alia* states:



*Sustainable travel is about the movement of people and goods in a manner that engenders quality of life and ease of access for all and seeks to encourage a modal shift in favour of public transport and other active modes. Key to the Avoid–Shift–Improve approach is the shift to more sustainable modes. The increase in active travel modes contributes to healthy lifestyles and is an essential response to climate change.*

- Section 5.6 (Promoting Active Travel: Cycling & Walking) is relevant and *inter alia* states.

*A key aim of Smarter Travel is to ensure that walking and cycling become the mode of choice for local trips. The encouragement of walking and cycling (active mobility):*

- *is a climate change mitigation measure.*
- *is important for promoting healthy communities and reducing obesity.*
- *will aid in the evolution of the 10-minute neighbourhood concept.*

#### Architectural Conservation Area Designation

The proposed development is located within the boundary of the Dalkey Village ACA.

Chapter 11 (Heritage and Conservation) Section 11.4.2 (Architectural Conservation Areas) is relevant including Policy Objectives HER13 (Architectural Conservation areas), 15 (Shopfronts with ACAs) and 20 (Buildings of Vernacular and heritage Interest).

HER13, is relevant and *inter alia* states:

While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

*It is a Policy Objective to:*

- i. *Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*
- ii. *Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. *Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. *Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. *Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. *Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

#### Vehicular Entrances and Car Parking Standards

- Section 12.4.8.1 (Vehicular Entrances and Hardstanding Areas – General Specifications ) *inter alia* states:

*Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.....Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and*

a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary.....

*Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back from the back of the footway, to avoid the roadway or footway being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable.*

- Section 12.4.8.4 (ACAs/Protected Structures) *inter alia* states:

*Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and ACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted.*

*In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted.*

*All proposals for off-street parking will be considered on a case-by-case basis and should:*

- *Minimise loss of original boundary treatment.*
- *Retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car. The vehicular entrance and hard-standing area should not dominate a property's forecourt or result in the loss of traditional finishes such as granite setts and flags.*
- *Provide surface treatments of a high quality using traditional materials compatible with the surrounding context. Bituminous and concrete surfacing are not acceptable.*



- *Where favourable site conditions exist minimum intervention, integration and reuse of materials will be the key considerations.*

*All other criteria for car parking within Section 12.4.8 shall also apply to parking within ACAs/ Protected Structures.*

#### **5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

SPPR3 is relevant and states:

*It is a specific planning policy requirement of these Guidelines that:*

1. (i) *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. 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.*
2. (ii) *In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.*
3. (iii) *In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling*

*Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV)*

*charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking.*

*This SPPR will not apply to applications made in a Strategic Development Zone until the Planning Scheme is amended to integrate changes arising from the SPPR. Refer to Section 2.1.2 for further detail.*

## **6.0 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.

See completed Form 1 on file.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of appeal, prepared by Manahan Town Planning Consultants, on behalf of the appellants, Paul & Kate McNeive, are summarised below:

- The appeal is against the decision of the planning authority to refuse planning permission for an off-street disability parking space at the home of the appellants. It is claimed that the planning authority's decision applied policies designed for general application without adequate consideration of the specific accessibility requirements of one of the appellant - a wheelchair user.

#### *Special circumstances of the appellant*

- The proposed development is justified on the basis of the specific accessibility needs of the appellant. Mr. McNeive (appellant) presently requires a wheelchair accessible car parking space in order to facilitate transport from / to his new home, which will also be his principal work space.
- Mr. McNeive, who is a double amputee, uses a wheelchair in and around the house making accessibility critically important. The house at no. 4



Tubbermore Avenue (Heather Lodge) was specifically purchased by the appellants and is presently under refurbishment. It is a single-storey dwelling that will facilitate Mr. McNeive's mobility and independence.

*Letter appended from Senior Occupational Therapist*

- A letter from the Senior Occupational Therapist at the National Rehabilitation Hospital (NRH) accompanies the appeal statement. The letter documents that Mr. McNeive uses his wheelchair every day and supplements his mobility with bilateral prostheses over short distances. However, Mr. McNeive has been confined to his wheelchair since 11/11/24 after a surgical intervention.
- It is the opinion of the occupational therapist after an assessment of Mr. McNeive's impaired mobility and a review of his proposed new home arrangements that the on-street disabled car parking space(s) on Tubbermore Road / Avenue are not suitable or safe for use.
- It is claimed that both the car parking space(s) and the footpath (which it is claimed is less than the minimum requirement of 1200mm for wheelchair manoeuvre) are too narrow making lateral transfer from a wheelchair to a vehicle very difficult or impossible for the appellant, including the safe provision of rear access ramps.
- The current on-street accessible parking bays do not meet the recommended specification of the Irish Wheelchair Association (IAW) for a small accessible van or multi-purpose vehicle. It is claimed that the provision of a compliant on-street car parking space is not achievable notwithstanding that there is an additional hatched space at the rear of the standard on-street car parking space outside the house on Tubbermore Avenue.
- Diagram(s) included in the letter prepared by the occupational therapist *inter alia* show best practice guidelines for accessible parking, using a car, a small van or multi-purpose vehicle, requiring a minimum width of 3.6m (2400mm standard space width + 1200mm access zone) and a minimum length of 6m (4800mm standard space + 1200mm loading bay).
- The Diagram illustrating the multi-purpose vehicle with ramps or hoist requires a car park space length of 7800mm.



- A clear space of 3000mm is required behind a parked multi-purpose vehicle to safely transfer between the vehicle and wheelchair for rear loading vehicles subject to ramp or hoist access, as shown on the submitted diagram. The appeal statement states that a clear space of at least 1500mm is required behind the parked vehicle (with rear loading ramp or lift).

*Genuine need for off-street accessible parking*

- The appeal statement clarifies that there is no existing 'wheelchair parking space' directly outside the house as stated in the Planner's Report and Traffic Division Report. The previous disability space has been removed after the death of the previous owner of the house and has reverted to normal use.
- Furthermore, the terminology of 'wheelchair parking space' underlines the lack of understanding of the difference between a space for sufficient room to allow the safe loading of a wheelchair and a space where the driver or passenger has a disability but does not use a wheelchair.
- A wheelchair user typically requires a 1200mm clearance zone on at least one-side of the vehicle to safely transfer between the vehicle and wheelchair, which is not provided on-street by the existing bays and narrow footpath.
- It is claimed that the provision of off-street car parking would facilitate a level surface (a parking bay should be located on a firm level non-slip surface with a gradient not exceeding 1.50) and mitigate wheel chair travel distance to parking and any dangers that would occur whilst transferring in and out of a vehicle particularly in inclement weather where visibility is impaired.
- Furthermore, notwithstanding that on-street disability parking does not offer an equivalent solution to the appellant due to the specific requirements of wheelchair users, it is claimed that if an on-street disability space is used by the appellant no revenue will accrue to the local authority from the car parking space outside the home of the appellants (disability spaces are free).

*Precedents for similar development in the area*

- The appeal highlights existing in-curtilage car parking in the immediate vicinity and examples of precedent permissions for in-curtilage car parking within the Dalkey Village ACA, including at no.10 Leslie Avenue are cited.

- It is claimed that the numerous precedents for similar development demonstrate that curtilage adaption for off-street car parking can be accommodated without undermining the overall character of an area.

*Policy framework supporting access for people with disability*

- The appeal statement argues that there is a strong policy framework, at an international, national (NPF) and at a local policy level within the Dun Laoghaire-Rathdown County Development Plan, to support improvements to accessibility for people with disabilities.
- The appeal statement highlights that not all planning policies carry equal weighting. The appellant sets out a policy hierarchy comprising constitutional and human rights considerations (including the right to dignity, equality and reasonable accommodation for persons with disability), statutory obligations, national planning policy, including adaptable homes, and local planning policies including development plan parking standards and conservation objectives.
- The appellants also cite (statutory obligations) the Equal Status Acts (2000-2018) in the matter of discrimination on the grounds of disability, Part M of the Building Regulations (2010) and the Disability Act 2005, which places a statutory obligation on public bodies to ensure that their services are accessible to people with disabilities.
- Finally, the appeal statement cites (case law) the principle established in cases such as *Daly v. Minister for Marine* (2001) where the Supreme Court held that decision-makers must properly weigh competing rights and consider all relevant circumstances, including the fundamental rights of individuals affected by their decisions.
- It is claimed that when the policies at different levels of the hierarchy come into conflict higher order considerations should prevail in the instance of the proposed development the needs of a person with disability to access their home safely against aesthetic considerations.



### *Proportionality & balancing test*

- It is argued that the proposed development represents a reasonable accommodation of Mr. McNeive's accessibility needs that can be implemented with minimal impact on the Dalkey Village ACA.
- The appellants disagree with the conclusion of the planning assessment that in circumstances where there are clear alternatives the construction of a vehicular entrance is not acceptable. The appellants claim that there are no viable alternatives to the provision of an off-street parking space in order to meet the appellants wheelchair accessibility requirements.
- It is claimed that the previous 'wheelchair parking space' now removed would not meet the planning authority's own standards for a wheelchair accessible car parking space.
- The provision of an off-street disability car parking space would balance the public interest in terms of architectural preservation and sustainable transport while future proofing for aging demographics, climate adaptation and provide a precedent for a balanced approach to accessibility modifications within the conservation area.
- The appeal argues that the impact of the removal of part of the existing boundary wall would not have an adverse visual impact on the subject property or the Dalkey Village ACA. It is claimed that the development is carefully designed to preserve the visual amenity of the streetscape.

### *Design considerations*

- It is claimed that the Board should assess the impact of the proposed development not in isolation. The assessment should be within a broader context of existing precedent, specific area character - including the existing electric boundary treatments on Tubbermore Road / Avenue, the character of the receiving curtilage given that the subject house has both a front and side garden, the limited visibility of the modifications as proposed in the streetscape and the positive refurbishment of the garden wall.
- The new vehicular opening would be furnished with traditional half-rounded top granite piers to match the existing pedestrian gate opening. The existing



garden cement pebble dash render wall finish would be replaced and improved by a traditional “ashlar” marked lime render.

- The modified boundary would be furnished with a sliding electric gate that would retain the sense of boundary enclosure, as it would be closed most of the time.
- The hard surfaced area inside the wall would be landscaped and heavily planting with an emphasis on native species and wildflowers. The in-curtilage car parking space would be finished with SUDS permeable paving.
- The in-curtilage space would have electric vehicle charging infrastructure. Furthermore, the car parking space would be part of wider refurbishment of the dwelling to achieve an “A” energy rating aligned with climate action objectives.
- The appeal states that the appellants are willing to incorporate additional design features to mitigate any impacts on the streetscape, including potentially installing a replica wall (timber & plaster) on the front of a sliding electric gate.

#### *Transport division response*

- In the matter of the report received from the Transportation Division of the planning authority recommending that the proposed development is contrary to SP3 of the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities, it is claimed that the response is a standard response with an undue focus on the Guidelines.
- It is claimed the Transportation Division appear not to be aware of the specific circumstances of the case including that there would be only one in-curtilage parking space. The appeal highlights that there is no existing disability on-street car parking space (to which the appellant would be entitled to a parking permit, as stated by the Transport Division report).
- It is claimed that the decision of the planning authority to refuse planning permission rests on a faulty premise that should be over ruled by the Board.

### *Proposed modifications & conditions*

- The appellants are willing to accept modifications and conditions that would *inter alia* provide for an alternative Tubbermore Avenue entrance - if deemed preferable by the Board, a replica boundary wall incorporated onto the front of a sliding electric gate (timber and plaster), enhanced landscaping, the use of traditional materials / finishes and SUDS.

## **7.2. Planning Authority Response**

The planning authority refer the Board to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter that would justify a change of attitude to the proposed development by the planning authority.

## **7.3. Observations**

None to date.

## **8.0 Assessment**

- 8.1. The following assessment covers the points made in the appeal submission and is my *de novo* consideration of the application. It is noted there are no new matters for consideration.

### *Development in context summarised*

- 8.2. One of the appellants Mr. McNeive is a double amputee and uses a wheelchair in and around his home. He has purchased no. 4 Tubbermore Avenue (Heather Lodge) and is presently renovating the property, including making it wheelchair accessible. The proposed exempted development works to the subject single-storey dwelling once completed will allow the appellant(s) to live and work comfortably from home.
- 8.3. The appellant(s) proposes to create an off-street disabled car parking space in the side garden of no. 4 Tubbermore Avenue in order to make the house easily accessible by car. The appellant claims that the existing on-street parking bays are unsuitable for wheelchair access and are unsafe.

- 8.4. The creation of an in-curtilage car parking space would require the removal of part of the existing low boundary perimeter wall in order to provide vehicular access from Tubbermore Road to the side garden. The proposed vehicular access would measure 3500mm and the altered side garden would be enclosed by a sliding electric gate.
- 8.5. The overall refurbishment works at no. 4 Tubbermore Avenue target an 'A' energy rating including installation of roof solar panels. The appellant(s) propose to switch to an electric vehicle and wish to provide an EV charging point in the side garden, which will utilize the solar panels.
- 8.6. No. 4 Tubbermore Avenue is located within the Dalkey Village Architectural Conservation Area (ACA). The provision of a vehicular access would result in the loss of one metered on-street parking space on Tubbermore Road, the modification of the boundary wall onto Tubbermore Road and in part the hard surfacing of the side garden of the house with the loss of mature planting.

*Reasons for refusal summarised*

- 8.7. The planning authority refused planning permission for an off-street disabled car parking space for 2 reasons.
- 8.8. The first reason for refusal relates to SPPR3 (car parking) of the 'Sustainable Residential and Compact Settlements Guidelines for Planning Authorities'(2024), which seeks to minimise, substantially reduce, or wholly eliminate car parking in accessible urban locations.
- 8.9. The second reason for refusal relates to the removal of existing built fabric within an Architectural Conservation Area (ACA), where the demolition of a section of the side garden perimeter boundary wall at no. 4 Tubbermore Avenue, would have an adverse impact on the special character of the Dalkey Village Architectural Conservation Area (ACA) contrary to Policy Objective HER13 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- 8.10. The appellant(s) *inter alia* claims that the Transport Division of the planning authority erred in their assessment of the development proposal, which *inter alia* would not represent an additional car parking space. The appellants claim that there are no



viable alternatives to the provision of an off-street disability car parking space on site, as no equivalent disability space is available on street.

- 8.11. Furthermore, it is argued that the proposed off-street disability parking space would represent a reasonable accommodation of the accessibility needs of Mr. McNeive (appellant) aligned with his dignity, equality and the reasonable requirement of a person with a significant mobility disability to be accommodated. While providing a design solution sympathetic to the receiving environment that would have a minimal visual impact on the Dalkey Village ACA.

*Assessment sub-headings*

- 8.12. The relevant planning matters are assessed under the following sub-headings:

- Zoning
- Dalkey Village ACA
- Off-street parking precedent
- Off street parking visual impacts
- SPPR 3
- Loss of on-street metered parking space
- Adaptation of dwelling house to accommodate appellant
- Alternative on-street parking options
- Road safety issues and compliance with minimum standards.
- Alternative entrance

Zoning

- 8.13. The subject site is zoned objective 'A': *To provide residential development and improve residential amenity while protecting the existing residential amenities.*
- 8.14. I consider that residential development, including vehicular access and modification of boundary treatment, is acceptable in principle subject to the overall policies and objectives of the zone / development plan.

Dalkey Village ACA

- 8.15. The development is located within the Dalkey Village Architectural Conservation Area (ACA). The ACA seeks to retain the special character of an area. The objective of the ACA designation is to guide change within an area and ensure future development is sympathetic to the historic character of Dalkey town. This is best achieved by controlling and guiding change on a wider scale than the individual structure.
- 8.16. Section 7.7 (Tubbermore Road) of the ACA document provides an analysis of the architectural character of Tubbermore Road / Tubbermore Avenue, which predominantly comprises a period housing stock dating from the mid-nineteenth-century.
- 8.17. The vista at the eastern end of Tubbermore Road is closed by Tubbermore House, which is located on the opposite side of Tubbermore Avenue to the subject house at no. 4 Tubbermore Avenue.
- 8.18. Section 7.7.4 (Boundary Treatment) of the ACA document notes that the primary boundary treatment comprise low rendered and painted walls with the early mid-nineteenth-century structures having granite gate piers.
- 8.19. I note that the conservation officer considered that the proposed development would impact negatively upon the special character of the Dalkey ACA. Therefore, the conservation officer concluded the development would be contrary to the Policy Objective HER13 and Section 12.4.8.4 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- 8.20. The Conservation Officer highlights that the conservation division is not in favour of granting planning permission in the interests of preserving the streetscape character of this part of the Dalkey ACA.
- 8.21. Section 12.4.8.4 (car parking in ACAs/Protected Structures) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 *inter alia* states boundary features such as walls, railings and gardens contribute to character and setting of protected structures and those areas which have been identified as ACAs.
- 8.22. I note the recommendation of the conservation officer. I also note that Section 12.4.8.4 provides that poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting

and appreciation of a building, groups of buildings and the wider streetscape and will not generally be permitted.

- 8.23. I consider that there is the possibility for adverse impacts on the subject house and curtilage and on the wider Dalkey Village ACA arising from the removal of part of the existing boundary wall and mature landscaped side garden of no. 4 Tubbermore Avenue, which may alter the character of the receiving environment. This matter is interrogated below.

Off-street parking precedent

- 8.24. The appellants state that there are several properties on Tubbermore Road that enjoy off-street car parking including nos.1-4 Tubbermore Road inclusive and nos. 28 & 29, nos. 30 & 31 and no. 42 Tubbermore Road.
- 8.25. The letter of application also highlights 3 properties on Tubbermore Avenue with in-curtilage car parking, including 'Tubbermore House' located opposite the subject property.
- 8.26. The appeal statement cites a number of grants of planning permission for in-curtilage car parking within the Dalkey Village ACA, including at no. 10 Leslie Avenue (Ivy Cottage).
- 8.27. I have reviewed the grant of planning permission for a vehicular entrance at no.10 Leslie Avenue (D21A/0149). I note that the grant of permission issued on the 20<sup>th</sup> May, 2021.
- 8.28. The planning assessment was subject to the policy framework applying under the previous development plan – The Dun Laoghaire-Rathdown County Development Plan 2016-2022. I do not consider that the assessment under D21A/0149 is applicable to the application under appeal given that the relevant policy framework is the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- 8.29. Furthermore, I note that no. 10 Leslie Avenue is characterised by an extensive setback from the main road distinct from the terrace configuration and modest front and side curtilage of the property under appeal. Please see photographic record attached.
- 8.30. I note that the other cited planning permissions for vehicular access within the Dalkey Village ACA, at no. 5 Rockfort Cottages (D18A/0723 granted on appeal) and



no. 3 Eagle Terrace (D08A/0938), are dated 21/12/2018 and 05/02/2009, respectively.

- 8.31. I note that Section 12.4.8.4 (car parking within ACAs / Protected Structures) *inter alia* states that all proposals for off-street parking will be considered on a case-by-case basis. I consider that the subject application should be assessed on its own merits.

Off-street parking visual impacts

- 8.32. The appeal statement respectfully requests that An Bord Pleanála apply a proportionate approach that gives appropriate weight to the accessibility needs of the appellant while ensuring that any impacts on architectural heritage are minimised through sensitive design.
- 8.33. The appellant proposes a new vehicular entrance that would be framed by traditional half-rounded top granite piers to match the existing pedestrian gate opening.
- 8.34. The existing garden cement pebble dash render wall would be replaced by a traditional “ashlar” marked lime render wall, would provide a significant amount of soft landscaping and planting to reduce the visual impact of the parked car and would
- 8.35. The modified boundary would be furnished with a sliding electric gate. The appellants claim that the new vehicular access would retain the sense of boundary enclosure, as the proposed sliding gate would be closed most of the time. Furthermore, the appellants suggest if desirable that the sliding gate can be camouflaged to look like part of the boundary wall.
- 8.36. The hard surfaced area inside the wall would be landscaped heavily planted with an emphasis on native species and wildflowers. The hard surfaced area as shown on the submitted drawings would measure approximately 30 sqm (8500mm x 3600 mm). The in-curtilage car parking space would be finished with SUDS permeable paving.
- 8.37. The in-curtilage space would have electric vehicle charging infrastructure in order to future proof the appellants acquisition of an electric vehicle.
- 8.38. The appeal statement states that the appellants are willing to incorporate additional design features to mitigate any impacts on the streetscape, including potentially installing the replica wall (timber & plaster) on the front of the sliding electric gate.

- 8.39. I note that the cumulative impacts of the removal of extant boundaries, hard surfacing of mature garden(s) and the creation of prominent vehicular punctuations in the streetscape can change the character of an area.
- 8.40. I acknowledge that the removal of 3500mm of existing low boundary wall and the creation of a vehicular access will represent a significant visible physical change within a sensitive receiving environment designated an architectural conservation area.
- 8.41. Finally, I acknowledge that Section 12.4.8.4 (car parking in ACAs/Protected Structures) states *inter alia* that in areas characterised predominately by pedestrian entrances new or widened vehicular entrances will be resisted. However, architectural conservation area designation does not prohibit development of off-street car parking per se rather it guides development to ensure appropriate design and execution.
- 8.42. I consider that the design and finish of the proposed vehicular entrance and hard surface area as detailed in the submitted drawings would represent a sympathetic intervention in the streetscape that would not on balance visually detract from the curtilage of no. 4 Tubbermore Avenue itself or detract from the special character of the Dalkey Village ACA.
- 8.43. I consider that the mitigation measures proposed by the applicant would be consistent with the guidance criteria listed in Section 12.4.8.4 (car parking in ACAs/Protected Structures), including minimising the loss of original boundary treatment and refacing the residual boundary in a traditional “ashlar” marked lime render, would provide a permeable surface of high quality and would integrate the new vehicular entrance by framing the entrance opening with traditional granite piers to match the existing piers of the front pedestrian entrance.
- 8.44. I conclude on balance in terms of visual impacts that the proposed vehicular entrance and in-curtilage car parking space would be consistent with Section 12.4.8.4 (car parking in ACAs/Protected Structures) and Policy Objective HER13 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.



Transport Division Report / SPPR3

- 8.45. The Transport Division of the planning authority recommend a refusal of planning permission principally on the grounds of SPPR3 (car parking) of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- 8.46. The Transportation Division consider that the proposed development, providing an off-street disabled car parking space to the side garden of no. 4 Tubbermore Avenue, is a development within a city urban neighbourhood location as defined in the Guidelines.
- 8.47. The Division also note that there is an existing on-street disabled pay and display car parking space on Tubbermore Avenue for which the appellant would be entitled to a resident parking permit.
- 8.48. The appellants claim that the decision of the planning authority to refuse planning permission rests on the faulty premise of the Transport Division that should now be over ruled by the Board.
- 8.49. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires innovative responses to the provision of housing and associated car parking.
- 8.50. I acknowledge that the Guidelines (SPPR3) support the elimination of car parking within city centres and city urban neighbourhoods in accessible / intermediate locations such as the subject location within a 5 minute walk of Dalkey Village and a 4 minute walk of Dalkey Dart station.
- 8.51. The appellant claims that the Transportation Division appear not to be aware of the specific circumstances of the case, including that there would be only one in-curtilage parking space. Furthermore, it is claimed there is no existing disability on-street car parking space on-street, which the appellant would be entitled to a parking permit.
- 8.52. I would concur with the appellant. I note that SPPR3 provides a maximum rate of car parking provision for residential development at accessible locations of one space per dwelling. The provision of one dedicated car parking space at no.4 Tubbermore Avenue would be consistent with the Guidelines.



- 8.53. I note that there is no disability car parking space outside no. 4 Tubbermore Avenue. I note that the existing space opposite the pedestrian entrance to the subject house may have been a disability designated parking space previously.
- 8.54. The surface of the space would indicate that a previous designation had been erased. Please see attached photographic record. Also see below an assessment of the viability of proximate disability on-street parking space(s) identified.
- 8.55. I consider that no additional car parking would be provided within the this city urban neighbourhood. The net car parking space provision that would result from the creation of an off-street disability parking car parking space within the curtilage of no. 4 Tubbermore Avenue would be zero, as the construction of the vehicular access would result in the loss of one on-street car parking space.

Loss of existing on-street metred space

- 8.56. I acknowledge that the loss of one metered car parking space accessible to the general public is not an equivalent substitution to an in-curtilage car parking space that would be for the exclusive use of the occupiers of no. 4 Tubbermore Avenue.
- 8.57. I note the original third-party submission highlights the reliance of residents on the existing public parking provision where there is no dedicated off-street parking available on site.
- 8.58. The appellant claims an equivalence between the loss of the on-street parking space and the creation of the off-street parking space. It is argued that if an on-street disability space is used by the appellant (parking in such a space is free) no revenue will accrue to the local authority from one of the car parking spaces located outside no. 4 Tubbermore Road / Avenue.
- 8.59. I do not concur with the appellant. I consider that the appellant argument may be valid in the short term. However, the loss of the existing metered car parking space and associated revenue is in perpetuity. I address this matter below in adaptation of the subject dwelling house to accommodate the appellant.
- 8.60. Finally, the Transport Division of the planning authority cite Section 5.5 (Promoting Modal Change) and Section 5.6 (Promoting Active Travel) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 in support of the rational for refusal. I note the relevant sections of the plan in the matter of modal shift and alternative

transport options to the use of the private car. However, I also note the significant mobility disability of the appellant.

- 8.61. I conclude that the loss of an on-street car parking space may be acceptable in the exceptional circumstance of the appellant's limited mobility and where no alternative wheelchair accessible disability car parking space can be provided.

Adaptation of dwelling house to accommodate appellant

- 8.62. The appeal statement justifies the in-curtilage car parking space on the special circumstances of the appellant. A double amputee who has significant impaired mobility.
- 8.63. Notwithstanding that the in-curtilage disability car parking space would be in perpetuity. I do not consider that the regulation of the use of the car parking space to the appellant's residence in the subject property is either an appropriate or reasonable condition to attach to a permission if a positive recommendation is recorded.
- 8.64. I consider that there are other matters of significance that warrant inclusion in the assessment of the long-term use of any proposed in-curtilage disability car parking space.
- 8.65. The appellant cites Section 4.3.1.2 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, Policy Objective PHP19 (Existing Housing Stock-Adaptation), which provides for the conservation and improve of the existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.
- 8.66. Policy Objective PHP19 supports adaptation of the existing housing stock to accommodate changing household size and needs.
- 8.67. The appellant has evidenced a long-term residential commitment to no. 4 Tubbermore Avenue (Heather Lodge). I note that the appellant is in the process of refurbishing the house to a high architectural and energy standard. Furthermore, the appellant is adapting the property to his specific mobility requirements enabling wheelchair accessibility on site.



- 8.68. I further note that a previous owner of the subject property had a mobility disability. I presume that the removed 'disabled parking space' on Tubbermore Avenue in front of the house facilitated the previous owner.
- 8.69. I consider that the provision of a disability car parking space attached to a wheelchair accessible single-storey house, within a 5 minute walk of Dalkey Village and a 4 minute walk to Dalkey Dart Station, would be an attractive future residence for other potential purchasers with significant mobility issues.

Alternative on-street parking options

- 8.70. The planning case officer states that it is noted that there is an existing wheelchair parking space directly outside the house at no. 4 Tubbermore Avenue. The planning officer logically concludes that in circumstances where there are clear alternatives the construction of a vehicular entrance and associated removal of an existing public parking space is not acceptable.
- 8.71. The appeal statement clarifies that there is no existing 'wheelchair parking space' directly outside the house as stated in the Planner's Report. The previous disability space has been removed after the death of the previous owner of the house and has reverted to normal use.
- 8.72. I noted on the day of my site visit that there was only one visible disability car parking space on Tubbermore Road. The disability space I identified is located outside no. 9 Tubbermore Road at a distance greater than 100m from the appellant's house. Please see the attached photographic record.
- 8.73. The subject former disability space outside no. 4 Tubbermore Avenue is presently a standard space. I note that this space could be elongated to incorporate a hatched designation between the subject space and the adjoining designated standard on-street car parking space – see photographic record.

*Letter from the senior occupational therapist (NRH)*

- 8.74. The appellant states in the conclusion of the appeal statement that the planning authority's decision appears to apply policies designed for general application without adequate consideration of the specific accessibility requirements of wheelchair users.



- 8.75. I address this matter in the paragraphs below, including the viability of off-street and on-street disability parking spaces in terms of wheelchair accessibility, on the basis of the information provided on file.
- 8.76. The letter from the senior occupational therapist (dated 19/03/2025) states that Mr. McNeive has been a patient of the National Rehabilitation Hospital (NRH) and *inter alia* confirms that the appellant is entirely dependent on his wheelchair for long periods.
- 8.77. I am satisfied that Mr. McNeive has a significant mobility disability. I note that Mr. McNeive can use prosthesis to walk short distances. However, I also note that Mr. McNeive is presently dependent on his wheelchair subsequent to surgery. I also note that wheelchair dependency will increase with age.
- 8.78. I do not consider that the existing identified disability car parking space located mid-way along Tubbermore Road, outside no. 9 Tubbermore Road, is reasonably accessible from no. 4 Tubbermore Avenue either for a wheelchair user or a person with limited mobility using prosthesis.
- 8.79. I note that the Transport Division Report advises that a resident car parking permit could be acquired by the appellant. I consider that a disability car parking space could be reinstated outside no. 4 Tubbermore Avenue subject to negotiation and agreement with the local authority.
- 8.80. I recognise that Mr. McNeive in the instances when he is unable to wear prostheses must complete a lateral transfer from his wheelchair to access his car. Furthermore, I note the opinion of the senior occupational therapist that an on-street disability space would not meet the needs of Mr. McNeive given the existing narrow footpath and narrow configuration of the designated parking spaces on street.
- 8.81. The appeal statement makes a distinction between a mobility impaired person and a person who is wheelchair dependent in terms of car park access arrangements. It is claimed the current on-street accessible parking bays do not meet the recommended specification of the Irish Wheelchair Association (IAW) for a car, small accessible van or multi-purpose vehicle.

- 8.82. The letter provided by the senior occupational therapist contains diagrams that illustrate the dimensions of a wheelchair accessible parking space for cars and small vans and for multi-purpose vehicles.
- 8.83. The letter notes that the appellant may need to future proof his transport requirements, which may require a change from a car to a multi-purpose vehicle that would require additional access arrangements including rear ramp(s) or hoist.
- 8.84. A wheelchair user typically requires a minimum unobstructed 1200mm clearance zone on at least one-side of the vehicle to safely transfer between the vehicle and wheelchair, which it is claimed is not provided on-street by the existing bays and narrow footpath.
- 8.85. The appeal statement notes that transferring from a wheelchair to a vehicle on-street (public road) creates significant safety risks. For example it is claimed standard on-street parking spaces, even disability spaces, do not allow for full door opening (90 degrees), which is necessary for safe wheelchair transfers.
- 8.86. The senior occupational therapist opinions that the provision of off-street car parking space would facilitate a level surface (a parking bay should be located on a firm level non-slip surface with a gradient not exceeding 1:50) and mitigate wheel chair travel distance to parking mitigating any dangers that would occur whilst transferring in and out of a vehicle particularly in inclement weather where visibility is impaired.
- 8.87. I would concur with the general opinion of the senior occupational therapist that a disability car parking space to serve the resident of no. 4 Tubbermore Road, that would be wheelchair accessible providing an access zone of 1200mm with a gradient not exceeding 1:50, is desirable either in-curtilage or on-street.
- 8.88. The appeal statement highlights that a continuous accessible path of travel from the parking space to the dwelling entrance is essential without having to navigate behind parked cars or cross traffic.
- 8.89. I note that there is a clear line of travel from the dwelling house to the on-street parking spaces on Tubbermore Avenue in front of the appellant's house via the existing pedestrian entrance to the front garden.



8.90. I note that the footpath between the front boundary wall and the former disability designated car parking space is approximately 1200mm in width. I also note the uneven surface between the footpath and the carriageway.

*Wheelchair accessible on-street disability parking*

8.91. The appellant claims that there are no viable alternative to the provision of an off-street disability parking space in terms of wheelchair accessibility.

8.92. I consider on balance that a lateral transfer from a wheelchair to a parked car in the location of one of the existing designated standard parking bays outside no. 4 Tubbermore Avenue would be challenging for a wheelchair user given the configuration and width of the footpath.

8.93. I consider that a reconfiguration of the standard parking bay directly in front of the house at No. 4 Tubbermore Avenue (former disability space) to achieve a 1200mm access zone may be achievable to the rear of the parking bay (cannibalising the hatched area separating the designated parking bays on this side of Tubbermore Avenue).

8.94. The provision of a 1200mm access zone on the opposite side of the parking bay to that of the footpath side of the bay (by extending the bay further into the carriageway) would result in an obstruction of the narrow carriageway – see attached photographic record.

8.95. However, the relationship between the footpath and the parking bay could be alerted to facilitate a viable 1200mm access zone on the footpath side of the bay with a potential minor infringement (marginal relocation of the car parking bay) of the carriageway on the opposite side of the bay.

8.96. I note that the appeal statement acknowledges that the applicant site is located at the end of a road adjoining a short cul-de-sac where traffic movements are negligible and slow moving.

8.97. I consider that the receiving low traffic environment would be an appropriate location for the provision of an on-street disability parking space that is wheelchair accessible, which could be configured to optimise access and safety.

8.98. Notwithstanding the existing narrow width of the footpath and the configuration of the existing standard parking bays on Tubbermore Avenue, which are carved out of a



narrow access carriageway. I consider that a wheelchair accessible car parking space could be facilitated by the local authority on-street in the future in front of no. 4 Tubbermore Avenue.

- 8.99. I therefore consider that an alternative to an off-street disability space has not been adequately discounted. However, the Board must adjudicate on the application submitted in the context of there being no wheelchair accessible disability parking space on-street proximate to no. 4 Tubbermore Road at present.

Road safety issues and compliance with minimum standards

- 8.100. The planning case officer states that the applicant has not demonstrated that safe vehicular movements can be accommodated in to and out of the site. The planning case officer notes the proximity of the proposed vehicular entrance to the Tubbermore Road / Tubbermore Avenue junction.

- 8.101. Section 12.4.8.1(Vehicular Entrances and Hardstanding Areas – General Specifications) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 requires a minimum car parking space length depth of 5500mm and a minimum width of 3000mm in order to ensure that a parked car does not overhang onto the public footway.

- 8.102. The proposed off-street car parking space would have a deficient maximum length depth of 5000mm (measured from the gable of the dwelling house to the proposed northern gate pier) in terms of direct access perpendicular parking. The 5000mm dimension would taper to an approximate 4700mm depth at the southern entrance gate pier.

- 8.103. The public footpath on Tubbermore Road in the location of the proposed vehicular entrance is narrow (given as 1290mm). I consider that the overhang of the public footpath by a perpendicular parked car would obstruct the pathway.

- 8.104. I note that the appellant may require a multi-purpose vehicle in the future to address his transport needs. The appeal statement notes that for vehicles with rear-loading ramps or lifts, a clear space of at least 1500mm is required behind the parked vehicle.

- 8.105. Furthermore, I note that the diagrams included in the letter submitted by the senior occupational therapist require a minimum length of 6m (4800mm standard space + 1200mm loading bay) to accommodate wheelchair access manoeuvrability.
- 8.106. I consider that the proposed length dept of the in-curtilage car parking space would be significantly deficient (maximum dept 5000mm) to accommodate wheelchair to car / van accessibility (required depth 6000m) and wheelchair to multi-purpose vehicle accessibility (required depth 7800mm) in terms of perpendicular parking.
- 8.107. However, I also consider that the proposed hard-surfaced area (8500mm x 3600mm) designated within the curtilage of no. 4 Tubbermore Road can accommodate wheel chair accessible vehicles if the vehicle is parked parallel to the road rather than perpendicular to the road.
- 8.108. The appeal statement clarifies that the appellant is clear as to the need to provide “safe” access for himself. The appellant will reverse into the side garden parking space so as to better access the house and will drive out in a forward gear into the street. I presume the appellant will manoeuvre into the space parking parallel to the vehicular entrance.
- 8.109. The Transport Division report does not highlight safety issues in terms of access and egress or intervisibility between pedestrians, cyclists and drivers in the matter of the development of an off-street parking space.
- 8.110. I note that the existing parallel car parking space, proximate to the Tubbermore Road / Tubbermore Avenue junction, in the location of the proposed vehicular entrance (that would be removed) requires access and egress manoeuvring and is in daily use.
- 8.111. The proposed vehicular entrance would comply with the maximum width of opening permitted at 3500mm.
- 8.112. I consider that the proposal would in general comply with Section 12.4.8.1 of the Dun Laoghaire-Rathdown County Development plan 2022-2028.

Alternative entrance on Tubbermore Avenue

- 8.113. The appeal statement states that the appellant is willing to accept modifications and conditions that would *inter alia* provide for an alternative Tubbermore Avenue entrance if preferable to the Board.



- 8.114. The appellants acknowledge that an alternative entrance on Tubbermore Avenue would require crossing double yellow lines but would not result in the loss of an on-street car parking space.
- 8.115. In the matter of the relocation of the vehicular entrance from the side garden on Tubbermore Road to the front garden on Tubbermore Avenue, I inform the Board I consider the relocation of the vehicular entrance to Tubbermore Avenue and the re-configuration of the hard-surface area within the perimeter boundary would represent a material change from the proposed side garden development accessed from Tubbermore Road.
- 8.116. I consider that the change in locus of the development from the side garden on Tubbermore Road to the front garden on Tubbermore Avenue would require re-advertisement.
- 8.117. I also note that any proposed viable new entrance on Tubbermore Avenue would be more proximate to the Tubbermore Avenue / Tubbermore Road junction and would require a new technical assessment.

#### Conclusion

- 8.118. In conclusion, I consider that the proposed off-street disability car parking space would not have a significant adverse visual impact on no. 4 Tubbermore Avenue or on the receiving Dalkey Village Architectural Conservation Area (ACA). The development on balance would be consistent with Section 12.4.8.4 (car parking in ACAs/Protected Structures) and Policy Objective HER13 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 in terms of visual impacts.
- 8.119. The net car parking space provision that would result from the creation of an off-street disability car parking space within the curtilage of no. 4 Tubbermore Avenue would be zero, as the construction of the vehicular entrance would result in the loss of one on-street metered car parking space.
- 8.120. A wheelchair accessible disability parking space requires a length dept of 6000mm for car / van wheelchair accessibility and 7800mm for multi-purpose vehicle wheelchair accessibility. The proposed in-curtilage car parking space would have a significantly deficient maximum length dept of 5000mm in terms of perpendicular parking.



However, the in-curtilage space can successfully accommodate parallel in-curtilage parking.

8.121. I conclude on balance that the proposed development should be granted planning permission given that:

- the appellant has successfully demonstrated a requirement for wheelchair accessible parking;
- there is no existing proximate wheelchair accessible car parking space on-street,
- the proposed design and finish of the vehicular entrance and hardstanding in-curtilage area would not detract from no. 4 Tubbermore Avenue itself or from the special character of the Dalkey Village (ACA).

## 9.0 AA Screening

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises an off-street car-parking space and new vehicular entrance as set out in Section 2.0 of this report.

No significant nature conservation concerns were raised in the planning appeal.

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 any effect on a European Site given the small-scale nature of the development.

I conclude 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

10.1. I recommend a grant of planning permission for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

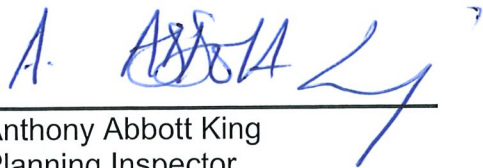
Having regard to the zoning objective, the grounds of appeal, including the letter (dated 19/03/2025) submitted by the senior occupational therapist at the National Rehabilitation Hospital (NRH), and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed off-street / in-curtilage disability car parking space, subject to condition, would in general be consistent with Section 12.4.8.1 (Vehicular Entrances and Hardstanding Areas – General Specifications), Section 12.4.8.4 (car parking in ACAs/Protected Structures) and Policy Objective HER13 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

## 12.0 Conditions:

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>
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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.

A handwritten signature in blue ink, appearing to read 'A. Abbott King', is written over a horizontal line.

Anthony Abbott King  
Planning Inspector

26 May 2025



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP322127-25		
<b>Proposed Development Summary</b>	Off-street parking		
<b>Development Address</b>	4 Heather Lodge, Tubermore Avenue, Dalkey, County Dublin.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	x
		<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>			Proceed to Q3.
<b>No</b>	x		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>			EIA Mandatory EIAR required
<b>No</b>	N/A		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>	N/A		Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			

No	x	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: A. ADAM L.

Date: 06/05/25