



An  
Bord  
Pleanála

## Inspector's Report

**ABP 322243-25**

<b>Development</b>	New off-street vehicular accesses.
<b>Location</b>	265 and 267 Harolds Cross Road, Harolds Cross, Dublin 6W.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3024/25.
<b>Applicant</b>	Mary McCoubrey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary McCoubrey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 June 2025.
<b>Inspector</b>	B. Wyse

## 1.0 Site Location and Description

- 1.1. No.s 265 and 267 Harolds Cross Road are a pair of semi-detached redbrick Victorian houses. The small front gardens are enclosed by stone walls and railings with pedestrian entrance gates only. Most of the houses in the immediate vicinity on the same side of the road have vehicular accesses. The opposite side of the road features multi-unit developments with a small number of vehicular access points. There is a recently completed apartment development directly opposite the subject properties.
- 1.2. Harolds Cross Road is a busy arterial road into/out of the city. There is a bus lane and a single lane for other traffic on the inward side. On the outward side, the side of the subject properties, there is a single traffic lane, a cycle lane and double yellow lines. The speed limit is 50kph.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the provision of a single vehicular access and parking space for each house. The drawings indicate 3.6m wide entrances, defined by piers, existing and new, and angled parking spaces in each case. No gates are indicated. The existing pedestrian gates would remain.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision to refuse permission refers to the following reason:

*Having regard to the insufficient depth of the driveways and the provisions of the Dublin City Development Plan 2022-2028 which requires driveway entrances to be no more than 3 metres in width, it is considered that a car cannot be safely accommodated in the driveways, resulting in over sailing of a car onto the public footpath, potential vehicular and pedestrian conflict and the creation of hazardous manoeuvres across a busy road.*

*The development would therefore endanger public safety by reason of traffic hazard and obstruction of road users, would set an undesirable precedent for similar*

*developments, and would be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

Basis for decision. Includes:

- No planning permissions can be found for many of the existing vehicular entrances in the vicinity.
- The maximum width normally permitted for a combined vehicular and pedestrian entrance is 3m. If the entrances were reduced to comply with this access and egress would be further restricted.
- Endorses the recommendation of the Transportation Planning Division to refuse permission.
- No requirement for appropriate assessment or environmental impact assessment.

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

**Transportation Planning Division.** Includes:

- The permitted Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme will run to the front of the site. A mandatory cycle lane is noted for the front of the site.
- The proposed entrance width exceeds development plan standards.
- While both proposed driveways are not perpendicular to Harolds Cross Road, and this is acceptable, the development plan basic dimensions to accommodate a car within a front garden of 3m by 5m cannot be achieved in its entirety. There is a concern that parked cars may overhang the footpath and obstruct pedestrians.
- Drg. 2214/04 indicates a left-in/left-out arrangement at the entrances so at least one vehicle would be required to reverse onto Harolds Cross Road which is not acceptable. There are also concerns should this configuration not be adhered to.

- The proposed parking areas are considered substandard and contrary to Section 4.3.1, Appendix 5 of the development plan and it is recommended that permission be refused on this basis.

### 3.3. Prescribed Bodies

Uisce Eireann – no report received.

### 3.4. Third Party Observation

An observation by Philip O'Reilly, Gandon Close, Harolds Cross, cites objections to the proposed development on grounds relating to; visual, architectural and environmental amenity; and pedestrian and road safety hazards.

## 4.0 Planning History

None relevant.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2022-2028

Zoning Z1: *To protect, provide and improve residential amenities.*

Appendix 5 Transport and Mobility: Technical Requirements

Section 4.0 Car Parking Standards, Includes:

*There is a predisposition to consider residential off-street car parking, subject to design and safety criteria, particularly along Core Bus Corridors (CBCs) and to facilitate traffic management proposals.*

*Residential parking spaces are mainly to provide for car storage to support family friendly living policies in the City. It is not intended to promote the use of the car within the City.*

Section 4.3.1 Dimensions and Surfacing. Includes:

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

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

*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, or where safe access and egress from the proposed parking space cannot be provided, for example on a very busy road, opposite a traffic island or adjacent to a pedestrian crossing or traffic junction or where visibility to and from the proposed access is inadequate.*

## **5.2. Natural Heritage Designations**

None relevant.

## **5.3. 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. See Appendix 1, Form 1.

## **6.0 The Appeal**

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

The main grounds of appeal can be summarised as follows:

- On-street parking was readily available until the introduction of the clear way on both sides of Harolds Cross Road.
- The development of 51no.apartments, with just 7no, parking spaces, currently under construction across the road will dramatically increase demand for the limited on-street parking in the vicinity.

- Due to health issues the applicants require a safe, accessible means of parking close to their home.
- The width of the entrances could be reduced to 3m if the Board requires it.
- The splayed layout was designed to accommodate a car 4.8m in length.
- The traffic lights at Harolds Cross Roads, less than 100m from the properties, afford a reasonable break in the traffic such that left in/left out access can be achieved in relative safety with minimum disruption to traffic.
- These properties are the only two of the 14no. residential properties on this side of the road from Harolds Cross Roads to Brighton Square that do not have off-street parking. As each application is determined on its merits it is difficult to see how this development would set an undesirable precedent.
- The proposal has been sensitively designed with soft permeable parking bays and landscaping that will enhance the aesthetics of the properties.
- Dublin City Council's 16.39.9 Design Criteria for Parking Bays states that the minimum length should be 4.8m.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

None.

## **7.0 Assessment**

- 7.1. The main issues in this appeal are those raised in the planning authority reason for refusal and in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. The planning authority reason for refusal focuses on three concerns, namely; the width of the proposed entrances; the dimensions of the parking areas; and the necessary vehicular manoeuvres in and out.

- 7.3. As indicated at Section 5.1 above the development plan provisions in relation to the creation of new entrances and parking areas are set down as standards and, therefore, should not be treated as absolutes. They are in the nature of guidance and, therefore, while they need to be given significant weight, there has to be flexibility in their application.
- 7.4. The proposed width of the entrances has been set at 3.6m which is in excess of the 3m maximum indicated in the development plan, [It should be noted that the reference in the planning authority planners report to a combined vehicular and pedestrian entrance is not the relevant reference in this case]. In itself, I would not regard this a very serious breach of the standard. It is clear that the extra width is required because of the other restrictions in place in this case, namely the limited depth of the gardens and the consequent need to provide for angled parking, as illustrated on the drawings, and to ease the resultant access and egress manoeuvres. In this connection, I agree with the planning authority planners report that reducing the entrance width would make these manoeuvres more difficult and I would not recommend it, notwithstanding the applicants offer to do so.
- 7.5. It is clear that the preferred dimension for the parking area, 3m by 5m as indicated in the development plan, cannot be achieved in this case due to the inadequate depth of the front gardens. The applicant has made it clear that the design is to accommodate a car 4.8m in length. Even allowing for this flexibility, relative to the advised standards, it is clear from the drawings that the parking area is extremely tight and that in practice there would be a strong likelihood of the parked cars overhanging the footpath and causing obstruction to pedestrians.
- 7.6. In terms of the vehicular movements into and out of the parking spaces there are a number of matters to consider. In the relevant development plan provisions, as set out at Section 5.1 above, there is an inherent tension between the stated pre-disposition to consider off-street parking for residential properties along core bus corridors and to facilitate traffic management proposals, which is clearly the position on Harolds Cross Road, and the stated unacceptability of such facilities where it is deemed that safe access and egress cannot be provided, for example on a very busy road, the latter again applying to Harolds Cross Road.

- 7.7. The key concern on the part of the planning authority Transportation Planning Division is that at least one vehicle in the proposed scheme would have to reverse onto the road. There is also a further concern that the proposed left in/left out arrangement might not always be adhered to.
- 7.8. I am not convinced that a reversing movement, in and of itself, even onto a busy road within the urban area, should necessarily be considered to be unsafe. This is particularly the case where the speed limit is set at 50kph and where very often traffic speeds will be lower due to congestion. As pointed out by the applicant in this case the calming effect of the nearby traffic lights on traffic flow also needs to be taken into account. Reversing movements are not uncommon on city streets. Adopting a very hard line against them would, in my view, create considerable difficulties for the policy, also mentioned in the development plan, to support family friendly living in the city.
- 7.9. That said I do agree with the Transportation Division that the proposed left in/left out arrangement is unlikely to be always adhered to. I think it highly likely that a range of vehicle movements would arise over time, including left and right turns and reversing in and out. Given the angled parking areas this is likely also to include acute turning manoeuvres on many occasions.
- 7.10. While it is quite a fine judgement in this case I consider that the combination of the very restricted parking space areas and the angled configuration of the parking spaces would result in unsafe vehicular movements on the Harolds Cross Road.
- 7.11. I conclude, therefore, that the proposed development would give rise to obstruction to pedestrians and to traffic hazard. The planning authority decision to refuse permission should, in my view, be substantively upheld.
- 7.12. I agree with the applicants that the matter of precedent is not a relevant issue. I also have considerable sympathy with the applicants where it is obvious that many vehicular entrances have been opened up along the road in the general vicinity, notwithstanding that it appears that planning permission may not have been granted for these. Finally, it should be noted that I have been unable to verify the applicants reference to the design criteria for parking bays wherein it is stated to refer to a minimum length of 4.8m. However, the dimensions relied upon above are the correct ones for the purposes of assessing this application. The parking bay dimension cited



sounds more like a reference to spaces in commercial developments such as shopping centres.

## **8.0 Appropriate Assessment Screening**

- 8.1. The proposed development comprises domestic vehicular entrances in an established suburban area.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

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.

## **9.0 Recommendation**

- 9.1. I recommend that permission be refused.

## **10.0 Reasons and Considerations**

Having regard to the insufficient depth of the front gardens and the restricted and angled configuration of the proposed parking areas, and having regard to the standards for off-street residential parking as set out in the Dublin City Development Plan 2022-2028, Appendix 5, Section 4.0, it is considered that the proposed development would give rise to obstruction to pedestrians and hazardous vehicular turning movements on the busy Harolds Cross Road. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users and be contrary to the proper planning and sustainable development of the area.

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.

---

B. Wyse  
Planning Inspector

9 June 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	322243-25		
<b>Proposed Development Summary</b>	Two domestic vehicular entrances and parking areas.		
<b>Development Address</b>	265 and 267 Harolds Cross Road, Harolds Cross, Dublin 6W.		
<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>	Tick if relevant and proceed to Q2.
		<b>X</b>	
		<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>	<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?		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

Inspector: \_\_\_\_\_B. Wyse\_\_\_\_\_ Date: \_\_9 June 2025