



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322328-25

<b>Development</b>	Formation of a new vehicular entrance off Newtown Avenue with a new parking area to the front, provision of level access to the front entrance and associated landscaping works		
<b>Location</b>	6 Maretimo Gardens West, Blackrock, Co. Dublin, A94 C9T0		
<b>Planning Authority Ref.</b>	D25A/0070/WEB.		
<b>Applicant(s)</b>	Azure Dental.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party	<b>Appellants</b>	Azure Dental
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	29-05-2025	<b>Inspector</b>	Adam Kearney

## 1.0 Context

### 1.1 Site Location/ and Description.

The subject site with a stated area of 0.035 Hectares is located on the corner of Newtown Avenue and Maretimo Gardens West, in an established residential area. The property includes a two-storey brick finished semi-detached structure under a tiled roof that would have originally been in use as a dwelling but is now an operating dental practise. The existing property is set back from the public roadway behind a low-rise concrete wall and is accessed via a pedestrian entrance with steps from Maretimo Gardens West, to the side. The subject property serves as a dental clinic as does the adjoining building, No. 7. The property faces onto Newtown Avenue, a one-way street with a footpath on both sides and a segregated cycle lane on the northern side of Newtown Avenue, fronting the subject property. The streetscape of Maretimo Gardens West and Newtown Avenue, adjacent to the subject site, is characterised predominantly by semi-detached and terraced two storey dwellings.

### 1.2 Description of development.

Formation of a new vehicular entrance off Newtown Avenue with a new parking area to the front, provision of level access to the front entrance and associated landscaping works

### 1.3 Planning History

Planning Ref: D24A/0258: Permission Granted by the PA for the demolition of existing extensions to the rear (totalling 36sqm) and the construction of single storey extensions to the rear (61sqm), Miscellaneous landscaping works, provision of a new window to the rear at first floor level and retention of existing signage.

The formation of a new vehicular entrance off Newtown Avenue with a new parking area to the front proposed within the same application was conditioned to be omitted. The applicants submitted an appeal (ABP-320112-24) but the appeal was declared invalid due to an incorrect fee that did not reflect the commercial retention aspect of the application.

## **1.4 Local Planning Policy**

### **DUN LAOGHAIRE-RATHDOWN COUNTY DEVELOPMENT PLAN 2022-2028**

The site and surrounding area are zoned 'Objective A' with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'

#### **Chapter 12 - Development Management**

##### **Section 12.3.2.6 Health Care Facilities**

*The operation of these premises shall not have negative impacts on the residential amenities of the surrounding area. Parking and access arrangements shall be as per the Transportation Section's requirements, while parking areas shall not dominate the front curtilage of the property in contrast to adjoining dwellings and shall be similarly landscaped.*

##### **Section 12.4.1 Traffic Management and Road Safety**

Sets out the design approach for road layout of new residential, commercial, and/or mixed-use developments.

*In relation to pedestrians and cyclists ... 'To provide for pedestrians and cyclists as part of the development management process, all new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the 'Urban Design Manual'*

##### **Section 12.4.5 Car Parking Standards**

Car parking standards provide a guide on the number of required off-street parking spaces for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport.

**Section 12.4.5.1** Sets out the different Parking Zones

**Section 12.4.5.2** Application of Standards

In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required.

(i) Assessment Criteria for deviation from Car Parking Standards sets out inter alia The need to safeguard investment in sustainable transport and encourage a modal shift.

**Section 12.4.5.4** - Seeks to limit the supply of destination parking

**Section 12.4.8** - Vehicular Entrances and Hardstanding Areas:

*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*

**National Policy**

**Design Manual for Urban Roads and Streets (2013)**

- prioritises sustainable transport modes
- establishes a clear user hierarchy: pedestrians and cyclists followed by public transport, and then private vehicles
- discourages excessive vehicle access points across footpaths and cycle lanes

**1.5 Natural Heritage Designations**

The following natural heritage designations are in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 100m north of the site.

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 100m north of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 200m north of the site

## **Development, Decision and Grounds of Appeal**

### **1.6 PA Decision**

Planning Authority decided to Refuse Permission for 2 no. Reasons

- 1. The subject site is located in close proximity to the village of Blackrock, which is serviced by high quality and high frequency public transport options, as well as multiple carparks. It is an objective of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, as set out in Section 5.5, Transport and Mobility to introduce and promote Modal change in respect of promoting sustainable transport. Having regard to the proximity of the site to existing car parks, the availability of on street car parking and to the public transport options serving the area, it is considered that the provision of a car parking space, as proposed, would be contrary the provisions of Section 12.4.51 'Parking Zones' and Section 12.4.52 'Application of Standards' which if permitted would be contrary to the proper planning and sustainable development of the area*
- 2. Having regard to the existing layout of the surrounding streets, the proposed arrangement would require vehicles to cross an existing cycle track on Newtown Avenue, thereby introducing the potential for conflicts at this location, which would endanger public safety and would set a precedent for further developments which would adversely affect the use of the cycle track. Accordingly, to permit the proposed off-street parking would be contrary to the proper planning and sustainable development of the area*

#### **1.6.1 Planners Report**

- The planning report noted the zoning of the site and the residential nature of the area and while it acknowledged that the principle of a vehicular entrance

was open to consideration it would need to be based on the impact of any such proposal on existing public infrastructure and compatibility with stated local policies and objectives.

- The report took direction from the transport report and the previous condition applied to Ref: D24A/0258 that precluded the access component in that recent application for development at the property.
- The report went on to examine the parking designation of the area, the quantum of on street parking locally and identified the importance of protecting the integrity of the segregated cycle lane.
- The report highlighted the potential hazard that would present if cars were to cross the cycle lane and come into conflict with pedestrians and cyclists
- In concluding the report recommended a refusal:

*Having regard to the Objective A zoning of the subject site, and the nature and extent of development proposed, it is considered that the proposed development would result in an overprovision of car parking at this location, contrary to Section 12.4.5.2 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would also adversely affect the use of the cycle track and may set a precedent for similar developments along Newtown Avenue.*

### **1.6.2 Other Technical Reports**

#### Internal Reports

**Transportation Planning Office:** Recommend Refusal as it contravenes a Condition 2 of previous grant Ref D24A/0258 which required the omission of the proposed entrance ... *'The site is located adjacent to parking Zone 1, which has maximum parking provision standards for non-residential land use.*

*In accordance with Section 12.4.5.2 of the current DLRCC County Development Plan 2022-2028, the planning authority may consider that no parking spaces are required in certain instances in Zones 1 and 2.*

*Therefore, in this case, given the access to a high level of existing public transport services, interchange potential and level of service accessibility by walking and cycling, Transportation Planning consider that no car parking should be provided for the development.'*

**Drainage Planning Report:**

No Objection subject to standard SUDS condition

**1.7 First Party Appeal. Grounds:**

- Proposal is not a retail, entertainment or work place destination and can be classified as a medical facility.
- The Development Plan recognises that provision of some element of patient parking is likely for this situation.
- By the DLRCC Development Standards the base provision is one parking space per consulting room and there will be five consulting rooms but only two number spaces are being sought.
- There are no nearby car parks for persons of limited mobility at this location
- a limited and modest request to meet a reasonable need for patients
- The Development Plan gives an element of latitude in how and when parking is provided in particular circumstances.
- request that the board takes this view in making their decision on this issue and that provision of this off-street parking meets a real need that is consistent with proper planning and sustainable development.
- report from Engineers submitted with the application shows that the proposed vehicular entrance and associated vehicle movements would be in compliance with common safety standards for all forms of traffic
- Cars accessing the parking space will be able to egress facing forward with good visibility of users on the cycle lane.
- There are numerous other roads, driveways and vehicular entrances that cross the cycle lane as it makes its way from Dun Laoghaire to Blackrock

- Consider it unreasonable based on the impact on the bicycle lane for what would be a very limited number of vehicle movements that can be carried out safely

### **1.8 PA Response**

- Letter Stating  
'Board is referred to the previous Planners Report'...'grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development'

## **2.0 Environmental Screening**

### **2.1 EIA Screening**

*The subject change of use 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. I refer the Board to Appendix 1 in this regard.*

### **2.2 AA Screening**

I have considered the proposed development of an entrance and small area of hardstanding in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to a European site. The closest European sites are the South Dublin Bay Special Area of Conservation and South Dublin Bay and River Tolka Estuary Special Protection Area.

Having considered the nature, small scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale of the development.



- The location of the development in a serviced urban area

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

### 3.0 **Assessment**

3.1. I have reviewed the application and the appeal and have visited the site. I am satisfied that the appeal can be considered under the following headings

- Principle of Development
- Justification for access
- Potential for a Traffic hazard

#### 3.2. **Principle of Development**

3.2.1. The appeal site is the site is subject to zoning objective A, which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities', where the use of the subject site as 'Doctor/Dentist' is permitted in principle and as such modification to the configuration of the business can be considered including the provision of off-street parking

#### 3.3. **Justification for Access**

- 3.3.1. The previous application D24A/0258 sought and was granted permission to construct an extension to the rear that expanded the practise. The applicant states that the practise now operates 5 consultancy rooms.
- 3.3.2. The applicant maintains that many of their long-standing clients are elderly and when visiting the practise often find it difficult to secure on street parking near the practise. They also highlight that their practise is not readily accessible from public transport and the nearest bus stop is at some remove in the context of those with mobility issues.

3.3.3. While I can empathise to a degree with the appellant and understand that there would be a certain cohort of clients/patients who would benefit from off street parking I am of the belief that the area is well served by 'on street' parking and spaces in close proximity to the practise are not difficult to secure. The primary issue from a transport planning perspective relates to the overarching policy direction and the aim to reduce the no. of additional car parking spaces in Zone 1 and 2 and to dissuade people from deciding to take the car and to instead opt for public transport, walking and cycling

3.3.4. The area is served by public transport options with a Dart Station within 500m and several bus stops within a short walking distance namely 4, 7, 7A, 17, and 84. In addition the area is well served by walking and cycling infrastructure that has resulted from a significant investment by the Local Authority/State. With the availability of off-street parking and the overall accessibility of the practise from a public transport and active travel perspective I am satisfied that the justification proffered for an entrance and off-street parking at this location has not been established.

#### **3.4. Potential for a Traffic Hazard**

3.4.1. During my site visit I observed the movements of vehicles proximate to the subject site. There is a junction to Maretimo Gardens West immediately northwest of the subject property that sees occasional traffic given the small no. of dwellings located in the cul de sac. There is also an existing vehicular entrance immediately adjacent that was busy and I noted several instances of vehicles crossing the cycle lane and I would assume the number of traffic movements generated here in a working day is significant.

3.4.2. It is however important to note that the applicant is proposing a significantly reduced no. of spaces to that available at the premises adjacent. However, I am satisfied that it is less about the no. of spaces available and more related to the ability to freely access and egress and not have to dwell on the footpath or cycle lane or have to reverse back out onto the public road if efforts to secure a space are unsuccessful.

- 3.4.3. I note the appellant refers to the engineers report in the application that maintained that there would be a capability to turn internally and to drive out. My short period of observation would cast doubt on this assertion. In real terms the space available at the front of both dental practises is constrained and there is insufficient area available to allow for driver error.
- 3.4.4. I also noted that some pedestrians were obstructed briefly by those accessing or egressing by car from the neighbouring building and although the cycle lane was in use by cyclists who were not obstructed at this time, I would assume several instances of conflict occur daily and particularly at busier peak commuting times.
- 3.4.5. I am satisfied based on the foregoing that to allow the introduction of an entrance in close proximity to an already busy entrance adjacent and in close proximity to the junction with Maretimo Gardens West would create an unacceptable cumulative level of conflict between vehicles and pedestrians and cyclists and would serve to degrade the integrity of the segregated cycle lane and pedestrian footpath.
- 3.4.6. In terms of traffic hazard mitigation alone there could be scope to access the rear of the property north of the existing pedestrian access at Maretimo Gardens West, however this would need to be justified and reconciled with the overall objectives in the CDP to reduce the quantum of destination parking within designated zones.
- 3.5. I recommend that Permission for the entrance as proposed be Refused.

## **4.0 Reasons & Considerations**

Having regard to road configuration at this location, the proposed arrangement would require vehicles to cross an existing cycle track and footpath on Newtown Avenue proximate to an existing entrance and junction, thereby introducing the potential for conflicts which would endanger public safety and would set a precedent for further developments which would adversely affect the use of the cycle track and pedestrian footpath. It is also an objective of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, as set out in Section 5.5 to invest in active travel infrastructure and encourage a modal shift to more sustainable forms of transport. Therefore, given the public transport options available in the vicinity and the existing

level of parking provision proximate to the site, to permit the proposed additional off-street parking would 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.

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*Name: Adam Kearney*

*Planning Inspector*

*Date: 12-06-2025*

# Form 1

<b>An Bord Pleanála</b>  <b>Case Reference</b>	ABP-322328-25		
<b>Proposed Development Summary</b>	Formation of a new vehicular entrance off Newtown Avenue with a new parking area to the front		
<b>Development Address</b>	6 Maretimo Gardens West, Blackrock, Co. Dublin, A94 C9T0		
<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>	<input checked="" type="checkbox"/>
		<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>	<input checked="" type="checkbox"/>		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>			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>			Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Pre-Screening conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** Adam Kearney

**Date:** 12-06-2025