



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322386-25

<b>Development</b>	New front vehicular access with dropped kerb including partial removal of front boundary wall.
<b>Location</b>	353 Griffith Avenue, Whitehall, Dublin 9, D09 XV38
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1249/25
<b>Applicant(s)</b>	Ronan Clare
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ronan Clare
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> June 2025
<b>Inspector</b>	Matthew O'Connor

## 1.0 Site Location and Description

- 1.1. The appeal site is located at No. 353 Griffith Avenue and situated on the northern side of Griffith Avenue between St. Mobhi Road and Drumcondra Road Upper/Swords Road in Dublin 9. The subject site is 0.042ha and comprises an established two storey semi-detached dwelling. The front curtilage area contains a pedestrian gate and garden space. Adjacent to the entrance and to the front of the party wall, there is a mature tree whilst there is also an established tree on the verge area close to Griffith Avenue.
- 1.2. The public carriageway of Griffith Avenue to the front of the property includes a dedicated cycle lane. In addition, there is a bus stop a short distance to the west and small area of dedicated on-street parking to the east. There are various road markings on Griffith Avenue outside the site to demarcate the cycle lane and parking area. There are also 3 no. planters with reflective strips to divert traffic from the on-street parking.
- 1.3. The character of the surrounding locality is that of a mature residential area comprising two-storey semi-detached dwellings on the northern side of Griffith Avenue and terraced houses on the southern side. These residences form a strong building line which address the public road.

## 2.0 Proposed Development

- 2.1. The proposed development, as stated in the development description, comprises:
  - New front vehicular access with dropped kerb including partial removal of front boundary wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council recommended refusal for the subject development for the following 3 no. reasons:
  1. *The proposed vehicular entrance would be contrary to Section 4.1 (On-Street Parking) and Section 4.3.1 (Dimension and Surfacing) Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028 as the proposed development would negatively impact the existing public road traffic measures, most notably the existing planters and the existing provision of on-street car parking spaces located*

*on the public carriageway. The development would set an undesirable precedent for similar developments, and would be contrary to the proper planning and sustainable development of the area.*

- 2. The proposed 4.0m wide vehicular entrance is contrary to Section 4.3.1 (Dimensions and Surfacing) Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028, which states that the maximum width permitted for vehicular entrances is 3.0m for a single dwelling. The development would set an undesirable precedent for similar developments, and would be contrary to the proper planning and sustainable development of the area.*
- 3. Having regard to the proximity of the public street trees within the grass verge adjacent to the carriageway of Griffith Avenue in front of the application site, it is considered that the dishing of the footpath/kerb required to facilitate a new vehicular entrance would result in the loss of, or damage to, the street trees. As such the proposed development would be contrary to Section 4.3.2 (Impact on Street Trees) Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028 and the Dublin City Tree Strategy, and would seriously injure the amenities of property in the vicinity. The development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

- The Planner's Report forms the basis for the decision to refuse permission. The report provides a description of the site, its zoning and associated policy context from the Development Plan and comments returned on internal/external referrals.
- In terms of assessment, the Planning Authority noted the principle of development and considered that such proposals for vehicular entrances, where they are relatively minor in nature are considered to be acceptable.
- The Planning Authority noted the proposed 4 metre wide entrance would require changes to the existing traffic measures on the public carriageway and Griffith Avenue cycle route.

- It was deemed that the design and position of the vehicular entrance could have a knock-on impact on the existing planters/directional traffic flow signage and on-street car parking spaces located in front of the site.
- The Planning Authority also had concern, based on the lack of details submitted, that the proposed works and dishing of the kerb would likely impact on street trees. It was considered that there would be insufficient clearance from the trees which would risk the existing trees and their root zones.
- The assessment of the Planning Authority had regard to the comments of the Transportation Planning Division who recommended that permission be refused.
- No concerns were raised in respect of AA and EIA.

### 3.2.2. Other Technical Reports

Drainage Division:	No objection, subject to condition(s).
Transportation Planning Division:	Recommended refusal.

### 3.3. **Prescribed Bodies**

- None.

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

- None.

## 4.0 **Planning History**

4.1.1. There is no planning history associated with the subject site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The Dublin City Development Plan 2022-2028 is the relevant Development Plan for the subject site. The site is zoned 'Z1' - Sustainable Residential Neighbourhoods with an objective '*to protect, provide and improve residential amenities*'. Residential use is listed as a 'permissible use' in this zoning designation.

5.1.2. Volume 2 of the Development Plan contains a number of appendices containing notes and standards for various development types. Appendix 5 - 'Transport and Mobility: Technical Requirements' is particularly relevant to the subject appeal.

- 5.1.3. Section 4.1 (On-Street Parking) states that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street parking spaces.
- 5.1.4. Section 4.3 (Parking in Front Gardens) is relevant and the Development Plan states that planning permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street parking and there is a strong demand for such parking.
- 5.1.5. Section 4.3.1 (Dimensions and Surfacing) states that 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. In certain circumstances, applicants may be required to demonstrate that vehicles can turn within the site and exit in forward motion.

[...]

Applications for new vehicular entrances or works to existing entrances shall clearly delineate in the submitted drawings the location of any existing street trees, utility

boxes/poles, public lighting and other relevant infrastructure located in the immediate vicinity of the entrance.

- 5.1.6. Section 4.3.2 (Impact on Street Trees) states that in all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused....

[...]

The extent of the associated dishing of the footpath and kerb for a vehicular entrance shall not negatively impact on existing street trees and tree root zone. A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing.

- 5.1.7. Section 4.3.5 (Treatment of Front Boundaries) is relevant as it sets out the differing types of boundary treatment in existence. It is stated that when considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape.

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is located within a built-up urban area and is not located on or within any designated Natura 2000 sites. The nearest designated sites are indicated as the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) approximately 2.76km to the southeast; the North Bull Island Special Protection Area (Site Code: 004006) approximately 5.34km to the southeast; the North Dublin Bay Special Area of Conservation (Site Code: 000206) approximately 5.34km to the southeast; the South Dublin Bay Special Area of Conservation (Site Code: 000210) approximately 5.48km to the southeast; the North-west Irish Sea Special Protection Area (Site Code: 004236) approximately 8.04km to the east; the Baldoyle Bay Special Area of Conservation (Site Code: 000206) approximately 8.32km to the northeast; and, the Baldoyle Bay Special Protection Area (Site Code: 004016)

approximately 8.77km to the northeast; and, the Royal Canal Proposed Natural Heritage Area (Site Code:002103) is approximately 1.71km to the south.

## **6.0 EIA Screening**

- 6.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **7.0 The Appeal**

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

- 7.1.1. The First Party appeal has been prepared and submitted by the applicant against the Planning Authority's decision to refuse permission. The grounds of appeal are summarised as follows:

#### Response to Refusal Reason 1

- The proposed entrance would not negatively impact on the 2 no. existing on-street parking spaces outside of the neighbouring properties as the spaces and road markings can remain unaffected.
- The proposal would alleviate pressure on the parking spaces as the applicant's household would no longer rely on them thereby reducing demand.
- The excessive demand for on-street parking often results in illegal parking on the grass verge.
- 1 no. planter requires minor adjustment (a change in angle of 1.2 metres) without needing to be removed. There is precedent for the reconfiguration of planters to facilitate access at Griffith Avenue.
- Concerns of setting a precedent are unfounded as the majority of houses on Griffith Avenue (between Drumcondra Road and St. Mobhi Road) benefit from vehicular access.
- Only five houses (including the appeal site) do not have driveways and three of those houses have dedicated on-street parking.

### Response to Refusal Reason 2

- Many vehicular entrances on Griffith Avenue exceed 3.0 metres in width, including immediate neighbours at No. 355, 357 and 359 Griffith Avenue where all openings exceed 4 metres.
- The proposed 4.0 metre entrance width would not be out of character with the established pattern of development.
- Should An Bord Pleanála deem a 4.0 entrance excessive, the applicant is willing to reduce the proposed entrance width to 3.5 metres. This would align with the recommendations contained in the Arborist Report.
- If absolutely necessary, the applicant is willing to reduce the proposed entrance width to 3.0 metres to comply fully with Development Plan standards.
- the Planning Authority did not avail of an opportunity for constructive engagement with the applicant by way of a request for a revised design/reduced entrance width through request for Further Information.
- It is suggested the Planning Authority did not take a measured or proportionate approach in assessing the application and instead made a premature decision first without exploring reasonable amendments to address concerns.

### Response to Refusal Reason 3

- An Arborist Report has been submitted and concludes that works can be undertaken with appropriate mitigation measures to reduce risk or loss to the street trees and their roots.
- There is no proposed impact to the cycle lane kerb which is approx. 5cm high.
- The applicant is willing to modify the proposal to remove impact on the grass verge area from the concrete surfacing plan and limit works to the entrance only.

### Development Rationale

- The motivation for the entrance is to allow for the installation of an Electric Vehicle charging point.

## **7.2. Planning Authority Response**

- None.

## **7.3. Observations**

- None.



## 8.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the First Party. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development
- Compliance with Development Plan Policy/Standards
- Impact on Street Trees
- Planning Precedent
- Appropriate Assessment (Screening)

### 8.1. Principle of Development

8.1.1. The proposed development seeks to construct a new 4 metre wide vehicular entrance to provide for an on-curtilage car parking space. The works will include the removal of existing low level front boundary wall and the relocation of the pedestrian gate/access. To facilitate the entrance, a new hard-surfaced driveway and kerbing will be situated on the public footpath and grassed verge space to Griffith Avenue. The applicant has indicated that the rationale for the provision of the vehicular entrance is to allow for the installation of an Electric Vehicle (EV) charging point and to reduce the demand on street parking in the area.

8.1.2. The appeal site is zoned 'Z1' - Sustainable Residential Neighbourhoods where the objective is *'to protect, provide and improve residential amenities'*. Residential use is listed as a 'permissible use' in this zoning designation and therefore includes various extensions and alterations associated with residential purposes. I consider the provision of a vehicle entrance to acceptable in principle. That said, in my view, it is imperative that such a proposal is in accordance with the specific parameters of the Development Plan for entrances and not conflict with traffic or pedestrian safety. These matters will be assessed in the following sections.

## **8.2. Compliance with Development Plan Policy/Standards**

- 8.2.1. The Planning Authority has refused permission for three reasons. These reasons have been informed by the report from the Transportation Planning Division. In short, the first reason for refusal is based on the proposed vehicular entrance being contrary to Section 4.1 (On-Street Parking) and Section 4.3.1 (Dimension and Surfacing) of Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028 as the development would impact on public road traffic measures, namely planters and existing on-street parking. The second refusal reason is based on the proposed 4 metre vehicle entrance width exceeding the maximum 3 metre width for vehicle entrances serving single dwellings as set out in Section 4.3.1 (Dimensions and Surfacing) Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028. The third refusal reason is based on the proposal being contrary to Section 4.3.2 (Impact on Street Trees) Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028 and the Dublin City Tree Strategy due to the subject works resulting in the loss/damage to street trees.
- 8.2.2. In considering the subject proposal, I acknowledge that the applicant's property is one of a few on this section of Griffith Avenue which does not benefit from on-curtilage parking and that there is likely a demand on the on-street parking. Notwithstanding, I do not consider that the existing situation enables a right for parking to the front of a house. My contention is supported in Section 4.3 (Parking in Front Gardens) of the Development Plan which states that proposals for off-street parking in front gardens of dwellings in residential areas may not be permitted where residents rely on on-street parking and there is likely a strong demand for such parking.
- 8.2.3. Having regard to the first reason for refusal, I refer to Section 4.3.1 (Dimensions and Surfacing) of Appendix 5 of the Development Plan which states that vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians and that where a new entrance is proposed that regard will be had to the road/footway layout, parking provision and traffic conditions. I note the public carriageway adjacent to the site along Griffith Avenue has clear road markings delineating a continuous cycle lane, a traffic directional arrow to the nearby bus stop and hatchings to provide clearance of the on-street parking area. In addition, there are also 3 no. planter boxes on the road with reflective strips to divert traffic from the on-street parking area.

8.2.4. In my opinion, I do not consider that the current road layout enables safe access/egress to and from the subject site without conflicts to road users. I have formed this view as a vehicle entering or exiting the subject site would be required to traverse the continuous cycle lane and cross over the road hatchings/directional arrow along with removing the existing planter boxes adjacent to the on-street parking. I also consider that the proposed development would potentially interfere with the safe operation of the adjacent bus stop to the west as the merging area for buses with the main carriageway would be reduced by the proposed access point. In this regard, I consider that the proposal would exacerbate public safety by reason of a traffic hazard and would be at odds with Section 4.3.1 (Dimension and Surfacing) of Appendix 5 of the Development Plan. I am also of the view that significant adaptations to the road configuration would be required to the front of the subject site to facilitate an access onto Griffith Avenue. Therefore, having regard to the above, I consider that the Planning Authority's reasons for refusal based on vehicular entrance width and negative impacts on existing public road traffic measures are reasonable.

8.2.5. In relation to the second refusal reason, the proposed 4 metre wide vehicular entrance must be assessed under the Dublin City Development Plan 2022-2028. Section 4.3.1 (Dimensions and Surfacing) of Appendix 5 states that vehicular openings 'shall be at least 2.5 metres or at most 3 metres in width'. In my view, the phrasing of the word 'shall' constitutes a mandatory requirement and as such, the proposed vehicle entrance width would not comply with the Development Plan. In the appeal, the applicant has indicated a willingness to reduce the width of the entrance from 4 metres, as proposed to 3.5 metres or if absolutely necessary, 3 metres so as to comply with Development Plan standards. However, I note that no details of a revised entrance have been included on the appeal file for consideration by the Commission.

8.2.6. As a further note, the submitted planning drawing shows the provision of 1 no. on-curtilage car parking space. The vehicle is illustrated as entering the property forwards (i.e., having driven into the parking space) from Griffith Avenue. I consider there is sufficient depth and width in the front garden area to accommodate a parked vehicle without overhanging onto the public footpath. However, I do not consider that the submitted drawing has detailed how a vehicle can adequately manoeuvre within the front curtilage of the property and that a vehicle would need to reverse from the parking space across the verge area and public footpath out onto the cycle lane and public

road. It is my opinion that such an arrangement could result in potential conflicts with pedestrians, cyclists and other road users. Alternatively, I note that reversing into the subject site from Griffith Avenue may also be complicated and could interfere with traffic and pedestrians/cyclists/road users. Whilst I note that Section 4.3.1 (Dimensions and Surfacing) of Appendix 5 of the Development Plan may require applicants to demonstrate that vehicles can turn within the site and exit in forward motion, I acknowledge that neither the Planning Officer nor the Transportation Planning Division raised specific concerns on the matter of vehicles manoeuvres and I do not consider that this item should form a refusal reason on its own merits.

### **8.3. Impact on Street Trees**

- 8.3.1. The third refusal reason, as previously referred, is based on concerns that the proposal could potentially result in the loss/damage to the two existing street trees and would be contrary to Section 4.3.2 (Impact on Street Trees) of Appendix 5 of the Development Plan. There is a mature sycamore tree adjacent to the pedestrian gate/access at the front of the applicant's property and a lime tree in the verge area between the applicant's front curtilage and Griffith Avenue. These trees are sited either side of the proposed driveway area.
- 8.3.2. The requirements for Street Trees and Vehicular Entrances is set out in Figure 1 of the abovementioned section of the Development Plan and necessitates a minimum clearance of 3.5 metres from the surface of a large tree trunk (and 2.5 metres from the surface of a medium tree trunk) to the edge of the proposed dishing. From my review of the submitted particulars, the existing street trees are located in close proximity to the proposed works and I consider that the applicant has not implicitly detailed the distance of the proposal from the two trees. In my view, the proposed works would not comply with the clearance requirements as set out in the Development Plan.
- 8.3.3. The applicant has submitted an Arboricultural Assessment & Impact Report with the appeal for consideration by the Commission. I have had regard to the contents of this report which includes, but is not limited to, a site description; brief of works; status of the existing 2 no. street trees adjacent to the site; and, an impact assessment and recommendations. The report indicates that the footprint of the proposed driveway will interact with the root zones of both trees and that it is not possible to know the quantity of roots present until excavation occurs. It is stated that if a large quantity of roots are

discovered in the evacuation area, it is possible that the vitality of the trees will be impacted. The report outlines a range of measures available to the applicant to mitigate damage to the trees which include supervised root excavation by a qualified arborist to identify important roots; hand digging or use of an air spade in the root area, provision of a root bridge if major roots are identified; the installation of a cellular root system to enable root growth below the driveway area; and, tree protection fencing and post-construction tree care. The report further indicates the limitations of the survey and states that the assessment should be regarded as a preliminary assessment of the trees and current conditions identified on the site.

8.3.4. While I note the mitigation measures referred to in the Arboricultural Assessment & Impact Report, I consider that these measures are normal best practice actions that would be undertaken for any such development of the nature proposed and in my opinion are not site-specific measures in relation to the proposal before the Commission. I also do not consider that the mitigation measures have sought to address the third refusal reason. 3 or provide alternatives to the design for consideration. Additionally, I note the applicant has indicated a willingness to remove works to the grassed verge area from the concrete surfacing plan and limit works to the entrance only but has not provided any amended designs for consideration as part of the appeal. To this end, it is unclear as to how the dished area/driveway could be alternatively developed. Therefore, having considered the appeal file, I consider that the proposed vehicular entrance and associated driveway would not provide for sufficient clearance from the existing street trees to the front of the application site to accord with the requirements of Section 4.3.2 (Impact on Street Trees) of Appendix 5 of the Development Plan and may result in impacts to the existing street trees and their respective root zones. I recommend that permission be refused.

#### **8.4. Planning Precedent**

8.4.1. The applicant makes a number of references to precedent in the appeal. It claimed by the applicant that the majority of houses on Griffith Avenue, between Drumcondra Road Upper and St. Mobhi Road, have vehicular access and that only 5 no. houses (including the applicant's property) on this stretch of road do not have driveways with three of these houses having access to on-street parking. In addition, the applicant indicates that there is precedent for the relocation of planters as this has been done at No. 313 Giffith Avenue to the west of the appeal site. In terms of entrance widths,

the applicant also refers to neighbouring properties having entrances exceeding 4 metres in width and that many of the vehicular entrances on Griffith Avenue exceed 3 metres.

8.4.2. Having observed the subject site and the existing setting along this segment of Griffith Avenue, I acknowledge the points raised by the applicant in relation to the prevalence of vehicular entrances and on-curtilage parking along with associated entrance widths. Notwithstanding, I note that the applicant has provided no examples of where such entrances/accesses have been recently approved by the Planning Authority in the Griffith Avenue area. In this regard, I am of the consideration that such developments occurred in the past or have been determined under previous Development Plan provisions. Furthermore, with respect to the entrance widths of other properties exceeding 3 metres, I have already noted the standard of the operative Development Plan which states that vehicular openings 'shall be at least 2.5 metres or at most 3 metres in width' and therefore, the proposed development must be assessed against this current provision.

8.4.3. In relation to the applicant's reference to the alignment of planters at No. 313 Griffith Avenue to provide access, I note that no evidence has been provided in the appeal to indicate where consent has been obtained for the reconfiguration/realignment of those planters. Moreover, I inspected the area of No. 313 Griffith Avenue on foot of the grounds raised in the appeal and observed the road markings adjacent to the on-street parking area to have a much-reduced taper to that of the markings at the application site and so are not comparable to the appeal site. As such, I have no information before me to confirm a precedent for the readjustment/realignment of planters to facilitate access on Griffith Avenue. Overall, I consider that the proposed development be assessed the site-specific circumstances of this application and the relevant parameters and standards of the current Development Plan.

## **9.0 Appropriate Assessment (Screening)**

9.1. Having regard to the nature and scale of the subject development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## **10.0 Water Framework Directive**

- 10.1. There are no water courses in the immediate vicinity of the appeal site which is situated within a mature and established urban area. The proposed development comprises the construction of a new front vehicular access and associated works. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The nature and scale of the proposed works; and,
  - The location of the site in a serviced urban area and the distance from nearest Water bodies and lack of direct hydrological connections.
- 10.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

- 11.1. I recommend that permission be REFUSED for the following reason and consideration as set out below.

## **12.0 Reasons and Considerations**

1. The proposed development, comprising a new 4 metre wide vehicular entrance, would be contrary to Section 4.3.1. (Dimensions and Surfacing) of Appendix 5, Volume 2 of the Dublin City Development Plan 2022-2028 which states that a vehicular opening shall be at least 2.5 metres or at most 3 metres in width. The proposed development would, result in negative impacts on existing public road traffic measures such as existing road markings/hatchings, planter boxes and the

existing bus stop on this section of Griffith Avenue and as such, would be contrary to Section 4.3.1. (Dimensions and Surfacing) of Appendix 5, Volume 2 of the Dublin City Development Plan 2022-2028 which seeks to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. It is further considered that the applicant has not demonstrated sufficient clearance from the existing street trees to the front of the application site to accord with the requirements of Section 4.3.2 (Impact on Street Trees) of Appendix 5, Volume 2 of the Dublin City Development Plan 2022-2028 and may result in impacts to the existing street trees and their respective root zones. Therefore, proposed development 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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Matthew O Connor  
Planning Inspector

21<sup>st</sup> July 2025



## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322386-25
<b>Proposed Development Summary</b>	New front vehicular access with dropped kerb including partial removal of front boundary wall.
<b>Development Address</b>	353 Griffith Avenue, Whitehall, Dublin 9, D09 XV38
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road</b>	

development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	The development <b>is not a Class.</b>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	

**4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?**

Yes ☐

**Screening Determination required (Complete Form 3)**

No ☐

**Pre-screening determination conclusion remains as above (Q1 to Q3)**

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_