



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-322494-25**

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### Development

Creation of new vehicular entrance off Frankfort Avenue including partial removal of hedge, railing and plinth and installation of new double gates to serve an off-street disabled parking space

### Location

55 Frankfort Avenue, Dublin 6,  
D06V4F8

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

3076/25

### Applicant(s)

Ms Antionette McDonald

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First

### Appellant(s)

Ms Antionette McDonald

### Observer(s)

Mr Philip O'Reilly

Paul Keogh Architects

**Date of Site Inspection**

14 July 2025

**Inspector**

Conor Hughes

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## Appendix 1 –EIA Screening

## **1.0 Site Location and Description**

- 1.1. The site is located in an established residential neighbourhood between the Rathgar Road and Rathmines Road approximately 750 metres south of Rathmines village.
- 1.2. Frankfort Avenue is a one-way street comprised mainly of two-storey terraced and semi-detached dwellings of brick construction with slate roofs.
- 1.3. There is a uniform building line along the entire length of the street and the dwellings on both sides have rectangular front and rear gardens.
- 1.4. 55 Frankfort Avenue is an occupied semi-detached dwelling on the southern side of the street approximately 250 metres from the junction of Rathgar Road.
- 1.5. The boundary with the footpath is defined by a cast iron railing on a plinth with hedgerow behind and a pedestrian gate. The garden is a mixture of loose gravel and shrub planting.
- 1.6. The boundary with the neighbouring dwelling at 54 Frankfort Avenue is a brick wall with railing on top and the other boundary with 56 Frankfort Avenue is a hedgerow. The gardens in the properties adjacent and opposite are similar in appearance and the parking is predominantly on the street.
- 1.7. Trees are planted in the footpath and the closest tree to the site is on the boundary between 55 and 56 Frankfort Avenue.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - Partial removal of hedge railing and plinth to create a new vehicular entrance for an off-street disabled parking space; and
  - The erection of new cast iron gates at the roadside boundary of the site and alterations to the public footpath to facilitate the new access.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- On 15 April 2025 the Planning Authority issued notification of their decision to refuse permission for the proposed vehicular access, disabled parking space and alterations to the boundary to install new double iron gates.
- A single reason for refusal cited that the proposed development would result in the removal of on-street parking to contrary to policy detracting from the convenience of road users and the residential amenity of surrounding properties. It would also create an undesirable precedent for other similar development on surrounding streets which is contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

- The planning report noted that the proposed development can in principle be considered within the Z2 Residential Neighbourhood (Conservation Area) zoning.
- It noted the submission of statements evidencing the need for the proposed development for disabled parking. It was highlighted in the report that these documents were considered by the planning authority albeit it was not described how.
- In consultation with the Transport Planning Division, it was noted that there is high demand for on street parking at this location given its proximity to local shops principally on Rathgar Road and Rathmines Road Upper. The loss of a space in Frankfort Avenue would not be permitted.
- It also noted that the front garden needed to be three metres by five metres to accommodate the parking space and that there was adequate space to accommodate this without a car overhanging the footpath.
- The planning report also noted that a tree was 3.1 metres from the western pier of the proposed gate and the dishing of the footpath to facilitate the access may impact on its root zone. No consultation was undertaken with the

Parks, Biodiversity and Landscape Services Department to understand the impact.

- It further noted that the proposed design of the new wrought iron gate would allow the appearance of the boundary to be maintained without unduly impacting on the visual amenity and character of the conservation area.

#### 3.2.2. Other Technical Reports

- Transport Planning Division: Recommended refusal as the loss of on street parking contradicted Policy SMT25, Section 8.5.7 and Appendix 5, Section 4.1 of the Development Plan 2022-2028.
- Drainage Division of the Engineering Department: No objection subject to a condition requiring surface water to be managed through a sustainable drainage system.

#### 3.3. Prescribed Bodies

- Uisce Éireann: No response received.

#### 3.4. Third Party Observations

- A single third-party observation submitted in objection that applications for off-street parking including proposals for disabled parking are being refused consistently in Z2 Residential Neighbourhoods (Conservation Areas).

### 4.0 Planning History

#### Appeal site

- Planning Authority Reference 4349/24 – permission refused for a new vehicular entrance and disabled parking space as it would result in the loss of on-street parking and a tree located in Frankfort Avenue in front of the site that is important to the amenity of properties in the vicinity.

#### Neighbouring sites

- Planning Authority Reference 3682/24 – permission refused at 31 Frankfort Avenue for new vehicular access as it would result in the loss of on-street parking and a tree located in Frankfort Avenue in front of the site that is important to the amenity of properties in the vicinity.

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant plan for the area within which the site is zoned objective Z2 'Residential Neighbourhoods (Conservation Areas)'.

#### Chapter 8: Sustainable Mobility and Transport

- Section 8.5.7 of the Plan refers to car parking and recognises the need to control and manage on-street parking to safeguard and enhance city living for people of all ages and abilities and for families. Controlled on-street parking also meets the operational kerbside activities within the city.
- Policy SMT25 states it is the Policy of Dublin City Council:  
*'to manage on street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the reorganisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements'.*

#### Chapter 11: Built Heritage and Archaeology

- Section 11.5.3 of the Plan refers to built heritage assets which contribute significantly to the streetscape and to the character of the city.
- Policy BHA9 states it is the policy of Dublin City Council:  
*To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*

#### Chapter 14: Land Use Zoning

- Section 14.7.2 of the Plan provides refers to Land-Use Zoning Objective Z2 and recognises that special care is required in dealing with development proposals which affect structures in such areas that are both protected and

non-protected. The general objective is to protect these areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

## Chapter 15: Development Standards

- Section 15.4.4 refers to an inclusive environment being one which values diversity and difference and encompasses the needs of a wide range of user groups, as well as being sufficiently flexible and versatile to be able to adapt to diverse and changing needs and life circumstances. Development proposals, including alterations to existing buildings, must be designed to meet the mobility needs and convenience of all, and incorporate inclusive design principles particularly for vulnerable groups such as the elderly and persons with disabilities.
- Section 15.6.9 refers to trees and hedgerows adding a sense of character, maturity and provide valuable screening, shelter and privacy and will often have a useful life expectancy beyond the life of new buildings. Dublin City Council will seek to protect existing trees and hedgerows when granting planning permission for development.

## Appendix 5 Transport and Mobility: Technical Requirements

- Section 4.1 refers to 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 car-parking spaces or where there is a demand for public parking serving other uses in the area.
- Section 4.3 refers to 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 car parking and there is a strong demand for such parking.
- Section 4.3.1 refers to vehicle entrances being 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. In



addition, the vehicular opening shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

- Section 4.3.2 refers to in all cases, that 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.
- Figure 1 in Appendix 5 outlines necessary buffer clearance to protect street tree and the root zone. Minimum clearance from the surface of the tree trunk to the proposed edge of the dishing is 3.5 m for a large tree and 2.5 m for a medium tree.
- Section 4.3.4 refers to Sustainable Urban Drainage. Large unrelieved areas of paving or other impermeable surface treatments will not be considered acceptable. Where unbound material is proposed for driveway, parking and hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.
- Section 4.3.5 refers to the treatment of Front Boundaries. 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. Vehicular entrances with splayed entrance walls or fences will not generally be permitted. All boundary treatment shall take cognisance of the need to provide adequate visibility.
- Section 4.3.6 refers to the landscape treatment of front gardens. By reducing the paved area to the front garden to a minimum, space can be left for the planting of shrubs and ground cover. The front boundary wall or fence should always be provided with a screen of ornamental small trees or hedging to give visual definition to the extent of the front garden and soften the appearance of the parked car.
- Section 4.3.7 refers to parking in the curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas. Poorly designed parking within the curtilage and front gardens of protected structures and in conservation areas having a negative impact on the special interest and

character of these sensitive buildings and areas. For this reason, proposals for parking within the curtilage and front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant, and can lead to the erosion of the character and amenity of the area and where the historic plinths, decorative railings and gates, historic gate piers, and historic ground surfaces are still intact.

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

- None

## **5.3. Natural Heritage Designations**

The site is located approximately:

- one kilometre south of the Grand Canal Proposed Natural Heritage Area (pNHA:002104).
- four kilometres west of South Dublin Bay Special Area of Conservation (SAC) and Proposed Natural Heritage Area (SAC/pNHA:000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024).

## **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 (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**

A first party appeal is received from Ms Antionette McDonald. The grounds of the appeal can be summarised as follows:

## Refusal Reason 1

- The appellant is living with a medical condition and enclosed with the grounds of appeal is medical information that describes the nature of the condition and how it impacts on them.
- 55 Frankfort Avenue is on the southern side of the street and given the nature of the condition the appellant can only safely access the driver side rear seat of her car from the kerbside outside her home or the front and rear passenger seat from the kerbside on the opposite side of the street.
- The appellant does not drive and when using a taxi service is not always able to find a suitable place close to her home that can accommodate safe access. Manoeuvring between parked cars and on and off footpaths is challenging and creates conflict with other road users.
- Enclosed with the grounds of appeal is a personal statement from the appellant setting out how her personal safety is adversely impacted by not having access to off-street parking in front of her home. It also describes why an on-street disabled parking space is not suitable.
- Three letters of support are also submitted with the grounds of appeal from neighbours opposite and adjacent to the subject site. These neighbours are witness to the challenges the appellant faces getting access to her car or using a taxi service.
- The grounds of appeal argue the case is an exceptional circumstance and the policy 'presumption against' does not exclude the removal of on-street parking in certain limited circumstances. Strict adherence to policy would have a disproportionately negative impact on the quality of life, safety, and autonomy of a vulnerable resident.
- The proposed entrance and parking space is designed in accordance with current standards and designed to be in keeping with the existing front boundary treatment and to provide safe access.
- The grounds of appeal note the sole issue for consideration is the impact on-street parking.
- The appellant and her family have lived at 55 Frankfort Avenue for more than 25 years and they park a car on the street. The grounds of appeal argue that

the consequential loss of one parking space would not reduce the overall supply of parking spaces available to residents on the street.

- The nearest neighbours who are in support of the proposal do not have any issue with the consequential loss of one on-street parking space.
- It is queried in the grounds of appeal why the Transport and Planning Reports did not fully engage with the accessibility needs of the appellant despite a personal statement and medical information being submitted with the application.
- The appellant seeks to remain in her family home and a compassionate response is required that aligns with broader development plan objectives of promoting inclusivity, equal access, and the right to age or live in a place with dignity and independence.
- The grounds of appeal argue the creation of off-street parking in front of the appellant's home meets a site-specific mobility need which cannot be guaranteed by reliance on public on-street parking. This represents a reasonable and necessary exception to policy balancing the need to protect public resources against broader obligations under equality and accessibility policies.

## **7.2. Planning Authority Response**

- None

## **7.3. Observations**

Two observations were received from Mr Philip O'Reilly and Paul Keogh Architects. I summarise the observations of Mr Philip O'Reilly who is an objector to the proposed development as follows:

- The observer argues that there has been a consistent application of policy for the refusal of off-street parking in Z2 Residential Neighbourhoods including proposals for disabled off-street parking.
- Examples and precedents where off-street disabled parking was refused are cited at 68 Rathmines Road Lower, 59 Grosvenor Road and 36 Leinster Road Rathmines.

- The observer argues that on-street parking is at a premium on Frankfort Avenue and the proposed development give rise to a further loss of on-street parking.
- The observer highlights that the road is narrow and the sight lines would be very restricted with cars parked close to each other.
- The observer argues that the proposed development would result in the loss of important architectural and environmental character in a Z2 Residential Neighbourhood (Conservation Area).
- An example of a refusal of permission for an off-street parking is cited at 31 Frankfort Avenue in which the loss of amenity is presented as a reason for refusal as the proposed development would result in the loss of a street tree.
- The observer highlights that this application is not materially different to an earlier application that was refused for off-street parking at 55 Frankfort Avenue and that the Planning Authority has already adjudicated that disability is not a state which can be used to qualify for a permission for off-street parking.
- The observer argues that a grant of planning permission would set a disastrous precedent and open the floodgates for more of the same development.

I summarise the observations Mr Paul Keogh - Paul Keogh Architects who is a neighbour and in support of the proposed development as follows:

- The observer argues that the relevant policies, objectives and standards of the Development Plan are overridden by the specifics of the case.
- He describes in a similar way to the grounds of appeal set out by the appellant the challenges of finding a parking space close to her home on a busy one-way street. The observer also describes an on-street disabled parking space not benefiting the appellant.
- The observer argues the Council's decision to refuse planning permission is unsustainable as the proposed development enables the applicant's full and effective participation and inclusion in society consistent with the United Nations Convention on the Rights of Persons with Disabilities.

- The observer highlights that the design of the entrance will not detract from the visual amenity of Frankfort Avenue.

## 8.0 **Assessment**

8.1. Having examined the application details and all the other documentation on file, including the submission received to appeal, the reports of the local authority, and having inspected the site, and having regards to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- The loss of on-street parking provision
- Other Matters

### The loss of on-street parking provision

- 8.2. The Council reference in the reason for refusal that the loss of on-street parking is contrary Section 8.5.7 and policy SMT25 of the Development Plan. I note this type of parking demand is controlled to ensure the ‘needs of the city’ alongside the ‘needs of residents, visitors, businesses, kerbside activity and accessible parking requirements’ are met.
- 8.3. In the Transport Planning Division report dated 21 February 2025 it is highlighted that most of the dwellings on Frankfort Avenue do not have off-street parking, that there is a high reliance on on-street provision and high demand for on-street parking. I concur with this assessment based on my observations from the site visit.
- 8.4. Frankfort Avenue connects the Rathgar Road to the Rathmines Road Upper. A Tesco Express and other neighbourhood shops and businesses located at the junction of Frankfort Avenue and the Rathmines Road Upper rely on on-street parking. The subject site is close to these shops and businesses and I also observed a high demand for public parking serving these other uses.
- 8.5. I consider the loss of on-street parking would be detrimental to the residential amenity of surrounding properties in Frankfort Avenue as the majority of residents in the street “rely” on on-street parking. The loss of on-street parking would also detract from the convenience of road users attracted to the shops and businesses in close proximity to the site.

- 8.6. For these reasons I am satisfied that the concerns of the Transport Division and Planning Officer of the Council and the observations of the objector are well founded. I consider the loss of on-street parking to be contrary to the requirements of Section 8.5.7 and policy SMT25 of the Development Plan as on-street parking is lost which has a wider benefit to the city alongside the residents of Frankfort Avenue and other road users including visitors, businesses and those visiting or attracted to the area for business or kerbside activities such as deliveries.
- 8.7. The appellant argues as part of the grounds of appeal that there is no loss of parking in Frankfort Avenue as she has lived there with her family for more than 25 years and parked a car on the street. The one space lost as a result of the construction of the proposed vehicular entrance is compensated for by taking a car off the street.
- 8.8. Notwithstanding the support of the closest neighbours to the subject site to the consequential loss of on-street parking I am not in agreement with the appellant as, on balance, the proposed development would solely serve their own needs which are not necessarily reflective of the wider needs of the city.
- 8.9. The appellant further sets out in the grounds of appeal that the proposed development should be treated as an exception to the Development Plan because of an enduring and sit- specific need.
- 8.10. I have considered the medical information, personal statement of the appellant, the letters of support from neighbours and the observation made in support of the appeal that the individual merits of the case represent a reasonable and necessary exception to policy balancing the need to protect public resources against broader obligations under equality and accessibility policies.
- 8.11. I consider the main issues are the conflict that arises with other road users when the appellant is accessing the front passenger seat of a car on a one-way street and the absence of level access between the footpath and the road to make the on-street parking accessible.
- 8.12. Whilst the provision of an off-street parking space would improve accessibility to the subject site for the appellant, this need could still be met with a disabled parking space on the street and with alterations to the footpath to provide level access. On-street disabled parking would also meet the wider need of the city by increasing the availability of accessible parking for people living with a disability.

- 8.13. Off-street parking would also not improve accessibility to taxi services for the appellant and would reduce accessibility for other residents in Frankfort Avenue and users of on-street parking in the area and in particular older people and those living with a disability in the area who require accessible parking.
- 8.14. Although not referenced by the Council in their reason for refusal Sections 4.1 and 4.3 of Appendix 5 of the Development Plan set out a presumption against the removal of on-street parking to facilitate off-street parking proposals, particularly where there is a high demand for on-street parking or a reliance on on-street parking for residential purposes.
- 8.15. I have previously referenced the high usage of the on-street parking on Frankfort Avenue and I consider that there is a demand for and reliance on on-street parking at this location. The proposed development also involves the removal of an on-street parking space for private residential amenity purposes, and have agreed previously with the Council and the observer objecting to the proposal that this would negatively impact residential amenities, as a result.
- 8.16. Consequently, I do not consider that an exceptional circumstance exists that would merit the removal of on-street parking in favour of the personal needs of the appellant. As well as being contrary to the requirements of Section 8.5.7 and policy SMT25 I also consider the proposed development to be contrary to the requirements of Sections 4.1 and 4.3 of Appendix 5 of the Development Plan.
- 8.17. I also concur with the Transport Division, Planning Officer and the observation of the objector that the proposed development would create an undesirable precedent for other similar development.
- 8.18. There has been a consistent application of policy in the local vicinity of the subject site in the current Development Plan. The planning officer and observer in objection to the proposed development both point to the earlier history of refusal for the subject site and at 31 Frankfort Avenue.
- 8.19. I consider these cases to be relevant precedents for the need to maintain sufficient on-street parking in an area of high parking demand and the proposal is therefore contrary to the proper planning and sustainable development of the area.



### Other Matters

- 8.20. An observer objects to the proposed development and argues it would result in the loss of important architectural and environmental character in a Z2 Residential Neighbourhood (Conservation Area).
- 8.21. I have examined the submitted plans and visited the site and considered the loss or historic fabric and the impact the proposed development will have on the character and setting of the Conservation Area.
- 8.22. I concur with the assessment of the planning officer and the observation in support of the appeal that there is minimal loss of historic fabric and the proposed development will not adversely impact on the visual amenity and character of the conservation area.
- 8.23. I am satisfied that the proposed development has been sensitively designed to protect and enhance the area and is in accordance with the requirements of policy BHA09 and the technical requirements of Sections 4.3.5 and 4.3.6 of the Development Plan.
- 8.24. The observer objecting the proposed development also highlights an earlier refusal of permission on the site in which a reason for refusal was offered for the loss of trees.
- 8.25. Whilst I acknowledge the Council did not consult with the Parks, Biodiversity and Landscape Services Department no trees are removed on the street to accommodate the proposed development.
- 8.26. Having considered the detail of the plans and the requirements of Figure 1 in Appendix 5 of the Development Plan I concur with the planning officer that there is sufficient clearance at 3.1 metre to protect street tree and the root zone which was observed to be of medium size. I am satisfied the requirements of Section 4.3.2 of the Development Plan are met.
- 8.27. The observer objecting to the proposed development also argues that the proposed development would potentially lead to a traffic hazard due to the introduction of an additional vehicular entrance onto a busy narrow one-way street where the visibility is limited by on-street parking.
- 8.28. I note that the Planning Officer acknowledges the entrance is designed in accordance with the technical requirements of Section 4.3.1 of Appendix 5 of the

Development Plan and that the Transport Division do not object to the proposed development on road safety grounds.

- 8.29. I observed from the site visit a speed control ramp on the street before the proposed entrance. Traffic on Frankfort Avenue has to slow down to mount the ramp which allows time for someone reversing out of the entrance to take account of oncoming traffic. No accident history for similar development on the street is highlighted by the Transport Division.
- 8.30. Having examined the plans, observed vehicles travelling along the carriageway in the general vicinity of the site and examined the report from the Transport Division as advise to the Planning Officer I consider the technical requirements of Section 4.3.1 to be met.
- 8.31. An observer in support of the appeal argues the Council's decision to refuse planning permission is unsustainable as the proposed development enables the applicant's full and effective participation and inclusion in society.
- 8.32. I have dealt with the issue of exception and concluded that the personal needs of the appellant must be balanced against the requirements of policy and wider needs of society. On-street parking will still enable the applicant to have full and effective participation and inclusion in society for the reasons set out above. I do not consider that the exception presented justifies the loss of an on-street parking space.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located approximately four kilometres west of South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA.
- 9.3. The proposed comprised of the proposed construction of a new vehicular entrance and disabled parking space, partial removal of hedge, railing and plinth and installation of new double gates.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. 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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- The location of the site in an established residential area, the scale of the proposed development which is small and the nature of the proposed works which are ancillary to an existing dwelling.
- The distance to the identified European sites and the lack of connection
- Taking into account the screening determination by the Planning Authority.

9.6. 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.

9.7. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

10.1. The subject site is located approximately one kilometre south of the Grand Canal and a similar distance north of the River Dodder.

10.2. The proposed comprised of the proposed construction of a new vehicular entrance and disabled parking space, partial removal of hedge, railing and plinth and installation of new double gates.

10.3. No water deterioration concerns were raised in the planning appeal.

10.4. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 wither qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- The location of the site in an established residential area, the scale of the proposed development which is small and the nature of the proposed works which are ancillary to a residential dwelling. Sustainable Urban Drainage can

be used as mitigation and reduce the impact of surface/storm water entering the drainage network.

- The distance to the nearest water bodies and the lack of hydrological connection.

10.6. 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 planning should be refused for the reasons and considerations as set out below.

## **12.0 Reasons and Considerations**

12.1. The proposed vehicular entrance would result in the removal of on-street public parking to accommodate a private vehicular entrance and parking space, which would be contrary to Section 8.5.7, policy SMT25 and Sections 4.1 and 4.3 of Appendix 5 of the Dublin City Development Plan 2022-2028. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy, and would set an undesirable precedent for other similar developments in the area. The development would, therefore, 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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Conor Hughes  
Planning Inspector

28 July 2025

## Appendix 1 - Form 1 EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Creation of new vehicular entrance, partial removal of hedge, railing and plinth and installation of new double gates to serve an off-street disabled parking space
<b>Development Address</b>	55 Frankfort Avenue, Dublin 6, D06V4F8
	<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>	<b>State the Class here</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 development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of	

<p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><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)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector:** Conor Hughes

**Date:** 28 July 2025