



An
Coimisiún
Pleanála

Inspector's Report

ABP-322567-25

Development	Vehicular entrance and parking area
Location	32 The Rise, Glasnevin, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1490/25
Applicants	Hugh McDonnell and Saskia Zuidweg
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. decision
Appellants	Hugh McDonnell and Saskia Zuidweg
Observers	None
Date of Site Inspection	8 August 2025
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. No.32 is a semi-detached house in this well established inner suburb. The front garden is enclosed by a wall, railing and hedging and there is a pedestrian only gate. The footpath to the front features a grass verge and a small tree.
- 1.2. A gated lane to the rear provides for pedestrian and vehicular access to the property.
- 1.3. Houses in the vicinity are variously served by pedestrian only gates and vehicular entrances in a wide variety of configurations. The street trees include a number of different varieties and are at different stages of maturity. There is uncontrolled on-street parking in the vicinity.
- 1.4. The application documentation includes a cover letter setting out the background to the proposal and the reasoning behind it.

2.0 Proposed Development

- 2.1. The proposed development is for a new 2.88m wide vehicular entrance to the front with associated paved/grassed parking area, EV charging point etc. The opening would be between existing masonry piers which would be retained. Gates are not included. The separate pedestrian entrance and gate would be retained. The associated dishing of the footpath would require the removal of the street tree.

3.0 Planning Authority Decision

3.1. Decision

The reason for refusal is as follows:

The proposed vehicular entrance and associated dishing would remove the street tree set in front of the property at 32 the Rise and would therefore be contrary to the provisions of Section 15.6.9 of the Dublin City Development Plan 2022-2028 and Section 4.3.2 of Appendix 5 to the Dublin City Development Plan 2022-2028 and the Dublin Tree Strategy and would seriously injure the amenities of property in the vicinity. The proposed 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

Basis for planning authority decision. Includes:

- References the recommendation of the Transportation Planning Division to refuse permission.
- No requirement for appropriate assessment or environmental impact assessment screening.

3.2.2. Other Technical Reports

Transportation Planning Division

Includes:

- The property has an existing vehicular access and garage to the rear that can provide for the off-street parking needs of the residents.
- There is existing uncontrolled parking available along the road to the front of the property.
- Recommendation for refusal as per planning authority decision.

Parks, Biodiversity and Landscape Services – objection to development due to removal of street tree.

Drainage Division – no objection subject to standard conditions.

3.3. Prescribed Bodies

Irish Water – no response received.

3.4. Third Party Observations

None received.

4.0 Planning History

PA Ref. 3736/24

This is a November 2024 grant of permission for refurbishment and extension of the house. The development includes the demolition of the garage to the rear of the property and its replacement with a garden room with pedestrian only access to the rear lane.

5.0 Policy Context

Development Plan

Dublin City Development Plan 2022-2028

Zoning Z1(Sustainable Residential Neighbourhoods): *To protect, provide and improve residential amenities.*

Chapter 3 Climate Action Objective CA04

To support and implement the forthcoming Regional Strategy for Electric Vehicle (EV) charging over the lifetime of the plan in order to facilitate the transition to low carbon vehicles required to achieve 2030 national targets.

Chapter 5 Quality Housing and Sustainable Neighbourhoods Policy QHSN18 Needs of an Aging Population

To support the needs of an ageing population in the community with reference to housing, mobility and the public realm having regard to Age QHSN18 Friendly Ireland's 'Age Friendly Principles and Guidelines for the Planning Authority 2020', the Draft Dublin City Age Friendly Strategy 2020-2025 and Housing Options for our Aging Population 2019.

Chapter 15 Development Standards

Section 15.6.9. Trees and Hedgerows. Includes:

The following criteria shall be taken into account by Dublin City Council in assessing planning applications on sites where there are significant individual trees or groups/ lines of trees, in order to inform decisions either to protect and integrate trees into the scheme, or to permit their removal:

- *Habitat/ecological value of the trees and their condition.*
- *Uniqueness/rarity of species.*
- *Contribution to any historical setting/ conservation area.*

- *Significance of the trees in framing or defining views.*
- *Visual and amenity contribution to streetscape.*

Section 15.6.10 Tree Removal. Includes:

Where a proposal impacts on trees within the public realm, a revised design will need to be considered to avoid conflicts with street trees. Where a conflict is unavoidable and where a tree, located on-street, requires removal to facilitate a new development or widened vehicular entrance and cannot be conveniently relocated within the public domain, then when agreed by Parks Services and the Planning Department by way of condition to a grant of permission, a financial contribution will be required in lieu. The financial contribution is calculated by the Capital Asset Value for Amenity Trees (CAVAT) by an Arboriculturist. The payment is required to be lodged with Dublin City Council before the tree can be removed.

Section 15.6.11 Financial Securities. Includes:

Where trees and hedgerows are to be retained, the Council will require a developer to lodge a financial security to cover any damage caused to them either accidentally or otherwise as a result of non-compliance with agreed/specified on-site tree-protection measures. Types of securities include a cash deposit, an insurance bond or such other liquid asset as may be agreed between a developer and the planning authority. The security will be returned on completion of the development once it is established that the trees/hedgerows are in a satisfactory condition and have not been unnecessarily damaged by development works. Where damage occurs, the sum deducted from the tree security (or bond/other financial security) will be calculated in accordance with a recognised tree valuation system (e.g. Helliwell, CAVAT).

Appendix 5 Transport and Mobility: Technical Requirements

Section 4.0 Car Parking Standard. Includes:

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

Section 4.3.1 Dimensions and Surfacing. Includes:

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians.

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.

Section 4.3.2 Impact on Street Trees. Includes:

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 and a financial security required to cover any damage caused (see Chapter 15 for further details). 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. Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree.

The said Figure 1 indicates minimum distances of 1.5m, 2.5m and 3.5m from the surface of a tree trunk to the edge of the dished kerb depending on whether the tree is small, medium or large.

Dublin City Tree Strategy 2016-2020

Section 3.3.3 Design of Vehicular Access. Includes:

In the design of vehicular entrances, the impact on adjacent trees will need to be considered. Entrances should be located to avoid conflicts with street trees.

Where a conflict is unavoidable and where a tree, located on-street, requires removal to facilitate a new or widened vehicular entrance and cannot be conveniently relocated within the public domain then a financial contribution will be required in lieu.

5.1. Natural Heritage Designations

None relevant.

6.0 Environmental Impact Assessment (EIA)

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. Refer to Form 1 in Appendix 1 of report.

7.0 Water Framework Directive (WFD)

I have considered the proposed development in the light of the objectives of Article 4 of the Water Framework Directive, which seeks to protect and where necessary, restore surface and groundwater to reach good status and prevent deterioration.

Having regard to the nature, small scale and location of the proposed development in a serviced urban area, I am satisfied that there is no conceivable risk to any water body from the proposed development. No further assessment is required.

8.0 The Appeal

8.1. Grounds of Appeal

The main grounds can be summarised as follows:

- The owners of the property are undertaking significant upgrades to enable independent living as they age. The provision of off-street parking is an essential component of this, including enabling ease of access and EV charging.
- Development plan Policy QHSN18, supporting the needs of an aging population, takes precedence over those sections of the plan referred to by the Council in their decision.
- Development plan objective CA 04 supports EV charging. There are very limited public charging points in the locality.
- The removal of the street tree would not significantly affect the amenities of the Rise. By reference to the criteria under development plan Section 15.6.9 to be taken into account when assessing whether tree removal should be permitted, the subject tree is not unique, is of limited amenity value and it does not form part of an overall cohesive tree landscape. Trees in the locality are characterised by a random planting pattern of varying species and sizes.
- In relation to the issue of precedent No.32 is one of a minority of properties on the Rise that do not have off-street parking.
- The proposal has been carefully considered and includes the retention of the original pedestrian gate, piers and much of the boundary wall, all of which contribute greatly to the overall character of the street.
- By reference to Section 15.6.10 of the development plan the applicants are prepared to make a financial contribution for a replacement tree.

The submission includes the following documentation:

Photographic Study of Street Context

Streetscape Context Study

Drawings illustrating potential location of replacement tree.

8.2. Planning Authority Response

None received

8.3. Observations

None received. Noted that none of the Article 28 bodies notified responded.

9.0 Assessment

9.1. The main issue in this appeal is that referred to in the planning authority reason for refusal and I am satisfied that no other substantive issues arise.

9.2. The issue is whether or not the removal of the street tree should be permitted in this instance in order to facilitate the proposed vehicular entrance and off-street parking area.

9.3. By reference to the development plan provisions as summarised at Section 5.0 above it is clear that the plan is trying to strike a balance between facilitating conveniences necessary for modern living, including those necessary for an aging population, promoting climate change initiatives, including the use of electric cars, and protecting amenity assets, in this case street trees. While the removal of the latter will generally not be permitted the plan does nevertheless contemplate that in certain circumstances it can be allowed and the plan sets out appropriate mitigation in the form of a financial contribution towards replacement planting. This approach is also referenced in the Dublin City Tree Strategy.

9.4. In this instance I consider that the applicants have made out a strong case for their proposed development. In keeping with the policy approach as set out in the development plan I consider that every reasonable effort should be made to facilitate the upgrading of the home so as to ensure its suitability for their needs.

- 9.5. While the property does have a rear vehicular access the proposed frontage parking would offer much greater convenience, both for general use and for charging. The applicants have also demonstrated that the street tree in question is not unique, is not of particular amenity value and it does not form part of any coherent street tree planting scheme.
- 9.6. In their appeal submission the applicants propose a financial contribution towards a replacement tree and the submitted drawings illustrate where such a tree could be accommodated, a short distance further along the grass verge. They indicate that the tree would have a 1m clearance from the dished kerb. In this position it would appear that it would be centrally placed within the remaining grass verge and also have about a 1m clearance from the next concrete paved area.
- 9.7. These clearances are considerably less than the minimum 1.5m provided for in the development plan (Appendix 5, Section 4.3.2, Figure 1), As such there must be considerable doubt that the replacement tree would thrive.
- 9.8. In my view there is a more satisfactory solution and one which could ensure the retention of the existing tree. This involves combining the pedestrian and vehicular entrance to a single entrance. This can be required by condition. This layout should enable a clearance distance to the tree of about 1.5m. As this is less than that advised for a medium tree (2.5m) a condition to the permission should also require a security to be lodged with the planning authority sufficient to fund a replacement tree if this becomes necessary. In this event the remaining grass verge should be adequate to accommodate a new tree.
- 9.9. I note the applicants references to the retention of the pedestrian entrance and gate and other elements in terms of conservation but I consider that the above proposal represents a reasonable compromise. The revised entrance design could incorporate and/or reinstate as much of the existing boundary walls and piers as possible while also perhaps including a gate design based on the existing pedestrian gate. In relation to the latter I note that the applicants proposal did not include any gates to the vehicular entrance which, it could be argued, would be less than satisfactory. These are matters best left to be agreed between the applicants and the planning authority.

9.10. On the matter of precedent I agree with the applicants that this is not a substantive issue.

9.11. In conclusion, I consider that the appeal should be substantively upheld.

10.0 Appropriate Assessment (AA) Screening

10.1. Having considered the nature, small scale and location of the project within an established urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

10.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

11.0 Recommendation

11.1. I recommend that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the relevant provisions of the Dublin City Development Plan 2022-2028, in particular Objective CA04, Policy QHSN18, Sections 5.6.9 to 5.6.11 and Appendix 5, Section 4.3.2, which variously seek to facilitate conveniences for modern living, promote climate change initiatives, including the use of electric cars, and to protect amenity assets, including street trees, it is considered, subject to compliance with the following conditions, that the proposed development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
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	<p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The layout of the entrance shall be modified so as to provide for a single vehicular and pedestrian entrance. The entrance shall be 2.88m in width and shall extend from the existing easternmost gate pier.</p> <p>Prior to the commencement of the development revised drawings, illustrating the proposed entrance design and the extent of the associated dished kerb area, shall be submitted for the written agreement of the planning authority.</p> <p>Reason: to accommodate the access and EV charging requirements while protecting the nearby street tree.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the retention of the nearby street tree, coupled with an agreement empowering the planning authority to apply such security or part thereof as appropriate, up to and including the planting of a replacement tree should this be necessary. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interests of protecting the amenities of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

B. Wyse
Planning Inspector

14 August 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Domestic vehicular entrance
Development Address	32 The Rise, Glasnevin, Dublin 9
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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 type="checkbox"/> X Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> X No, it is not a Class specified in Part 1. Proceed to Q3	

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?

☒ **X**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.

No Screening required.

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.

EIA is Mandatory. No Screening Required

State the Class and state the relevant threshold

☐ Yes, the proposed development is of a Class but is sub-threshold.

Preliminary examination required. (Form 2)

OR

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)

State the Class and state the relevant threshold

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 <input type="checkbox"/>	
No <input type="checkbox"/> X	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: ___B. Wyse Date: _14 August 2025

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