



An
Coimisiún
Pleanála

Inspector's Report ABP-322634-25

Development	Permission for widening of existing pedestrian gate to facilitate 1no. off-street parking and all associated site works.
Location	9 Newbridge Avenue, Sandymount, Dublin 4, D04 H2T2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1489/25
Applicant(s)	Ian Weldon and Alison Mc Ginley
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Ian Weldon and Alison Mc Ginley.
Observer(s)	Philip O'Reilly.
Date of Site Inspection	17 th July 2025.
Inspector	Peadar McQuaid

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	8
5.1. Development Plan	8
5.3. Natural Heritage Designations	9
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
6.3. Observations	11
7.0 Assessment	13
8.0 AA Screening	19
9.0 Water Framework Directive Screening	20
10.0 Recommendation	21
11.0 Schedule 1 - Reasons and Considerations	21
12.0 Schedule 2 - Reasons and Considerations	22
13.0 Conditions	22
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site at No. 9 Newbridge Avenue has a stated area of 0.049 hectares and consists of a period two storey, end of terrace house with rear extensions. The red brick fronted house has a landscaped front garden which is enclosed by a boundary treatment comprising of a wrought iron rail which surmounts a low granite plinth wall and a stone wall that defines the boundary with no 7 Newbridge Avenue to the east. The elongated rear garden contains single storey garage building that provides frontage and access onto Petty Lane.
- 1.2. Newbridge Avenue is a residential road of modest carriageway width with a variety of house types inclusive of terrace, semi-detached and detached with differing designs and styles. The houses maintain a similar building line which largely respects the alignment of the carriageway. A number of mews type dwellings have been constructed in the rear gardens of properties along Newbridge Avenue with vehicular access onto Petty Lane. The Aviva stadium and Lansdowne Road Dart station are both located within 500m of the appeal to the southwest.
- 1.3. On-street parking is designated along sections of Newbridge Avenue from Monday – Friday 07.00 – 19.00. The carriageway immediately adjoining the appeal site is a delineated section of the on-street parking provision. The opposite side of the road double yellow lines are present with a significant majority of houses having in curtilage parking.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
 - Widening of existing pedestrian gate (1.1m) involving alteration to the front boundary railings to create a new vehicular entrance (2.5m wide) to facilitate 1no. off-street parking space to the front of the dwelling, together with the provision of a bin storage area, landscaping and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued a notification of a SPLIT decision for the above-described proposed development on the 6th May 2025. The provision of a bin storage area and associated landscaping and site works was GRANTED permission subject to 6 no conditions. The widening of the existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate 1no. off-street parking space was REFUSED permission for the following reason.

1. *The proposed vehicular entrance would result in the removal of on-street parking spaces on Newbridge Avenue to accommodate a private vehicular entrance. This is contrary to the policy of the Planning Authority, as set out in Policy SMT25, section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. 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 create an undesirable precedent for other similar developments on adjacent roads. The development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The Planner's Report is dated 25th April 2025 had regard to the material submitted with the application, the locational context of the site, national and local planning policy, planning history, the referral responses received, and submission made to the application.

The main points were as follows:

- The appeal site is zoned objective Z1; Sustainable Residential Neighbourhoods', '*To protect, provide and improve residential amenities*'. The proposed development is permissible in this land-use zoning.
- The proposed covered bin storage area is considered acceptable.
- Comments returned from the Transportation Planning Division (TPD) who recommended refusal of permission are referenced.
- The Planning Authority raise no concerns with respect to AA or EIA.

3.2.3. Other Technical Reports

- Transportation Planning Division - Recommended refusal on the basis that the proposed widening of the existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate an off-street parking space would result in the loss of 1 to 2 no. on-street car parking spaces on Newbridge Avenue and be contrary to Policy SMT25, section 8.5.7 and appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028.

3.2.4. Prescribed Bodies

- Uisce Éireann - No comments/observations indicated as being received.
- Irish Rail - No comments/observations indicated as being received.

3.2.5. Conditions

3.2.6. The Planning Authority granted permission for the provision of a bin storage area, landscaping and all associated site works, subject to compliance with 6 no. conditions. I note the following conditions:

- Condition number 2 requires the omission of the proposed widening of the existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate 1no. off-street parking space to the front of the dwelling from the proposed scheme.

3.3. Third Party Observations

3.3.1. There is one third-party submission on file. The issues raised are similar to those raised in the observations submitted as part of the appeal. The issues raised are as follows -

- The proposal is contrary to the objectives and policies of the current in force development plan.
- Would result in the loss of historical street boundary of this building as well as the loss of the open amenity space of the front garden.
- Result in the loss of on-street parking for the greater community.
- There has been a presumption against the facilitation of off-street parking in front gardens where there would be a loss of on-street parking for the benefit of the greater community in successive development plans, that has been enforced in both in Z1 and Z2 zoned areas in Dublin 2 4, 6 and 6W.
- A history of refusals for similar developments over the last 10 years.
- Possible damage to existing street tree in the immediate vicinity of this proposal due to dishing of footpath to facilitate the proposal.
- The proposed development would give rise to an increased safety hazard with sightlines being severely limited and restricted.

4.0 Planning History

4.1.1. Appeal Site

- PA. Ref. 0265/24 – Deemed EXEMPT for the renovation/refurbishment of existing property and proposed approximate 16m² extension to rear.
- PA. Ref. WEB1693/24– Permission REFUSED for Alterations to front railings together with dished kerb to provide vehicular entrance gates and off-street parking in front garden. A new first floor window to side gable elevation.
- PA. Ref. 5093/07 – Permission GRANTED for 1 no. 2 storey mews dwelling with screened roof terrace at rear.

- PA. Ref. 1162/07 – Permission GRANTED to alter front railings to provide vehicular entrance gates and off-street parking in front garden.

4.1.2. Immediate Area – Newbridge Avenue (Similar developments since 2005)

- PA. Ref. WEB1593/24 – Permission REFUSED for the development will consist of the provision of 1 no car parking space to the rear, enlargement of existing pedestrian gate to form a new vehicular entrance to the rear off Petty Lane, and all associated ancillary, landscaping and site development works at no. 15 Newbridge Avenue. Permission GRANTED on appeal by An Bord Pleanála under ABP ref 321728-25.
- PA. Ref. WEB1438/19 – Permission GRANTED for 1. a new vehicular entrance (3m wide) and off-street parking to the front of the house and all associated site works at no.17 Newbridge Avenue.
- PA. Ref. 3713/18 – Permission and retention GRANTED - The development will consist of the construction of a single storey attached rear extension, single storey attached side extension, internal modifications, provision of rooflight to rear facing attic roof slope and all ancillary works. Retention permission is also sought for the widened front driveway entrance, installation of low-level front boundary gateway & planting bed to side boundary at 14 Newbridge Avenue.
- PA. Ref. WEB1270/18 – Permission GRANTED for: 1. Demolition of existing two storey rear return structure (Total Area - 71.5sq m) 2. Construction of single storey side extension (Total Area - 18sq m) 3. Construction of two storey and part single storey rear extension (Total Area - 78sq m) 4. New vehicular entrance to the front. 5. Construction of single storey garden store to rear and all associated site works at no.17 Newbridge Avenue.
- PA. Ref. 3533/14 – Permission GRANTED for the construction of a driveway with 3.6M gate entrance to the front of the existing semi-detached house at no. 24 Newbridge Avenue.
- PA. Ref. 3581/11 – Permission GRANTED for the demolition of the existing single storey extensions to the rear and for the widening of the pedestrian

access to create a vehicular access and off-street parking to the front of the house at no. 15 Newbridge Avenue.

- PA. Ref. 3418/08 – Permission REFUSED to widen the front entrance and create off-street parking for two cars at no. 1 Newbridge Avenue.
- PA. Ref 2164/07 – Permission GRANTED to widen the existing gateway to provide car parking in the front garden at no. 7 Newbridge Avenue.
- PA. Ref 5065/05 – Permission GRANTED for the demolition of the existing dormer bungalow at 28A Newbridge Avenue, Sandymount, Dublin 4 and the subsequent construction of a two storey detached dwelling to include two bedrooms, living / dining area, kitchen, study, 2 car spaces, landscaping, garden store, increasing the existing boundary walls and access gate on Newbridge Avenue in height, and associated siteworks at no 28A Newbridge Avenue.
- PA. Ref 4665/05 – Permission GRANTED for the opening up of the existing railings to the front garden of No 5 Newbridge Avenue to provide a vehicular access with gate and 2 no carparking spaces, together with landscaped area and all with site development works and boundary treatments at no. 5 Newbridge Avenue.
- PA. Ref 2175/05 – Permission GRANTED for a two-storey extension to side (42sqm) & single storey extension to rear (18sqm) & widening existing pedestrian gate from Newbridge Avenue to permit vehicular access to, and car parking in, the front garden at no 20 Newbridge Avenue.

5.0 Policy Context

5.1. Development Plan

5.2. Dublin City Development Plan 2022 – 2028

- 5.2.1. The appeal site has a land zoning of “Z1 - *Sustainable Residential Neighbourhoods*” with the *objective to protect, provide and improve residential amenities*. Residential is deemed a permissible use.

- 5.2.2. Chapter 8 refers to Sustainable Movement and Transport and indicates that it is the Policy of Dublin City Council in policy SMT1 Modal Shift and Compact Growth, to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth.
- 5.2.3. Policy SMT25 refers to On-Street Parking and states that it is policy 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 re-organisation 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.
- 5.2.4. Volume 2, Appendix 5 'Transport and Mobility: sets out transport and mobility technical requirements.
- 5.2.5. Section 4.0 sets out parking standards and outlines that parking is an integral element of overall land-use and transportation policy within the City, and the purpose of the parking standards set out in Table 2 is to ensure that an appropriate level of parking is provided to serve all new development. In relation to car parking standards the site is within Parking Zone 2. Table 2 outlines maximum car parking standards for various land uses indicating for houses apartments/ duplexes of 1 per dwelling in parking zone 2.
- 5.2.6. Section 4.1 and Section 4.2 provides guidance for On Street Parking and Parking in Front Gardens respectively.
- 5.2.7. Section 4.3.1 outlines the requirements in relation to Dimensions and Surfacing.
- 5.2.8. Section 4.3.2 relates to Impact on Street Trees.

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated Natura 2000 sites are the South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and the South Dublin Bay and River Tolka

Estuary Special Protection Area (SPA) (Site Code: 004024), which are located c. 680m to the east of the appeal site.

5.4. EIA Screening

- 5.4.1. 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. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as following;
- The proposal will involve the removal of an on-street parking space which is used by the appellants. The provision of new in curtilage parking within the appeal site will not affect the overall availability of on-street parking along Newbridge Avenue and should be considered *nil detriment* to the availability of on-street parking.
 - Policy SMT25 does not impose an absolute ban on the loss of on-street spaces but instead provides for reorganisation and loss were justified by sustainable development or particular needs including accessible parking requirements. The appellant has outlined their family circumstances in relation to disability and accessibility requirements of a young family member. The appeal site's proximity to Aviva stadium leaves parking an issue on match days and causes distress.
 - Newbridge Avenue is a residential street with no businesses or commercial premises in the vicinity that rely on existing on-street parking or require the preservation of available on street parking for the benefit of shoppers and business premises. The proposed development does not contravene Section 4.1 of Appendix 5.

- The appeal site is within 500m of Lansdowne Road Dart Station, is highly accessible by public transport and within Parking Zone 2, an area of moderate parking demand, meaning there should be less reliance on on-street parking. The proposal at this specific location has policy support under 8.5.7 of the Development Plan.
- Newbridge Avenue is not largely reliant on on-street parking with many houses benefiting from off-street parking to the front and mews parking to the rear. There is strong local planning history and precedent for similar developments.
- The mews building to the rear of the appeal site is not large enough to comfortably accommodate a large modern family car. The mews building is a valued habitable space that is used as a home office. The appellant's intention is to use this space in the future as a "home based sensory space" for their autistic son. The building is not considered appropriate or available for parking purposes.
- The current parking arrangement along Newbridge Avenue forces vehicles up onto the path and cause vehicles to weave in and out of the small gaps between parked vehicles. Speeding is an issue and presents a major hazard for other road users and pedestrians.
- The proposed development should be considered in respect to the statutory obligations under the Disability Act 2005.

6.2. Planning Authority Response

- No response was received from the Planning Authority.

6.3. Observations

6.3.1. An observation from Phillip O' Reilly and was received in respect of the appeal. Issues raised in the observation may be summarised as follows:

- On street parking along Newbridge Avenue is for the benefit of the greater community and not for any individual or group of individuals.

- An Bord Pleanála has upheld a number of refusals for similar applications in previous years in areas of the city zoned Z1 and Z2. The Planning Authority has now issued two refusals for the proposed development. There is no material change between the current appeal and previous refusal at the appeal site that there can be no reason why this proposal should be treated any differently or be admitted.
- An Bord Pleanála have refused similar cases in relation to Policy SMT25 and “exceptional circumstances”. Example cases referenced.
- The historical built environment and open space amenity would be further degradation at the behest of the motor car and wishes of the individual by implementing the proposed development.
- Newbridge Avenue is not solely a residential street with the Sandymount Community Centre (Iris Charles Centre) located at the northeastern end of the Avenue. A hotel (The Sandymount Hotel) and school (Marian College) are located nearby on Herbert Road.
- A large number of houses on Newbridge Avenue do not have off-street parking and the occupants of these houses have rights to facilities as well. On-street parking is already at premium and further loss of such facilities at the behest of private individuals cannot be admitted.
- There is access to a garage to the rear of no 9 Newbridge Avenue with off street vehicle access. The front garden of this period house is not large enough to accommodate a car without adversely impacting the environment in terms of loss of front garden and historic built environment. Modifications should be made to mews structure instead.
- Regard should be had to the Disability Act 2005, but alternative workarounds are available.
- The proposed development will be a traffic hazard with sight lines restricted due to the presence of on street parked vehicles and street trees.

7.0 **Assessment**

7.1. Having examined the application details and appeal documentation on file and having regard to relevant planning policy and guidance and having inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Proposed Development
- Compliance with Development Plan Policy/Standards.
- Other relevant planning assessment considerations
- Appropriate Assessment (Screening)

7.2. **Principle of the Proposed Development**

7.2.1. Under the provisions of the Dublin City Development Plan 2022-2028, No. 9 Newbridge Avenue, the appeal site is located within an area zoned 'Z1 – *Sustainable Residential Neighbourhoods*'. The land use zoning objective is: "*to protect, provide and improve residential amenities*". On such zoned land residential development such the general principle of the creation of a vehicular access to form off street residential car parking is permissible subject to compliance, with the relevant policies, standards and requirements set out in the development plan. I consider the principle of the proposed development to be acceptable at this location.

7.3. **Compliance with Development Plan Policy/Standards**

7.3.1. The appellant proposes to create a new 2.5m-wide combined vehicular and pedestrian gated entrance to provide for an off-street parking space for one car within the front garden of the property. The parking area is to be laid out using a permeable granular surface and is set back from the entrance door of the house. A permeable cobbled surface will link the entrance door with the proposed covered bin storage area and front gate. The remaining garden space will be landscaped. The proposed combined vehicular and pedestrian gate will open inwards and are designed to replicate the existing railings. The stated footprint of the front garden is 11.49m in length and 8.67m in width. Vehicular dishing is required to allow vehicles to enter or egress the appeal site via the public footpath.

- 7.3.2. The primary issue raised in the appeal relates to the stated reason for refusal by the Planning Authority which states that the proposed development would result in the removal of on-street parking spaces contrary to Policy SMT25, section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028 and that the reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties. It would create an undesirable precedent for other similar developments on adjacent roads.
- 7.3.3. The planning officer in making their recommendation for refusal was guided primarily by the comments received from the Transportation Planning Division (TPD) which recommended the proposed development be refused.
- 7.3.4. The grounds of the appeal state that the requirement for the provision of off-street parking is based on the appellants particular family circumstances in which the appellants young son has additional needs which carry specific “accessible parking requirements”. This requirement is exacerbated given the proximity of the Aviva stadium when on- street parking is difficult to find particularly on match days. The appellant contends that an important consideration is the management of on-street car parking in relation to the needs of the city alongside the needs of the residents in respect of Policy SMT25. Furthermore the proposal has policy support under section 8.5.7 with the appellant stating that appeal site is within 500m of Lansdowne Road Dart station and as such should be considered highly accessible with the context of section 8.5.7 which states that *“Dublin City Council has embedded car parking policies with a particular emphasis on car parking as a demand management tool by limiting car parking at destination based on a location’s accessibility”*.
- 7.3.5. Volume 2, Appendix 5 ‘Transport and Mobility Technical Requirements of the Development Plan is of relevance to this appeal. Under section 4.1 (On Street Parking), it 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 car-parking spaces or where there is a demand for public parking serving other uses in the area”*.
- 7.3.6. Further, under Section 4.3 (Parking in Front Gardens) it outlines that *“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”.

- 7.3.7. Having reviewed all the application and appeal documentation and visited the appeal site, it is my opinion that the proposed development to create an off-street parking space within the front garden of the appeal site would result in the loss of on-street parking and thereby reduce the supply to residents on this street. The availability of on-street parking along Newbridge Avenue will therefore be impacted upon. A potential loss of 1 to 2 spaces will be required to facilitate the new vehicular entrance and to allow for the associated ditching of footpath/kerb and appropriate setback to parking bays.
- 7.3.8. At the time of my inspection on a weekday mid-morning, I noted that the majority of the designated on-street car parking areas (Pay & Display and Permit Parking) along Newbridge Avenue and Newbridge Drive were occupied but it was possible to find a parking space. I have no doubt that parking congestion is greater at other times, especially where matches or events are going on at the nearby Aviva Stadium. Uncontrolled parking was also observed at certain locations. I do acknowledge that events at the Aviva Stadium have impacts on this section of Newbridge Avenue in terms of disruption and inconvenience to residents. The role of the Aviva stadium in hosting events was considered by the Commission in a previous appeal (ABP 314768-22) and the Commission did not agree that “proximity to the Aviva stadium constitutes ‘exceptional circumstances’”.
- 7.3.9. The appellant has stated in the grounds of appeal that Newbridge Avenue is a residential street that is not largely reliant on on-street parking and that there is no demand for public parking serving other uses such as for shoppers or businesses. I would accept that Newbridge Avenue is a predominantly residential street absent of any retail or commercial uses. However, there is another use in the form of the Sandymount Community Centre located at the northeastern end of the street. The community centre does not benefit from any curtilage car parking and therefore is reliant on-street parking to cater for its members and visitors which range from all ages and abilities.
- 7.3.10. I note the 5 no planning application referenced by the appellant in the appeal statement for similar type of developments (off street parking) being granted

permission in the immediate area. Having reviewed these cases, I would consider them to be legacy development permitted under previous development plans with different policies and objectives. The Commission is not bound by decisions made by the Planning Authority in terms of establishing precedent. Each appeal is assessed and determined on their merits on a case-by-case basis. Section 8.5.7 and Policy SMT25 of the current Dublin City Development Plan seeks 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. This policy recognises the need to strike a balance between competing demands for parking space. Sections 4.1 and 4.3 of Appendix 5 to the Plan as outlined above articulates a presumption against removing on-street parking spaces to facilitate off-street parking in the front gardens of single dwellings in mainly residential areas where residents rely on on-street car parking and there is a strong demand for such parking. This is an indication that in such circumstances, the needs of the residential community as a whole will normally take priority over the needs of individual households.

- 7.3.11. In considering the grounds for appeal, I do not accept the assertion of the appellant that Newbridge Avenue is considered a location with “moderate demand” for on street parking by virtue of the appeal site falling within Parking Zone 2. I note the comments from the Transportation Planning Division contained in the planning officers report which state that *“Parking Enforcement have noted that 22no. of the 30no. permits for Newbridge Avenue have been issued and as such this is classed as a heavy demand road”*. I note that many of the houses on both sides of Newbridge Avenue benefit from off street parking (front and rear), particularly the opposite side from the appeal site. However, 9 no houses (including appeal site) do not accommodate in-curtilage car parking to the front or rear and rely on on-street car parking. It is my opinion that it is reasonable to consider that having regard to Section 4.1 and 4.3 this predominantly residential area as one where many residents do rely on on-street car parking, that there is a strong demand for such parking and there is a demand for public parking serving other uses in the area.
- 7.3.12. I note the appellant has outlined in the appeal, the family circumstances which carry specific accessible parking requirements, and the Commission’s need to have regard to the provisions of the Disability Act 2005. Based on the documentation submitted with the appeal, I do not consider there is sufficient justification to warrant a

contravention of Policy SMT25 or Section 4.1 and Section 4.3 in this instance having regard to the Disability Act 2005. I believe there are alternative solutions that could accommodate the needs of the appellant in preference to the proposed development such as the owners of this property could apply to have a disabled parking space on the street outside their house.

7.3.13. Furthermore, it is noted from the site inspection that the appeal site has an existing garage building located in the rear garden. The garage has vehicular access onto Petty Lane. Based on the submitted proposed site layout plan drawing, the garage building is 8.6m wide and 7m long which are not prohibitively restricted dimensions. I note the appellant has stated that this “mews structure” is used as a home office and in future will be converted into a “home-based sensory space”. I do consider this existing garage building to be another alternative solution that could satisfy the appellants parking requirements which is located on a lane that is quieter with significantly lower volumes of traffic than Newbridge Avenue.

7.3.14. Having regard to the above, to permit the proposed development would remove at least one on-street car parking space on Newbridge Avenue and would be contrary to Section 4.1(On Street Parking) and Section 4.3 (Parking in Front Gardens) of under Appendix 5 and Policy SMT25 of the Dublin City Development Plan 2022-2028. I recommend that planning permission be refused for this element of the proposed development.

7.4. Other relevant planning assessment considerations

7.4.1. Bin Storage

7.4.2. The Planning Authority has granted permission for the provision of a covered bin storage area, landscaping and site works within the front garden of the appeal site. Based on the drawings submitted with the appeal, the covered bin storage area will occupy an area of approximately 1.75m in length by 1m in width in the southeastern corner of the front garden. The area will be set back 1.1m from the front boundary and at 1.2m high will be lower in height than the existing railings. Having regard to the nature and modest scale of the covered bin storage area, I am satisfied that principle of bin storage at the appeal site is acceptable and would not constitute visual clutter or negatively impact on the character of the area.

7.4.3. In my opinion the covered bin storage area should have an increased separation distance from the front boundary in a more inconspicuous location within the garden and to benefit more from the natural screening of the proposed landscaping. I note that the external finishing material or design is not defined on the drawings submitted. To protect the visual amenities of the local streetscape, I consider it appropriate that a condition is attached to any grant of permission requiring details, including the relocation of the bin storage area and the external finish material to be agreed in writing with the Planning Authority prior to commencement of development.

7.4.4. **Impact on character and visual amenity of the area**

7.4.5. Section 4.3.5 of Appendix 5 refers to the treatment of front boundaries. This notes the variety of boundary treatments in existence and states that minimal interventions are desirable, and that proposals should aim to be complementary to or consistent with others in the area which are of a high standard and in keeping with the overall character and streetscape. I note from the site inspection that the front boundary of the appeal site consists of wrought iron railing which surmounts a low granite plinth wall. The front boundary treatment is consistent with the treatments of adjoining residences along this side of Newbridge Avenue. The appeal site is not a protected structure nor within or adjoining any Conservation Areas/Architectural Conservation Area (ACA) designation.

7.4.6. The appellant is proposing to remove a short section of the existing wrought iron railing and granite plinth wall to facilitate the widening of the existing entrance to provide for a two gated 2.5m wide combined vehicular and pedestrian opening. I consider the design of the proposed gates to be in keeping with the existing railings. The alternation of the front boundary, in my opinion would not have any negative impact of character or visual amenity of the area.

7.4.7. Furthermore, I have no concerns in relation any potential impact of existing street trees located either side of the proposed vehicular entrance. Minimum clearances from the surface of the tree trunks to the proposed edge of the dishing are stated as 5.53m and 4.45m respectively, therefore complying with Section 4.3.2 and associated Figure 1.

7.4.8. Traffic Hazard

- 7.4.9. Section 4.3.1 (Dimensions and Surfacing) of Appendix 5 'Transport and Mobility Technical Requirements of the Development Plan seeks to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians and that the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width. The proposed vehicular entrance is 2.5m in width and is accompanied with inward opening gates.
- 7.4.10. 'The basic dimensions to accommodate the footprint of a car within a front garden required by Section 4.3.1 are 3 metres by 5 metres.' This is to allow for adequate space for manoeuvring and circulation between the front boundary and the front of the building. The proposed driveway has a depth of approximately c. 11.49m, and the width of the parking bay is approximately 6.67m. A parking bay of 3.0m and 5.0m can therefore be facilitated at the appeal site without overhanging onto the public footpath.
- 7.4.11. With regard to the creation of a traffic hazard, the existing pattern of off-street parking with vehicular entrances along Newbridge Avenue, coupled with the requirement to cross a footpath before accessing the public road, results in traffic moving at slow speed across the footpath and in my opinion, would not cause a traffic hazard or impact upon pedestrian safety.
- 7.4.12. The carriageway immediately adjoining the appeal site is a delineated section of the on-street parking. The proposed new vehicular entrance will result in the creation of on-street parking bays on either side of the entrance. When in use these on-street car parking bays would obscure views for vehicles egressing the appeal site. Sightlines in either direction cannot be achieved in accordance with DMURS standards. I note the Transportation Planning Division had no objection to the proposed development on this basis.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site(s). The closest European sites are the South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and the South

Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), which are located c.680m to the east of the appeal site.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the development proposed, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows

- The nature of the development proposal.
- The location of the development in a serviced urban area.
- The distance to the Natura 2000 site network and the absence of pathways to any European site.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive Screening

- 9.1. The subject site is located within an urban area circa 99m away from the nearest waterbody (River Dodder). The proposed development comprises of a proposed widening of existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate 1no. off-street parking space to the front of the dwelling, together with the provision of a bin storage area, landscaping and all associated site 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. 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

- Nature and scale of the development.
- Distance from nearest Water bodies and lack of hydrological connections.

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.

10.0 Recommendation

I recommend a split decision as follows.

I recommend permission should be refused for the widening of the existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate 1no. off-street parking space for the reasons and considerations as set out under schedule 1 below:

And

I recommend that planning permission should be granted for the provision of a covered bin storage area, associated landscaping and site works for the reasons and considerations set out under schedule 2 below together with the conditions thereunder:

11.0 Schedule 1 - Reasons and Considerations

- 11.1. The proposed development would result in a loss of on-street parking spaces which would reduce the supply available to residents on the street and in the wider area, to accommodate vehicular access for a privately owned vehicle at a dwelling that already has a garage accessed from a rear lane. As such the proposed development would be contrary to Policy SMT25 and Volume 2, Appendix 5, Sections 4.1 (On street parking) and 4.3 (Parking in Front Gardens) of the Dublin City Development

Plan 2022- 2028. The proposed development would set an undesirable precedent for other similar developments in the area and therefore, be contrary to the proper planning and sustainable development of the area.

12.0 Schedule 2 - Reasons and Considerations

12.1. Having regard to the nature of the proposed development, the scale of the development, the pattern of development in the area and the existing residential use on site and the provisions of the Dublin City Development Plan 2022-2028 it is considered that the proposed development would not seriously injure the amenities of the area of property in the vicinity and 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. 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.

Reason: In the interest of clarity.

2. This permission relates to the provision of a covered bin storage area and associated landscaping and site works only, for the avoidance of doubt, the widening of the existing pedestrian gate involving alteration to the front boundary railings to create a new vehicular entrance to facilitate 1no. off-street parking space shall not be permitted herein.

Reason: To define the permission.

3. Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority, revised plans showing

(a) Details of the material finish and design of the covered bin storage area and its relocation to an inconspicuous location within the front garden.

(b) Omission of the proposed permeable granular surface area.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

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.

Peadar McQuaid
Planning Inspector

30th July 2025

Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	Permission for widening of existing pedestrian gate to facilitate 1 no. off-street parking and all associated site works.
Development Address	9 Newbridge Avenue, Sandymount, Dublin 4, D04 H2T2
	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 checked="" type="checkbox"/> 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 Part 1, 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.	
<input checked="" type="checkbox"/> 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?	
<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	

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

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p> <p><i>[Delete if not relevant]</i></p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> <p><i>[Delete if not relevant]</i></p>

Inspector: _____ Date: 30th July 2025