



An
Coimisiún
Pleanála

Inspector's Report

ACP322923-25

Development	Permission to widen the existing pedestrian entrance to create a new vehicular entrance with associated kerb dishing to provide for off street car parking to facilitate EV charging
Location	50 Slievemore Road, Dublin 12
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1848/25
Applicant(s)	Foos Mumin Tifow
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Foos Mumin Tifow
Observer(s)	None
Date of Site Inspection	8 th September 2025
Inspector	Andrew Hersey

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1.0 Site Location and Description

- 1.1** The site is located at 50 Slievemore Road, Dublin 12 being a suburb in west Dublin City. The site comprises of a mid-terrace two storey dwelling with front garden enclosed by railing and pedestrian gate. The house faces onto a cul de sac with a turning circle. The pedestrian gate and railing is stated in the site layout plan as being 2.14 metres wide and the depth of the front garden from the pedestrian gate to the rising wall of a porch is 6.3 metres

The majority of houses on the road have parking within the curtilage of their properties. There is also haphazard kerbside parking. There are no trees, utility poles/boxes in front of the site

2.0 Proposed Development

- 2.1** Permission is being sought to replace the existing pedestrian access and railing with a vehicular access and to provide for a parking space within the front garden of the property all for the purposes of providing for an EV charger.

3.0 Planning Authority Decision

3.1 Decision

Permission has been refused for the proposed development for one reason only as follows:

The proposed vehicular entrance, with a width of approximately 2.14 metres, falls below the minimum standard of 2.5 metres as required under Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022-2028. The substandard width would result in an inadequate and unsafe access arrangement. The proposal is therefore considered to be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

- 3.2.1.** Planning Reports. The planning report on file refers to;

- The Z1 Sustainable Residential Neighbourhood zoning on site and states that the proposal would be consistent with the proper planning and sustainable development of the area
- That the proposed entrance is to be 2.14 metres in width and that this contrary to the guidance set out in Appendix 5 of the City Development Plan which requires a minimum of 2.5metre width.
- It is further stated in the report that This substandard width is considered insufficient to facilitate the safe and efficient access and egress of vehicles

3.2.2. Other Technical Reports

Transportation Planning Division (dated 20th May 2025) recommends that the proposed development be refused permission the basis that:

- That the development plan under Policies SMT2 and CA25, supports decarbonisation, the roll out of alternative low emission fuel infrastructure and prioritising electrical vehicle infrastructure.
- That the division will assess the principle of a vehicular entrance in accordance with the Development Plan standards, notwithstanding the type of privately owned vehicle proposed to be used.
- The proposed vehicular entrance falls below the minimum allowable width of 2.50m, and is contrary to appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022- 2028, which requires an opening of at least 2.5 metres or at most 3 metres in width.

Drainage Division (Dated 15th April 2025) – states that they have no objection subject to conditions being imposed in the event permission is granted

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

None received

4.0 Planning History

None for the subject site

5.0 Policy Context

5.1 Development Plan

- Dublin City Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective Z1 Sustainable Residential Neighbourhoods, which seeks *'to protect, provide and improve residential amenities'*.
- Volume 2, Appendix 5 Section 4.3 'Parking in Front Gardens': states that: 'Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.'
- Volume 2, Appendix 5 Section 4.3.1 'Dimensions and Surfacing': states that: 'Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians'. It is stated in this section that a vehicular opening for a single residential dwelling shall be 'at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates'. 'The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building.'

- CA25 Electric Vehicles; To ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments subject to appropriate design, siting and built heritage considerations and having regard to the Planning and Development Regulations (2001) as amended, which have been updated to include EV vehicle charging point installation
- SMT2 Decarbonising Transport To support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure

5.3. Natural Heritage Designations

- The Grand Canal pNHA Site Code 002104, is located 1km to the north of the site
- The South Dublin Bay and River Tolka Estuary SPA Site Code 004024 is located 7.4km to the east of the site
- The South Dublin Bay SAC Site Code 000210 is 7.4km to the east of the site

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 & 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.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A first party appeal was lodged by Foos Mumin Tifow on the 2nd July 2025.

The appellant raises the following issues;

- The appellant states that she has medical issues which reduces her mobility, energy and breathing capacity. She states that she cannot walk long distances
- A supporting letter from her GP has been submitted with the appeal
- That because she does not have parking within the curtilage of the house she sometimes has to park 300 feet away due to on street parking not been available in the front of her property
- That her car (photo attached) is small and would comfortably fit within the front garden of the property.

7.3. Planning Authority Response

None received

7.4. Observations

None received

8.0 Assessment

8.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

8.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters;

- Principle of Proposed Development/Development Plan Policy
- Traffic Safety
- Other Issues

8.2 Principle of Proposed Development/Development Plan Policy

8.2.1 The proposed development site is located within an area designated in the Dublin City Development Plan 2022-2028 (hereunder referred to as the plan) with zoning objective Z1 Sustainable Residential Neighbourhoods, which seeks *'to protect, provide and improve residential amenities'*.

- 8.2.2 Having regard to the above, it is considered that the proposed development which comprises of the widening of the existing pedestrian entrance on the roadside boundary for the purposes of the construction of a vehicular entrance, and the insertion of an EV charger would not have a negative impact upon the amenities of the area.
- 8.2.3 With respect to the same, I do not consider that the proposal contravenes the zoning objective for the site.
- 8.2.4 The principle issue in question is with respect to Development Plan policy which in general is not supportive of new vehicular entrances into front gardens for the purposes of off-street parking in the plan area.
- 8.2.5 Section 4.3 of Volume 2 Appendix 5 the Plan states ‘Parking in Front Gardens’ clearly states that: *‘Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.’*
- 8.2.6 Section 4.1 of Volume 2, Appendix 5 the Plan¹ refers to ‘On Street Parking’ and 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.’*
- 8.2.7 Furthermore Policy SMT25 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, 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*

¹ Page 255 of Volume 2 of the Dublin City Development Plan 2022-2028

- 8.2.8 It is clear therefore that development plan policy does not favour the provision of vehicular entrances to single dwellings in residential areas. On street car parking is not just for residents it's for all road users including visitors.
- 8.2.9 Regard is also had to Policy CA25 of the Plan which refers to Electric Vehicles and which seeks to *ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments subject to appropriate design, siting and built heritage considerations and having regard to the Planning and Development Regulations (2001) as amended, which have been updated to include EV vehicle charging point installation*
- 8.2.10 Further regard is had to Policy SMT2 which refers to *Decarbonising Transport* and seeks *To support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure*
- 8.2.11 On the day of the site visit, which was a weekday afternoon there were approximately 7 cars parked randomly in the cul de sac. It was also noted that most houses on the road had off street car parking within their curtilages.
- 8.2.12 I do not consider that the proposal will result in the loss of parking spaces from the street having regard to the very small road frontage associated with the house (cited as 2.14 metres in the site layout plan submitted)
- 8.2.13 Having regard to the above, and having regard to the fact that most houses on the road have off street car parking, and having regard to policy with respect to ensuring sufficient EV chargers and policy with respect to decarbonising transport I would consider that the principle of the proposal is acceptable at this location.

8.3 Traffic Safety

- 8.3.1 The fundamental issue here is with respect to the inadequate frontage of the site/width of the existing pedestrian entrance and railing which is insufficient to accommodate safe vehicular access.
- 8.3.2 Volume 2, Appendix 5 Section 4.3.1 of the Plan refers to '*Dimensions and Surfacing*' and states that: '*Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians*'. It is stated in this

section that a vehicular opening for a single residential dwelling shall be *'at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates'*. 'The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building.'

- 8.3.3 The site frontage which includes for the gate is only 2.14 metres which falls well short of the minimum requirement of 2.5 metres as stated above.
- 8.3.4 The length of the existing front garden is 6.3 metres from the pedestrian gate to the rising wall of the house. The width is 2.14 metres at the narrowest and 4.5 metres at the widest. I would consider that there is sufficient space in the front garden for 3 x 5 metre car space in accordance with the requirements as set out under 8.3.3 above.
- 8.3.5 However, the site frontage does not meet with the minimum requirements and is therefore not suitable for vehicular traffic. Though it is possible that the appellants car will be able to traverse in and out of the front garden of the property I would think that this is a difficult manoeuvre even for the appellants small vehicle. The proposal will therefore comprise the safety of other road users including pedestrians.

8.4 Other Issues

- 8.4.1 While I note the appellants health issues raised in the appeal, I would consider that ensuring the safety of the applicant and other residents in the estate from traffic. I therefore consider therefore that it is necessary to ensure with the standards with respect to the width of vehicular accesses as set out in the development plan are complied with.

9.0 AA Screening

- 9.1 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I

conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on;

- The South Dublin Bay and River Tolka Estuary SPA 004024 and
- The South Dublin Bay SAC Site Code 000210

9.2 In view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3 This determination is based on

- The relatively small scale nature of the works proposed
- The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority

10.0 Water Framework Directive

10.1. The subject site is located approximately 1km from the Grand Canal which is a proposed NHA.

10.2 The proposed development comprises of a vehicular entrance to a mid-terrace suburban house in lieu of a pedestrian entrance.

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

10.4 I have assessed the 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.

10.5 The reason for this conclusion is as follows [insert as relevant]:

- The minor scope of the works and nature of the development
- The 1km distance to the nearest Water bodies and the lack of hydrological connections to the same.

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 permission be refused for the following reasons:

1. The proposed vehicular entrance, with a width of approximately 2.14 metres, falls below the minimum standard of 2.5 metres as required under Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022-2028. The substandard width will therefore result in an inadequate and unsafe access arrangement. The proposal will therefore compromise the safety of other road users including pedestrians and is therefore considered to be contrary to the provisions of the Development Plan and 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.

Andrew Hersey
Planning Inspector

15th September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP322923-25
Proposed Development Summary	Permission to widen the existing pedestrian entrance to create a new vehicular entrance
Development Address	50 Slievemore Road, Dublin 12
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)	☒ Yes, it is a 'Project'. ☐ 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)?	
☐ 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
☒ No, it is not a Class specified in Part 1. Proceed to Q	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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?	

☒ 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

Inspector: _____ Date: _____

Appendix C: Standard AA Screening Determination Template

Test for likely significant effects

(For use in all cases where de minimis Screening Determination (Template 1) is used in body of Report)

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Permission to widen the existing pedestrian entrance to create a new vehicular entrance		
Brief description of development site characteristics and potential impact mechanisms		The proposed development comprises of the widening of an existing pedestrian entrance to a house in an urban area for the purposes of vehicular access. The site is over 7km to the nearest Natura 2000 site		
Screening report		No		
Natura Impact Statement		No		
Relevant submissions		None of relevance		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
[List European sites within zone of influence of project in Table and refer to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay and River Tolka Estuary SPA Site Code 004024	The Conservation Objectives of the SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special	7.4km	None	N

	Conservation Interests for this SPA			
South Dublin Bay SAC Site Code 000210	The Conservation Objectives of the SAC are to maintain or restore the favourable conservation condition of the Annex I habitats and Annex II species for which the SAC has been selected	7.4km	None	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay and River Tolka Estuary SPA 004024 QI list	Direct: No direct or indirect impacts	No effects

Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern	Indirect: No Indirect Impacts	No effects
	Likelihood of significant effects from proposed development (alone) - No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 2: South Dublin Bay SAC Site Code 000210 QI list Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes	Direct No direct impacts Indirect No indirect impacts	No effects
	Likelihood of significant effects from proposed development (alone) No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site	
I conclude that the proposed development (alone) would not result in likely significant effects on; • The South Dublin Bay and River Tolka Estuary SPA 004024 and • The South Dublin Bay SAC Site Code 000210 The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project]. No mitigation measures are required to come to these conclusions.	
Screening Determination Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on; • The South Dublin Bay and River Tolka Estuary SPA 004024 and • The South Dublin Bay SAC Site Code 000210 in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on • The relatively small scale nature of the works proposed • The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site. • Having regard to the screening report/determination carried out by the Planning Authority	