



An
Coimisiún
Pleanála

Inspector's Report

ACP 322969-25

Development

Planning permission to (i) widen the existing pedestrian entrance to create a new vehicular entrance with associated kerb dishing to provide for off street parking and facilitate EV charging (ii) To relocate existing streetlight.

Location

No 136 Tolka Road, Dublin 3.

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEB 1865/25

Applicant(s)

Christy & June Bradley.

Type of Application

Permission.

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Christy & June Bradley.

Observer(s)

None.

Date of Site Inspection

5th September 2025.

Inspector

Aisling Dineen

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1.0 Site Location and Description

- 1.1** The subject site comprises of a two storey mid-terrace dwelling situated on the north side of Tolka Road. There is a front paved garden forward of the building line which is bounded by a low stone wall and a pedestrian entrance. The adjoining properties No 132 and 134 to the east have established front garden parking space thereon. No 132 has no front porch and this property appears to adequately absorb the parking space without overhang. The property to the west of the site has no on-site parking provision. Croke Park is located to the south of Tolka Road.

2.0 Proposed Development

- 2.1** Planning permission is proposed to widen the existing pedestrian entrance and to create a new vehicular entrance with associated kerb dishing in order to provide for off street parking and facilitate EV charging and permission is also sought to relocate existing streetlight.

3.0 Planning Authority Decision

3.1 Decision

On the 12th June 2025 the planning authority made a decision to refuse planning permission for the proposed development for the following reason:

The proposed parking area depth is substandard to provide for in curtilage parking and would result in the parking space encroaching onto the public footpath. The development would therefore endanger public safety by reason of a traffic hazard and obstruction of pedestrians, contrary to Section 4.3.1, Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028 which aims to ensure that vehicular entrances are designed to avoid creation of a traffic hazard and that adequate car parking space is provided to accommodate a car safely without overhanging the public footpath. The proposed development would therefore set an undesirable precedent for similar developments, and would be contrary to the proper planning and sustainable development of the area.

The Chief Executive's decision reflects the planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report notes the Zoning Objective Z1 (Sustainable Residential Neighbourhoods) and as such refers that residential car parking may be considered where the Planning Authority is satisfied that the development would be compatible with the overall policies and objectives for the zoning, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Regarding dimensions the report states:

- The front garden and parking space dimensions are at a width of 4.2m and depth of 5m.
- The existing front porch extension limits the proposed parking space depth to 4m.
- The proposed 3.6m wide opening and parking space depth of 4m combined do not comply with Section 4.3.1 Dimensions and Surfacing of the Dublin City Development Plan 2022-2028.

3.2.2. Other Technical Reports

Drainage Division

No objection subject to condition

Transport Planning Division

Refusal Recommended.

The report contains the following points:

A vehicle entrance of 3.6m wide is proposed.

This is contrary to Section 4.3.1 of Appendix 5 Dublin City Development Plan 2022-2028.

The standards set out in Section 4.3.1 of Appendix 5 Dublin City Development Plan 2022-2028 set out a minimum of 2.5m and a maximum of 3.0m width for

vehicle entrances. This can be addressed via a condition if other aspects of the development are acceptable.

This division raises a concern with the proposed in-curtilage parking area to the front of site. Section 4.3.1 of Appendix 5 Dublin City Development Plan 2022-2028 sets out that a minimum of 3.0m in width and 5.0m in depth needs to be provided to accommodate an in-curtilage parking space.

The proposed front garden from the building line to the threshold of the public road is 5m. However, the existing porch which is approximately 1.9m in width and 1m depth, reduces the available garden space to a depth of 4m. On this basis, the insufficient space is available for a car without overhanging the public road and should therefore be refused.

It is noted that nearby in curtilage car parking has been constructed which appear to be without the benefit of planning permission. In terms of the location, it is noted the presence of a light pole to the front of the property which the applicant proposes to relocate to facilitate the new vehicle access. In the event that the utilities operators requires relocation or repair to the public lighting pole as a result of the works, this shall be carried out to the requirements of the utilities providers and at the applicant/developer's expense.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1 None relevant to the appeal site.

5.0 Policy Context

5.1 Dublin City Development Plan 2022 -2028

The site is zoned Z1 in the plan, Sustainable Residential Neighbourhoods, where it is an objective to protect, provide and improve residential amenities.

Appendix 5 Section 4.3: Parking in Front Gardens 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.

Appendix 5 Section 4.3.1: The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath.

Appendix 5, Section 5: In accordance with Policy SMT29, EV charging stations on public and private land will be supported in this Plan.

5.3. Natural Heritage Designations

The appeal site is not located within any designated Natura 2000 site or Natural Heritage Area. The subject site is located c. 1.5 km west of North Bull Island SPA Site Code 004006 and c. 1.5 km west of North Dublin Bay SAC Site Code 000206.

6.0 EIA Screening

- 6.1 The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1 Grounds of Appeal

- The depth of available space in the front garden is 5 metres. The car length is 4.287 metres and the width of the car is 1.504 metres.
- There will be no overhang onto the street footpath.
- The applicant is a taxi driver and he needs to be able to charge his car from home.
- There was a street light to the front of the applicants' house. This has been removed by the Roads Department at a cost of €600 in anticipation of a successful planning application.
- There is not much available parking on the street and very often the applicant has to park a considerable distance from his home.

7.2. Planning Authority Response

None.

7.3. Observations

None.

8.0 Assessment

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Parking Policy
- Design/Dimensions/Safety
- Other Issues

8.1. Principle of Development

8.2 The proposed development of a parking space within an established residential site and within an area zoned as Z1 in the plan, 'Sustainable Residential Neighbourhoods', where it is an objective to protect, provide and improve residential amenities, is acceptable subject to an assessment of the relevant planning criteria including an assessment of the impact on on-street parking provision pursuant to Appendix 5, Section 4.3 of the plan.

8.3 Parking Policy

8.4 Appendix 5, Section 4.3 of the plan sets out the Councils requirements relating to front garden parking and widening existing accesses. It states 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. Policy 4.3.1 also states that 'Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines'.

8.5 It is apparent that there is an established demand for on-street parking in the area and that the proposal, would, in effect, remove the on-street parking available in front of the subject property, if permitted. However, the applicant makes a case that he requires the entrance access in order to charge his EV taxi, which is necessary. Having regard to the established pattern of development in the area and the case made by the applicant and the particular reason for refusal cited by the planning authority, which refers to traffic safety and the need to avoid parked cars overhanging the public footpath, it is noted that the removal of on-street parking removal has not been cited in the refusal reason, and given the case made by the applicant, that front garden parking, in this instance, is acceptable, subject to an assessment of traffic and pedestrian safety.

8.6 Design/Dimensions/Safety

8.7 Parking spaces in front gardens in the immediate and general area is a significant and widespread element of the pattern of development in this area.

8.8 In terms of planning status, it would appear that such parking areas, within attendant front gardens are both authorised and unauthorised.

8.9 It is apparent that there is a variation in building line depths as a result of both variation in indentation of front boundary walls relative to front building lines, and also the construction of front porches on some dwellings in the area, which limits space available. Therefore, all of the sites in the area, which have existing private parking areas thereon, do not necessarily all have the same spatial dimensions/characteristics.

8.10 In the case of the instant appeal, I would concur with the planning authority with regard to dimensions. However, the site is only limited because of the protruding porch at the front of the dwelling. This limits the requirement of having 5 metres in depth, so it is, in effect, 1 metre short of achieving the required depth. This has negative implications for the possibility of overhang and pedestrian safety.

8.11 With regard to width, the required width for a parking space in a residential site is 3 metres. There is a space to the side of the porch which measures 2.5 metres (That is looking at the site from the road, to the right of the porch there is a space of 2.5 m.). If this space was extended by 0.5 metres, the requirement of 3 metres width

and 5 metres depth could be achieved. It is noted that the resulting porch would be narrow, but would also be functional.

- 8.12 Therefore, there are two options before the Commission. Either refuse the proposed development as the proposal does not meet the minimum requirements as per the decision of the planning authority, in its current layout. Or, allow the applicant the opportunity to either omit the porch entirely or reduce the width of the porch by 0.5 metres by way of condition of permission, which would in turn achieve the required 3 metres in width and 5 metres depth.
- 8.13 It is noted that the appellants' submission states that the appellant is a taxi driver and he requires the parking space to charge an EV taxi and also because he often has to park a significant distance away from his dwelling, due to on street parking. It was noted that there was a taxi parked in front of the house on the date of inspection. Policy in support of providing EV charging points in new developments is noted. While this is a mature residential area, it is considered that the requirement for EV charging is also applicable in terms of overall policy.
- 8.14 Having regard to the above, I would be of the viewpoint that either the removal of the porch or a modification of the porch size would provide the space to achieve the required dimensions of 3 metres width x 5 metres depth, and accordingly I consider that permission should be granted subject to such a condition.
- 8.15 Other Issues
- 8.16 Permission was sought for the removal and relocation of an existing streetlight to the front of the site. Documentation on the file indicates that an application to the relevant department was made in this regard. The appellants submission to the appeal refers that at the time of the appeal submission, that the streetlight had already been relocated and I confirm this from the date of inspection.
- 8.17 Dishing of the roadside kerb would be required and if the Commission is mindful of a favourable decision, this issue may be addressed by condition.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of a parking space within a residential site in a suburban area associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located on an established residential site and within an established residential area. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3 I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1 The subject site is located approximately 40 metres south of the Royal Canal.
- 10.2 The proposal comprises the construction of a new vehicular entrance to a residential dwelling in an established urban area, where there is established surface water drainage systems.
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.5 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk

to any surface and/or groundwater water bodies wither qualitatively or quantitatively.

10.6 The reason for this conclusion is as follows:

- The location of the site in an established residential area, the scale of the proposed development which is small and the nature of the proposed works which are ancillary to a residential dwelling. Sustainable Urban Drainage can be used as mitigation and reduce the impact of surface/storm water entering the drainage network
- The distance to the nearest water bodies and the lack of hydrological connection

10.7 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 permission be GRANTED for the following reasons and considerations and subject to the following conditions:

12.0 Reasons and Considerations

12.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, the pattern of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not cause a traffic hazard and would comply with the provisions of the Development Plan. The proposed development would, therefore, 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. The front porch shall either be omitted or be reduced in width by 0.5 metres, in order to allow for a car parking space of the required dimensions (5 metres depth x 3 metres width) and to prevent overhang on the public footpath. Revised plans and elevations shall be submitted to the planning authority for approval, prior to the commencement of development.

Reason: In the interest of traffic and pedestrian safety.

3. The proposed vehicular entrance shall not be in excess of 3 metres in width. Revised plans and elevations shall be submitted to the planning authority for approval prior to the commencement of development.

Reason: In the interest of clarity.

4. Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning authority for such works and services. Any damage to the footpath and restoration works in relation to same shall be at the applicants' expense.

Reason: In the interest of traffic safety and visual amenity

5. Drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity

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.

Aisling Dineen
15th September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	322969-25
Proposed Development Summary	Planning permission to (i) widen the existing pedestrian entrance to create a new vehicular entrance with associated kerb dishing to provide for off street parking and facilitate EV charging (ii) To relocate existing streetlight.
Development Address	No 136 Tolka Road, Dublin 3.
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'. Proceed to Q2. ☐ 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 3	

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	
☐ 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)	
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____

Date: _____

