



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323299-25

<b>Development</b>	Extensions to rear with ancillary and associated site works.
<b>Location</b>	45, Hyde Road, Dalkey, Dublin, A96D7P2
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0426/WEB
<b>Applicant(s)</b>	Conor Rowan and Jena Murdock.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Conor Rowan and Jena Murdock.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> September 2025.
<b>Inspector</b>	Carol Smyth

## **1.0 Site Location and Description**

- 1.1. The subject site, No. 45 Hyde Road, has a stated area of 0.024ha and is located within the administrative boundary of Dun Laoghaire Rathdown County Council, approximately 250 metres to the northwest of Dalkey Village. The subject site is located on the northeast side of Hyde Road and comprises a single storey semi-detached bungalow with a rendered finish and a hipped roof.
- 1.2. The site is bounded by the adjoining semi-detached dwelling, No. 47 Hyde Road to the northwest, and on the southeast side by a vehicular access and driveway shared between the subject site and the adjacent property No. 43 Hyde Road. To the northeast, to the rear of the house, the site is bounded by the rear garden of a detached dwelling, Lissadell on Ulverton Close. Hyde Park which comprises a playground and football pitches is located directly opposite the subject site on the southwest of the street.
- 1.3. This section of the street opposite Hyde Park is characterised by semi-detached bungalows of similar form and appearance to that of the subject dwelling. There is on-street pay and display parking on both sides of Hyde Road in the vicinity of the subject site, with parallel parking spaces immediately to the front of the subject site and perpendicular parking on the opposite side of the street to the front of the park.

## **2.0 Proposed Development**

- 2.1. Permission is sought for
  - a) construction of a single storey extension to the rear of the existing dwelling;
  - b) new dormer roof extension to the rear of the existing dwelling;
  - c) alterations to existing internal layout;
  - d) alterations to the front boundary wall including new vehicular entrance;
  - e) all associated site works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Dun Laoghaire-Rathdown County Council issued a notification of decision to Grant Permission on the 16<sup>th</sup> July 2025, subject to 6 no. conditions.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The Planners report recommendation is consistent with the notification decision issued.

The report considered that the proposed extensions were all considered acceptable in terms of future occupants' residential amenity as well as impacts on adjoining properties. Concerns were raised in relation to the proposed vehicular entrance which would result in the removal of a public on-street parking space and would be contrary to the provision of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and SPPR3 of the Compact Settlement Guidelines.

##### 3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions.
- Transportation: No report received.

##### 3.2.3. Conditions

Condition No. 2 attached to the PA grant of permission relates to the first party appeal:

*2. The proposed vehicular entrance and car parking space shall be omitted from the proposed development.*

**REASON:** *To prevent the loss of a public on-street residents / pay and display car parking space and in the interest of proper planning and sustainable development of the area*

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

#### 4.1.1. DLRDCC Reg. Ref: D05A/0872

Planning Permission Granted for the conversion of a garage to home office to include new higher roof and extended front area with new door and wall.

#### 4.1.2. **Relevant Adjacent Planning History**

##### DLRDCC Reg. Ref. D09A/0655

No. 47 Hyde Road. Planning Permission Granted for a 3 metre wide vehicular entrance, piers and entrance gates to facilitate parking on the existing paved area to the front of the existing dwelling house.

##### DLRDCC Reg. Ref. D23A/0567

No. 37 Hyde Road. Planning Permission Granted for extensions, the relocation of existing pedestrian entrance, and the relocation and widening of existing vehicular entrance.

## 5.0 **Policy Context**

### 5.1. **National Policy**

#### 5.1.1. Design Manual for Urban Roads and Streets (2019)

- 5.1.2. Section 4.4.9 On-Street Parking and Loading, states that on-street parking when well-designed can calm traffic, add to the vitality of communities by supporting retail/commercial activities, reduce the need or temptation for drivers to kerb mount and block foot/cycle paths and provide good levels of passive security as spaces are overlooked by buildings.

It notes that on-street parking on public streets should not be allocated to individual dwellings, to allow for a more efficient turnover of spaces.

## **5.2. Regional Guidance**

### **5.2.1. Local Authority Electric Vehicle Charging Strategy (2022-2030)**

5.2.2. This strategy has been prepared by the four Dublin local authorities as a coordinated approach to deploying EV charging infrastructure in order to support and accelerate the transition to electric vehicles as set out in the Climate Action Plan.

5.2.3. The key focus of this strategy is neighbourhood charging (charging near to the driver's house, typically overnight, by residents without off-street parking), with the delivery of infrastructure led by the council. Residential charging hubs, en-route charging, and destination charging are also a focus of the strategy as councils may play a role in their delivery. Home charging by residents with off-street parking is not a focus of the strategy.

## **5.3. Development Plan**

5.3.1. The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective.

5.3.2. Policy Objective CA17: Electric Vehicles, seeks to facilitate the rollout of Electric Powered Vehicle Recharging Parking Bays across the County and on public roads and other suitable locations.

5.3.3. Section 5.5 Promoting Modal Change, Section 5.6 Promoting Active Travel: Cycling and Walking, and Section 5.7 Demand Management and Travel Planning contains policy objectives to promote sustainable travel and increase active travel modes and seeks to encourage a modal shift in favour of public transport and other active modes to contribute to healthy lifestyles and is an essential response to climate change and to regulate and control on-street parking and provide for the short-term and long-term parking needs of local residents.

- 5.3.4. Section 12.4.8 Vehicular Entrances and Hardstanding Areas, of the Development Plan, provides development standards in relation to vehicular entrance widths, boundary removal, dimensions of parking spaces, and gates etc.
- 5.3.5. Section 12.4.8.5 Financial Contributions, states that the loss of on-street car parking to provide for vehicular entrances shall be considered having regard to overall parking in the general area. Where an existing on-street car parking space requires removal to facilitate a new or widened vehicular entrance, and cannot be conveniently relocated within the public domain, then a financial contribution will be required in accordance with the terms and conditions of the Transportation Section and Water Services Department.

#### **5.4. Natural Heritage Designations**

The site is situated approximately 584 metres to the west of the Dalkey Coastal Zone and Killiney Hill proposed NHA. It is also located circa 916 metres to the northwest of Dalkey Islands SPA & proposed NHA and circa 1.2 km west of Rockabill to Dalkey Island SAC.

#### **5.5. EIA Screening**

EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- 6.1.1. This is a First Party appeal against Condition No. 2 attached to the grant of permission issued by the Planning Authority under DLRDCC Reg. Ref. D25A/0426/WEB for extensions and alterations to an existing dwelling including alterations to the front boundary wall and the provision of a new vehicular entrance. Condition No. 2 requires that:

*2. The proposed vehicular entrance and car parking space shall be omitted from the proposed development.*

**REASON:** *To prevent the loss of a public on-street residents / pay and display car parking space and in the interest of proper planning and sustainable development of the area.*

The grounds of appeal include a report prepared by the planning agent. The following provides a summary of the content of the appeal:

- The row of bungalows was set out so that each pair of houses was separated by a narrow, shared driveway, which is 2.44 metres in width at the gate, to serve both adjoining houses. The narrowness of the driveway causes practical difficulties relating to blocking vehicles parked by separate households.
- The applicant intends to purchase an EV car which would require parking for substantial periods of time on the shared driveway.
- The shared access and gate are leased from Dun Laoghaire Rathdown County Council and are not in the ownership of the applicants, therefore they do not have sufficient legal interest in the driveway to widen the gate or shared driveway.
- Due to the narrowness of the existing shared vehicular entrance, it would not be possible to manoeuvre a vehicle to park to the front of the dwelling.
- There is on-street pay and display car parking available in front of the property; however, due to the football pitches located opposite, spaces are often unavailable for residents.
- Similar development has been granted by the Planning Authority along the street including at No's 37 and 47 Hyde Road.

## **6.2. Planning Authority Response**

The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

## **6.3. Observations**

None on file.

#### 6.4. Further Responses

None on file.

#### 7.0 Assessment

7.1. This is a First Party appeal against Condition No. 2 attached to a development permitted under DLRDCC Reg. Ref. D25A/0426/WEB. Condition No. 2 requires that:

*2. The proposed vehicular entrance and car parking space shall be omitted from the proposed development.*

**REASON:** *To prevent the loss of a public on-street residents / pay and display car parking space and in the interest of proper planning and sustainable development of the area*

7.2. I have had regard to the Planning Authority's decision, the proposed development and the issues raised in the appeal and therefore I intend to limit the consideration of this appeal to the matters raised in relation to the terms of the condition. I consider that the proposed development otherwise is in accordance with the proper planning and sustainable development of the area. Under the provision of Section 139 of the Planning and Development Act 2000 (as amended), hereinafter referred to as the Act, the Commission should consider only the matters under appeal and should not determine the relevant application as it had been made to it in the first instance.

7.3. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the issue in this appeal to be considered is as follows:

- Condition No. 2

#### 7.4. Condition No. 2

7.4.1. The substantive issue in relation to Condition No. 2 is the loss of on-street pay and display car parking. I note that there are 2 no. public on-street residents / pay and display car parking spaces to the front of the dwelling which would require removal due to the location of the proposed vehicular entrance.



- 7.4.2. The subject site is already served by an existing shared vehicular entrance situated between the subject site and the adjacent property No. 41 Hyde Road. The applicant proposes to demolish the front boundary wall to create a 3.5 metre wide vehicular entrance, positioned 900mm to the northwest of the existing shared vehicular entrance. The proposal provides an off-street car parking space in the front garden of the house. In addition, the submitted drawings indicate that it is proposed to remove the existing pedestrian entrance gate along the front boundary. The current proposal therefore provides an additional vehicular entrance and off-street car parking space to serve the dwelling. These works will require the removal of at least one on-street public car parking space situated along the front of the dwelling. The Planning Authority granted permission for the extensions and alterations to the dwelling but did not accept the proposal to provide an additional vehicular entrance and attached Condition No.2 to remove this element of the proposal from the development.
- 7.4.3. The First Party appeal is against the imposition of Condition No. 2. The grounds of the appeal relate to the inadequacy of the existing shared vehicular entrance and driveway in terms of its width, inconvenience of moving cars parked along a shared driveway, parking capacity and EV charging. The First Party states that while they have right of way over the shared driveway, they do not own it. It is therefore not possible to widen the existing driveway. It is further contended that given the narrowness of the driveway, there is not enough space to manoeuvre a vehicle to allow for car parking in the front garden area of the applicant's house. In addition, the First Party states that due to the public use of Hyde Park opposite the dwelling, there is frequently no car parking spaces available in the vicinity for the applicants use. To omit Condition No.2 would allow the First Party to undertake the works proposed and provide an off-street car parking space in the front garden of the dwelling.
- 7.4.4. The Planning Authority considered that the applicant did not provide justification for the additional vehicular entrance or demonstrate that access to the front garden could not be achieved via the existing vehicular entrance. Furthermore, the Planning Authority considered the proposal which would result in the loss of public on-street car parking to be contrary to Section 5.5 Promoting Modal Change and 5.6 Promoting Active Travel: Cycling and Walking, of the Development Plan and

attached Condition No. 2 to remove the additional vehicular access from the proposal. The Planning Authority also considered the subject site to be located within an urban neighbourhood as defined by the Sustainable Residential Development and Compact Settlement Guidelines (2024) and assessed the proposal against SPPR 3 which sets out that one car should be permitted per household. In this regard I note that SPPR3 and Sustainable Residential Development and Compact Settlement Guidelines (2024) relates to new residential development and is therefore not relevant to the current proposal.

- 7.4.5. In terms of the design and width of the proposed vehicular entrance and the dimensions of the proposed off-street parking space, I am satisfied that the proposal accords with Section 12.4.8 Vehicular Entrances and Hardstanding Areas of the Development Plan. Based on my site inspection I accept the First Party's argument that the existing driveway is too narrow to allow access to the front garden of the property to provide for an off-street parking space. However, I note that it is possible to park along the existing driveway despite the inconvenience of sharing it with the adjoining property.
- 7.4.6. The First Party contends that on-street car parking is often unavailable for residents due to the location and use of the football pitches in Hyde Park opposite the dwelling. In this regard I note that the football pitches are not in continuous use. I further note that given the location of existing vehicular entrances it would not be possible to relocate the on-street car parking spaces along the street. To reduce the supply of public on-street car parking opposite this existing community facility, where the on-street public parking bays could not be relocated in the vicinity, would place additional pressure for on-street car parking on the surrounding network of streets. I consider that the proposed additional vehicular entrance in combination with existing adjoining vehicular entrances, would therefore have a negative impact on the provision of public on-street parking in the locality and would be contrary to Section 12.4.8 Vehicular Entrances and Hardstanding Areas, which highlights the negative cumulative effects of the removal of front boundaries in terms of the provision of on-street parking.
- 7.4.7. I consider that the proposal would also be contrary to Section 12.4.8.5 Financial Contributions of the Development Plan, which states that the loss of on-street car parking to provide for vehicular entrances shall be considered having regard to the

overall parking in the general area. While in certain circumstances Section 12.4.8.5 Financial Contributions allows for a reduction of on-street parking in lieu of a financial contribution, in this instance based on my assessment above, the loss of on-street parking cannot be conveniently relocated in the vicinity and therefore I do not consider that a contribution in lieu is acceptable.

- 7.4.8. The subject site is located circa 250 metres to the northwest of Dalkey Village and approximately 750 metres to the northwest of Dalkey DART station. Having regard to the site's accessible location, I also consider that the loss of public on-street residents / pay and display car parking spaces as a result of the proposed development, to be contrary to Section 5.5 Promoting Modal Change, Section 5.6 Promoting Active Travel: Cycling and Walking and Section 5.7 Demand Management and Travel Planning, which seeks to facilitate sustainable transport to regulate and control on-street parking and provide for the short-term and long-term parking needs of local residents. I am not satisfied that the loss of on-street public parking would not negatively impact upon adjoining residents' amenity in terms of parking requirements including inter alia visitor parking and I consider that the proposal would also be contrary to Section 4.4.9 of the 'Design Manual for Urban Roads and Streets', which specifies that on-street parking on public streets should not be allocated to individual dwellings as this allows for a more efficient turnover of spaces.
- 7.4.9. Having regard to my assessment above, I am not satisfied that the First Party's justification for the proposed additional vehicular entrance and the provision of 1 no. off-street car parking space for the use of a single dwelling, outweighs the loss of public on-street residents / pay and display car parking spaces which serves local residents and the wider needs of the community and therefore would be contrary to a number of policies in the development plan which support the retention of on-street parking.
- 7.4.10. In terms of electric vehicle charging and the First Party's intention to purchase an electric vehicle in the future, I consider this to be a hypothetical situation. No further details have been provided regarding charging possibilities. Having regard to my assessment above, the First Party have an existing shared driveway adjoining their dwelling which would allow for the facilitation of electric vehicle charging. I further note Policy Objective CA17: Electric Vehicles, which seeks to facilitate the rollout of

Electric Powered Vehicle Recharging Parking Bays across the County and on public roads and the Local Authority Electric Vehicle Charging Strategy (2022-2030) which will provide opportunities to charge electric vehicles in the public domain instances where off-street private car parking cannot be provided.

- 7.4.11. The First Party grounds of appeal also highlight similar development granted by the Planning Authority along the street, including the No's 37 and 47 Hyde Road. Appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. Notwithstanding, the adjoining dwelling at No. 47 Hyde Road comprises a 3 metre wide vehicular entrance, permitted in 2009 under DLRDCC Reg. Ref. D09A/0655 and was therefore assessed under a different National Policy context and a previous Development Plan where there was no specific policy in relation to the impacts of the provision of vehicular entrances on existing on-street parking. In terms of the vehicular entrance at No. 37 Hyde Road permitted in 2023 under DLRDCC Reg. Ref. D23A/0567, I note that in this instance the existing vehicular entrance was not shared with another dwelling and was located within the red line boundary of the site. Furthermore, the vehicular entrance was proposed to be relocated which in turn would allow for the relocation of the displaced pay and display parking bay. While I have had regard to the planning precedents highlighted by the First Party, I do not consider them relevant to the assessment of the proposed development and grounds of appeal.
- 7.4.12. Overall, I consider that the proposal which would result in the loss of on-street parking opposite Hyde Park to facilitate off-street private parking, would be contrary to Section 12.4.8 Vehicular Entrances and Hardstanding Areas and Section 12.4.8.5 Financial Contributions, concerning the cumulative effects of vehicular entrances in terms of the provision of on-street parking; Section 4.4.9 of the 'Design Manual for Urban Roads and Streets' which recognises that on-street parking allows for a more efficient turnover of spaces; and Section 5.5 Promoting Modal Change, Section 5.6 Promoting Active Travel: Cycling and Walking and Section 5.7 Demand Management and Travel Planning of the Development Plan, which aims to promote sustainable transport, to regulate and control on-street parking and provide for the short-term and long-term parking needs of local residents.

7.4.13. I consider that the reduced supply of on-street parking as a result of the proposed development would detract from the convenience of the wider community, other road users and the residential amenity of surrounding properties and would set an undesirable precedent for other similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 8.0 **AA Screening**

- 8.1. The proposed development comprises the extension and alterations to a domestic dwelling in an established suburban area. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 8.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

## 9.0 **Water Framework Directive**

- 9.1. Having regard to the modest nature and scale of the proposed development, it is concluded 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 that the Condition No. 2 should be **ATTACHED**

## 11.0 Reasons and Considerations

The development would result in the loss of on-street parking along Hyde Park to facilitate off-street private parking, which would be contrary to the policy of the Dun Laoghaire Rathdown County Development Plan 2022-2028, and the Design Manual for Urban Roads and Streets. The reduced supply of on-street parking would detract from the convenience of the wider community, road users and the residential amenity of surrounding properties, and would set an undesirable precedent for other similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Carol Smyth  
Planning Inspector

26<sup>th</sup> September 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Extensions to rear with ancillary and associated site works.
<b>Development Address</b>	45, Hyde Road, Dalkey, Dublin, A96D7P2
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

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

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_