



An
Bord
Pleanála

Inspector's Report ACP-323582-25

Development

New gateway to provide vehicular access and provision of 1 no. off street parking space and electric car charging point from Pembroke Park including alterations to existing railings and plinth wall to the front garden and associated site works.

Location

1 Pembroke Park, Donnybrook, Dublin
4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2425/25

Applicant(s)

Margaret Hannan

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Margaret Hannan

Observer(s)

Phillip O'Reilly

Date of Site Inspection

October 25th, 2025

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 0.035 hectares, is located on the north-eastern side of Pembroke Place, close to its junction with Wellington Place, Dublin 4. The subject site comprises a semi-detached property, characterised by red brick façade with canted bay windows on both floors within this mature residential area of Dublin 4. The existing front boundary treatment comprises black railing with planting behind. Pembroke Park is a predominantly residential road, located close to Donnybrook Village and Herbert Park. A mix of in-curtilage and on-street pay and display parking is evident. There is an on-street parking bay in front of the subject site.

2.0 Proposed Development

- 2.1. Permission is sought for a new gateway to provide vehicular access and provision of one no. off street parking space and electric car charging point from Pembroke Park. Works also include alterations to existing railings and plinth wall to the front garden, together with associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for the following reason:

1. The proposed vehicular entrance would result in the removal of on-street parking spaces on Pembroke Park, which would be contrary to the policy of the planning authority, as set out in Policy SMT25, section 8.5.7 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 on Pembroke Park would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments on adjacent roads.

Furthermore, the width of the vehicular entrance exceeds the stated maximum standards of Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028. The retained 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

The main points of the planner's report include:

- Reflects the decision of the planning authority; refusal recommended

3.2.2. Other Technical Reports

Roads Planning Division- Refusal recommended

Engineering Division- No objections, conditions recommended

4.0 Prescribed Bodies

None

5.0 Planning History

2321/15: Split decision

Permission GRANTED for replacement of existing roof light with new dormer window to the rear of the house.

Permission REFUSED for new gateway to provide vehicular access for the following reason:- The proposed vehicular access shall be omitted from the proposal. The removal of an on-street car parking space to accommodate a private vehicular access is contrary to Dublin City Council policy and would reduce the supply of on-street car parking. The proposed development would contravene Policy SI13 and Section 17.40.11 of the Dublin City Development Plan 2011-2017 which seeks to retain on-street parking as a resource for the city, as far as practicable. The proposal, therefore, would be contrary to the current City Development Plan and to

the proper planning and sustainable development of the area.

Other Applications of Note:

ACP-323767-25-

Appeal against decision of planning authority for widening of the existing vehicular access & the construction of a dormer window to the upper roof at the rear and all associated ancillary site works at 10 Pembroke Park, Dublin 4. Decision pending.

ABP-303449-19- Split Decision

Permission REFUSED for retention of an existing vehicular entrance (approximately 3.6 metres wide) with off-street parking to the front of the existing house at 42 Morehampton Road, Donnybrook, Dublin 4.

6.0 Policy and Context

6.1 Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective Z2' Residential Neighbourhoods (Conservation Areas), which seeks 'To protect and/or improve the amenities of residential conservation areas'.

The property is not listed on the Record of Protected Structures.

Chapter 14: Land-Use Zoning

Section 14.7.2

Z2 zoned locations require special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area

Appendix 5: Transport and Mobility: Technical Requirements

Policy SMT25- seeks 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.

Policy SMT29- seeks to support the expansion of the EV charging network

Section 4.1 of Appendix 5 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.

Section 4.3 of Appendix 5 Parking in Front Gardens

Section 8.5.7 recognises the need to further control and manage on-street parking across the city to safeguard and enhance city living for people of all ages and abilities and for families.

6.2 Natural Heritage Designations

None

6.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.1 The Appeal

7.1 Grounds of Appeal

The main points of the appeal are:

- Not a Protected Structure nor located within an Architectural Conservation Area- no comments from the Conservation Division of the planning authority
- Propose to reduce width of vehicular gates to 3m to comply with Appendix 5 of Dublin City Development Plan- revised drawings submitted
- Applicant currently parks their car on the street outside their home, taking up a single car parking space. If permission were granted, it would result in the loss of one on-street space. As appellant would now be parking in-curtilage there would therefore be no loss of public parking on Pembroke Park
- Proposal would enhance city living for people of all ages and abilities living in No. 1 Pembroke Place
- Re: Section 4.1 Appendix 5, it is clear that local residents are not reliant on on-street parking and there is no demand for public parking along Pembroke Park- must be assessed on a case-by-case basis
- Critical element is to highlight if local residents are reliant or not or if there is a strong demand for public parking- planning authority failed to provide comment on this critical element.
- No observations made by local residents
- No impacts on trees; public transport infrastructure.
- No objections from Drainage Division
- Proposal is consistent with character of the area; complies with Development Plan
- Notes Policy SMT29 which supports EV charging stations on private land

7.2 Planning Authority Response

None

7.3 Observations

An observation was received from Phillip O'Reilly which may be summarised as follows:

- Long standing policy of planning authority to refuse permissions for such developments; appeals body have been upholding these decisions
- Fact that subject site is not a Protected Structure or in an ACA is not relevant; existing off-street parking spaces along Pembroke Park also not relevant; fact that no local residents objected is also not relevant
- Proposal includes for loss of amenity space (front garden area) which is an environmentally retrograde step and loss of original architectural content within such Z2 areas; not consistent with character of area
- On-street parking is not for benefit of the individual but for benefit of community at large; principles of proper planning take precedence over individual preferences and requirements; community at large is as entitled to use the parking space outside No. 1 Pembroke Place on an equal footing as the applicant. The removal of this parking spaces would mean that the community at large would be deprived of the space which is currently available to them; space is currently available to the benefit of the entire community not just the residents of Pembroke Park; removal of on-street parking would be a disadvantage to the community
- Would give rise to increase in conflicting traffic movements resulting in increased traffic hazards; inherently safer to enter/exit flow from an on-street parking position than from off-street
- On-street parking on Pembroke Place, aside from being available to neighbouring areas also serves commercial and service vehicles which would otherwise have to obstruct footpaths; also facilitates visitors to the area including to Aviva stadium, RDS and Herbert Park; those doing business in Donnybrook village, commercial and delivery personnel- always a demand for on-street parking facilities
- Policy of presumption against removal of on-street parking is a city-wide policy and not to be decided on a case-by- case basis; no point having a policy if it is not being implemented
- Would set an undesirable precedent

- Includes an overview of refusals which have issued in relation to provision of off-street parking

7.4 Further Responses

None

8.0 Assessment

8.1 I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, the observation received, in addition to having visited the site and its environs.

8.2 In relation to the proposal before me, the primary issues, as I consider them, are the principle of proposed development and refusal reason which issued from the planning authority.

Principle of Proposed Development/refusal reason

8.3 The subject site is located within an area zoned “Objective Z2’ Residential Neighbourhoods (Conservation Areas), which seeks ‘To protect and/or improve the amenities of residential conservation areas’ in the operative City Development Plan 2022. I note the planning history of the site whereby permission was previously refused for a similar type development (2321/15). While the Development Plan has changed in the interim, the general policy of the planning authority has remained unchanged and continues to seek to retain on-street parking as a resource for the city, as far as practicable. I consider, based on the information before me, that there is not an adequate reason/justification put forward to overturn the previous reason for refusal on this site.

8.4 Permission was refused by the planning authority for one reason, as cited above. In summary, the planning authority noted that on-street parking on Pembroke Park serves both local residents and businesses as well as visitors and that current City Development Plan policy is designed to protect on-street spaces for the wider community as a whole. They consider that the loss of an on-street space to accommodate vehicular access for a privately owned vehicle, and to facilitate access to a privately owned electric charging point, is not justified in this instance. They also

have concerns in relation to the setting of an undesirable precedent for similar type works both along the street and throughout the city.

8.5 The first party states that they currently park their car on the street outside their home, taking up a single car parking space. If permission were granted, it would result in the loss of one on-street space but they would no longer have need for such a space and therefore there would be zero net loss of public parking on Pembroke Park. They consider that the proposal would enhance city living for people of all ages and abilities living in No. 1 Pembroke Place. In relation to Appendix 5 (section 4.1) of the operative City Development Plan they highlight that a critical element is to highlight if local residents are reliant or not or if there is a strong demand for public parking. They consider that the planning authority failed to provide comment on this critical element. They note that the majority of properties along Pembroke Park have in-curtilage parking. They are of the opinion that it is clear that local residents are not reliant on on-street parking and there is no demand for public parking along Pembroke Park- must be assessed on a case-by-case basis. The submitted observation supports the planning authority decision and notes that on-street parking is not for the benefit of the individual but for the benefit of the community at large and that the community at large is as entitled to use the parking space outside No. 1 Pembroke Place on an equal footing as the applicant. They contend that the removal of this parking space would be a disadvantage to the community. They further note that on-street parking on Pembroke Place, aside from being available to neighbouring areas, also serves commercial and service vehicles which would otherwise have to obstruct footpaths; also facilitates visitors to the area including to Aviva stadium, RDS and Herbert Park; those doing business in Donnybrook village, together with commercial and delivery personnel. They argue that there is always a demand for on-street parking facilities. They further contend that the policy of presumption against removal of on-street parking is a city-wide policy and not to be decided on a case-by- case basis.

8.6 Much of the appeal submission relates to section 4.1 of Appendix 5 of the Dublin City Development Plan which 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. The first party are of the opinion that as the residents of Pembroke Park are largely not reliant on on-street parking (due to the provision of in-curtilage to many properties) and that there is no demand for public parking serving other uses in the area. I agree with the appellant that there appears to be limited demand by residents for on-street parking at this location as I noted at the time of my site visit that the majority of properties along Pembroke Park have vehicular entrances and the availability of in-curtilage parking. However, an examination of the planning register of Dublin City Council shows that many of these would appear not to have the benefit of a grant of planning permission. In terms of the second element of section 4.1 (Appendix 5), namely the demand for public parking serving other uses in the area, I note the proximity of the site to Herbert Park, the RDS, Aviva stadium, the commercial offerings wound Baggot Street and the central location of the site and I concur with the opinion of the observer that there will always be a demand for on-street parking at such locations, primarily for visitors if not residents of the street itself. At the time of my site visit, I noted that there was significant use of on-street parking, particularly towards its southern end. I would therefore not concur with the opinion of the first party that there is no demand for such spaces. Section 4.1 of the Plan further states that public on-street parking is a necessary facility for shoppers and business premises and is necessary for the day-to-day functioning of the city and I would concur with that assertion. While the proposal may enhance city living for people of all ages and abilities living in No. 1 Pembroke Place (as put forward in the appeal submission), I consider that the removal of an on-street parking space at this location would not enhance city living for the remainder of the population who may have need to use such a space.

- 8.7 While I note the argument put forward regarding the need for charging of their EV car. I acknowledge Policy SMT29 of the operative City Development Plan which seeks to support the expansion of the EV charging network. Notwithstanding this policy, I consider that the provision of in-curtilage EV charging would not in itself be justification to permit permission for the proposed development.
- 8.8 I would echo the concerns of the planning authority regarding the setting of an undesirable precedent that a grant of permission would set for this and other similar locations throughout the city.

8.9 It is stated in the documentation that an elderly and immobile individual resides at the property for approximately six months each year. The planning authority states that if required, it is possible to apply for an on-street accessible parking bay, subject to a number of criteria. This is considered reasonable.

8.10 As part of the first party appeal submission, the applicant is proposing to reduce width of vehicular gates to 3m to comply with Appendix 5 of Dublin City Development Plan. Revised drawings have been included with the appeal submission. I am satisfied that this element of the refusal of the planning authority has been overcome.

An Coimisiún may consider the following a new issue. I would not concur with the assertions of the first party that the proposal would not impact on the character of the area. I acknowledge that the property is not designated as a Protected Structure within the operative City Development Plan, nor is the site located within an ACA. The subject site is located within an area zoned “Objective Z2’ Residential Neighbourhoods (Conservation Areas), which seeks ‘To protect and/or improve the amenities of residential conservation areas’ in the operative City Development Plan 2022. The Plan states that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. This is the case for Pembroke Park. Section 14.7.2 of the operative City Development Plan states that the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. I consider that the removal of the existing railings to facilitate the provision of a vehicular entrance would detract from the character and setting of the property and the wider street, would negatively impact on the amenity or architectural quality of the area and I consider that the proposal would be contrary to the “Objective Z2’ zoning objective for the site which seeks ‘To protect and/or improve the amenities of residential conservation areas’ in the operative City Development Plan 2022. An Coimisiún may consider this a new issue. Due to the substantive nature of the refusal reason below, I am not recommending that this be a reason for refusal in this instance.

8.11 To conclude, the operative City Development Plan 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. Section 8.5.7 recognises the need to further control and manage on-street parking across the city to safeguard and enhance city living for people of all ages and abilities and for families. Having regard to all of the above, it is considered that the proposed development is not consistent with the operative Dublin City Development Plan nor with the proper planning and sustainable development of the area.

9.0 Appropriate Assessment Screening

- 9.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 Recommendation.

- 10.1 I recommend permission be REFUSED

11.0 Reasons and Considerations

1. 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. Section 4.1 of Appendix 5 of the operative Plan 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. Given the locational context of the site within the urban area, there is considered to be a demand for public parking serving other uses in this area. The proposed development is therefore considered not to be in compliance with Policy SMT25 or section 4.1 of Appendix 5 of the Dublin City Development Plan 2022-2028. The proposed

development would set an undesirable precedent for further similar developments throughout the city and would, therefore, be contrary to the proper planning and sustainable development of the area

Lorraine Dockery
Senior Planning Inspector

28th October 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-323582-25		
Proposed Development Summary	New gateway to provide vehicular access and provision of 1 no. off street parking space and electric car charging point from Pembroke Park including alterations to existing railings and plinth wall to the front garden and associated site works.		
Development Address	1 Pembroke Park, Donnybrook, Dublin 4		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	x		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Lorraine Dockery **Date:** 28/10/2025