



An
Coimisiún
Pleanála

Inspector's Report

ACP-323711-25

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| Development | New front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall. |
| Location | 15, Malone Gardens, Dublin 4 D04 KT28. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | WEB2537/25. |
| Applicant(s) | Robert Mooney. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party. |
| Appellant(s) | Robert Mooney. |
| Observer(s) | None. |
| Date of Site Inspection | 17 th November, 2025. |
| Inspector | Aiden O'Neill. |

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1.0 Site Location and Description

1.1 The proposed development site, 0.018ha in area, comprises an end of terrace recently refurbished 2-storey 3-bedroom dwelling (c. 152m²) with hipped roof, and 2-storey side and 1-storey rear flat-roofed extension set back from the front building line at No.15 Malone Gardens. Malone Gardens is a cul-de-sac. The dwelling is set back from the public road, with the front driveway finished in block paving. There is a low boundary wall with front pier to the southern boundary and a low rail with planting and a wooden electricity pole to the northern boundary. No. 15 Malone Gardens is located adjacent to the turning circle, which was observed to be used for car parking on the day of the site visit. It is also noted that the Existing Site Layout Plan drawing included in the application pack states that there are existing front boundary railings with a pedestrian access door, but these were not in situ on the day of the site visit. There is pay-and-display on-street parking to the front of the site.

2.0 Proposed Development

2.1 The proposed development will consist of a new front vehicular access with a dropped kerb and alterations to the front garden to accommodate off-street carparking; the installation of an EV charging point; and the construction of a new 3m wide combined pedestrian & vehicular entrance flanked by 2no. new 1.2m high piers; and a 3.035m wide boundary wall, 900mm in height. The description of the development also includes the removal of the existing railings and pedestrian entrance, but, as noted above, these have already been removed.

2.2 It is noted that in order to accommodate the vehicular entrance, existing on-street parking is required to be removed.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused permission on 25th August, 2025 for 1no. reason as follows:

1. The proposed vehicular entrance would result in the removal of on-street parking on Malone Gardens, which has a very high on-street parking demand, to accommodate a private vehicular entrance. The proposal is considered contrary to Policy SMT25, Section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments in the area. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1.1. Conditions

N/A

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planner dated 22nd August, 2025 notes the following:

- Planning permission was previously refused under WEB2370/24, the only change of note is the reduction from a 3.2m wide vehicular entrance opening to a now 3.0m wide entrance.
- The Planning Authority considers that the design of the front boundary is in keeping with the character of the area and in accordance with Z1 zoning objective.
- The proposed development has been assessed by the Transport Planning Division, and a refusal is recommended.
- While the proposed application has overcome the reason for refusal in relation to the vehicular entrance width, the loss of on-street carparking still remains.

- The proposed vehicular entrance, by reason of the loss of an on street parking space, would be contrary to the provisions of the Dublin City Development Plan 2022-2028. Accordingly, permission should be refused.
- The Planner's Report is the basis for the Planning Authority's decision to grant permission.

3.2.2. Other Technical Reports

The report of the Engineering Department – Drainage Division dated 23rd July, 2025 recommended permission subject to conditions.

The Transportation Planning Division's detailed report dated 7th August, 2025 notes the following:

- This division recently refused a proposed vehicular access for this site due to the impact of the on-street parking bay and for excessive vehicular entrance widening.
- The applicant has come back with a reduced proposed vehicular entrance widening of 3.0m to accord with development plan standards, and a detailed reasoning of why the vehicular access should be granted and how it justifies the removal of the on-street parking space.
- The application property is one of a number of properties on Malone Gardens that does not benefit from a private vehicular access. There is a significant number of parked cars not only within the on-street car parking bays but also some off-street parked cars overhanging the public footpaths on the street and others parked at the northern end of Malone Gardens within the cul-de-sac which creates problems for cars to carryout U-turns and other manoeuvres due to the restricted space available.
- Parking demand is high with every parking bay appearing to be used on Malone Gardens and at the junction between Malone Gardens and Bath Avenue. Dublin City Council Parking Enforcement Section have confirmed that Malone Gardens has 13 pay and display/permit parking spaces and currently 17 residents parking permits have been issued for this street. Bath Avenue has 77 pay and display/permit parking spaces and currently 89 residents parking permits have been issued for this street. Therefore, these

numbers indicate that parking demand is high and the removal of an on-street parking bay would not be supported.

- Refusal of permission is recommended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1 WEB2370/24: Permission was refused for 2no. reasons on 17th December, 2024 for development which will consist of: new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall. The reasons for refusal were:

'1. The proposed vehicular entrance would result in the removal of on-street parking to accommodate private vehicular entrance, which would be contrary to the policy of the planning authority, as set out in Policy SMT25(On-Street Parking), Section 8.5.7(Car Parking) and Volume 2, Appendix 5, Section 4.1 (On Street Parking) of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would create an undesirable precedent for similar type development in the area.

2. The proposed vehicular access would be contrary to Section 4.3.1 (Dimensions and Surfacing), Volume 2, Appendix 5 of the Dublin City Development Plan 2022- 2028 by reason that the vehicular access of 3.2m is in excess of Development Plan standards. The proposal would create an undesirable precedent for similar type development in the area and would be contrary to the proper planning and sustainable development of the area.'

- 4.2 WEB1730/21: A split decision was made on 30th August, 2021, to include a grant of permission for the construction of a two-storey side extension with flat roof, single storey rear extension with flat roof; and a refusal of permission for the creation of a vehicular access to the front. The reason for refusal was:
- '1. The proposed vehicular entrance would result in a loss of on-street parking which would reduce the supply available to residents on the street and in the wider area and as such would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to retain on-street parking as a resource for the city as far as practicable. The driveway which is to facilitate off-street parking is of insufficient depth to avoid overhanging and/or encroachment of parked vehicles on the public footpath and would thereby create a safety hazard for pedestrians, and is contrary to the City Development Plan, Appendix 5, Parking Cars in Front Gardens. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 4.3 1192/96 Permission was granted on 4th September, 1996 for a two-storey extension at rear.

5.0 Policy Context

5.1 Development Plan

Dublin City Development Plan 2022-2028

In the Dublin City Development Plan 2022-2028, the site zoned as Land Use Zoning Objective Z1 – Sustainable Residential Neighbourhoods, the objective of which is 'to protect, provide and improve residential amenities'.

Section 8.5.7 (Car Parking) 'Dublin City Council 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. Uncontrolled on-street parking has the potential to cause obstructions to pedestrian and cyclist networks and public transport services. Controlled on-street parking also meets the operational kerbside activities within the city. Dublin City Council is committed to reviewing the residential and non-residential car parking provision across the city and urban villages and evaluating the implementation of parking demand management strategies in areas where deemed appropriate and practicable.

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.

Section 4.3.1 of Appendix 5 in relation to Dimensions and Surfacing 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. For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

Section 4.3.5 'Treatment of Front': states that: 'There are many different types of boundary treatment in existence. When considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape. Vehicular entrances with splayed entrance walls or fences will not generally be permitted. All boundary treatment shall take cognisance of the need to provide adequate visibility.'

5.2. Relevant National or Regional Policy / Ministerial Guidelines

N/A.

5.3. Natural Heritage Designations

The proposed development site is c. 1.23km to the north-west of the of the South Dublin Bay and River Tolka SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) and the South Dublin pNHA (Site Code: 000210).

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. 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

A detailed First Party appeal has been prepared, which sets out the following grounds:

- The precedence for such development is well-established in the area, and the assessment by Dublin City Council is inconsistent.
 - The precedence for private vehicular entrances is already well-established in Malone Gardens, including no. 9 (PA Ref. No. 3366/20), where the planner's report states that whilst the removal of pay and display parking is not generally supported, the majority of dwellings are served by in-curtilage parking. There are also a number of parking spaces which would not be affected by the proposed in-curtilage parking.
 - The policies of the 2016 Plan are directly comparable with the intent of policy SMT25, Section 8.5.7 and Appendix 5, Section 4.1 of the current Plan.

- The Council's conclusion that the retention of a single on-street pay and display parking spot is required to serve the needs of the City is disproportionate.
 - Malone Gardens does not contain any businesses or kerbside activity that requires on-street parking, nor are there any designated wheelchair accessible spaces. The closest businesses are a pub and restaurant on Bath Avenue.
 - The parking spot outside 15 Malone Gardens would not be visible or typically accessed by users of those premises.
 - Street capacity for such purposes is also served by parking at the junction of Malone Gardens and Bath Avenue, as was pointed out by Dublin City Council on PA Ref. No. 3366/20. There has been no growth in commercial or residential infrastructure since that decision was made.
 - The Transport Report of Dublin City Council cites that the google image used (October 2024) showed all pay and display parking spots being availed of, however this is factually incorrect as at least 5 of the 13 spaces were available. Those who have private vehicular entrances can avail of parking permits. 17 permits does not equate to an ongoing demand for 17 parking spaces. A map is attached at Appendix A to the appeal illustrating the location of the 13no. on-street and display parking spaces. Appendix B to the appeal illustrates the availability of pay and display parking spots at October 2024.
 - The applicant parks on one of the pay and display spaces but would not need to do so if permission is granted, cancelling out the removal of a pay and display space.
 - There is sufficient parking available to offset the loss of one on street pay and display space.
- The suppression of public parking spots in pursuance of sustainable transport goals is permitted under the Plan.

- The application includes an EV charger, which is in line with the Government policy.
 - Policy SMT 25 of the Plan seeks to manage on-street parking and it explicitly allows for the reorganisation and loss of car parking spaces to facilitate sustainable transport. The proposal meets the intent of this policy.
 - The loss of on-street parking is offset by a sustainable off-street parking space with an EV charger.
 - Climate Action measures that would assist in achieving legally binding targets should be prioritised.
 - Policy SMT2 of the Plan acknowledges that an effective response to climate change requires an integrated approach across all policy areas in the Plan.
- There were no objections received from any of the residents on Malone Gardens.
 - The suppression of a public pay and display spot outside 15 Malone Gardens could enhance the residential amenity and safety of the area.
 - It would facilitate greater ease of access and egress from the tight cul-de-sac.

7.2. Applicant Response

N/A

7.3. Planning Authority Response

None.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

- 8.1. A First Party Appeal against the refusal of permission for development of a new front vehicular access with a dropped kerb, EV charging point, and ancillary works at no. 15 Malone Gardens, Dublin 4 makes the case that there is precedent at no. 9 Malone Gardens for the removal of on on-street car parking space, and that the loss of 1 no. on-street parking space would not adversely affect residents of the street, and would facilitate greater ease of access and egress from the cul-de-sac at the end of Malone Gardens, including for emergency vehicles. In addition, the provision of an EV charging point is supported by sustainable development principles.
- 8.2 However, the Transportation Planning Division's detailed report dated 7th August, 2025 is very clear in its position that parking demand is high in Malone Gardens and in the immediate vicinity, and the removal of an on-street parking bay would not be supported.
- 8.3 I acknowledge the point made by the applicant about the precedent established at no. 9 Malone Gardens (PA Ref. No. 3366/20), but each application is considered on a case-by-case basis. I note the particular site-specific circumstances in this instance, in that the same reason for refusal was attached to a previous permission for the proposed development site, which was not appealed.
- 8.4 The Plan, as expressed through policy SMT25, seeks to protect on-street spaces for the wider community as a whole.
- 8.5 In addition, Section 4.1 of Appendix 5 of the Plan categorically 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.
- 8.6 It is clear that there is a reliance on off-street parking for residents of the narrow cul-de-sac Malone Gardens, including, according to the applicant, those who have off-street parking. On the day of the site visit, there was on-street parking on the turning circle. A refuse vehicle was visiting Malone Gardens on the day of the site visit and had to reverse down the street. The removal of an on-street parking

space created by the proposed development would exacerbate the current parking issues.

- 8.7 In this context, and notwithstanding the case made by the applicant, including points relating to sustainable development in relation to the provision of an EV charging point, the loss of an on-street space to accommodate a private vehicular access, is not justified in this instance, and would create an undesirable precedent for similar developments. Refusal of permission is recommended.
- 8.8 As noted above, the Existing Site Layout Plan drawing included in the application pack states that there are existing front boundary railings with a pedestrian access door, but these were not in situ on the day of the site visit, notwithstanding that their removal is included in the description of the proposed development. Their removal would be required to facilitate the proposed new vehicular access, i.e., they form an integral part of the overall development proposal, however they have already been removed. Works have already been carried out on site without the benefit of planning permission, i.e., unauthorised development has occurred which requires regularisation. The application should have included the retention of the removal of the front boundary railings and door. An Coimisiún Pleanála may consider this to be 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.

9.0 AA Screening

- 9.1. I have considered the new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall at 15, Malone Gardens, Dublin 4 D04 KT28 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 1.23km to the north-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210).

- 9.3 The proposed development comprises a new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall at 15, Malone Gardens, Dublin 4 D04 KT28.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 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 (Site Code: 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 modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.7 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.
- 9.8 Likely significant effects are excluded and therefore Appropriate Assessment (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 in an established residential environment at Malone Gardens, Dublin 4. The nearest relevant water body is the Liffey, code IE_EA_09L011200, c. 0.526km to the north-east, the status of which is 'Not At Risk'.

10.2 The proposed development comprises a new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall at 15, Malone Gardens, Dublin 4 D04 KT28.

10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall at 15, Malone Gardens, Dublin 4 D04 KT28, 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.

10.4 The reason for this conclusion is as follows:

- The nature and scale of the development proposed.
- Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 Conclusion

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 the Commission refuse permission for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Policy SMT25 of the Dublin City Development Plan 2022-2028 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 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, including residential 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.

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.

Aiden O'Neill

Aiden O'Neill
Planning Inspector

3rd December, 2025

Appendix A: Form 1 EIA Pre-Screening

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Case Reference | ACP-323711-25 |
| Proposed Development Summary | a new front vehicular access with a dropped kerb. Installation of an EV charging point. The works also include the removal of the existing railings and pedestrian entrance, and the construction of two new piers and boundary wall at |
| Development Address | 15, Malone Gardens, Dublin 4 D04 KT28 |
| IN ALL CASES CHECK BOX /OR LEAVE BLANK | |
| 1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q 1 | |

1. 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?

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

No

Ad onull

Inspector: _____

Date: 3rd December, 2025