



An
Coimisiún
Pleanála

Inspector's Report

PL-500297-DN

Development	Detached domestic garage and vehicular access.
Location	Rear of 36 Ballymun Road, Glasnevin, Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB2285/25
Applicant	Aidan McAvinue
Type of Application	Permission
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party v. decision.
Appellant	Aidan McAvinue.
Observers	None.
Date of Site Inspection	4 February 2026.
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. No.36 is a two storey mid-terrace house, likely early 20th Century, on the east side of Ballymun Road. The property includes a small front garden, with pedestrian access only, and a long rear garden with access via a gated vehicular cul-de-sac laneway. Somewhat unusually, and in common with some of the adjacent properties, this laneway cuts through the rear garden so that the rearmost part of the garden is a separate plot. This latter plot, the subject of this application, is currently disused. The house is currently undergoing renovations.
- 1.2. There is unrestricted on-street parking on the near side of the road to the front of the house. The far side of the road includes a cycle lane.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey detached domestic garage (area c.74sqm) to the rear of No.36. The garage would be located within the rear garden plot with access from the lane. It would be set back c.7.3m from the existing edge of the lane. This set back area would be gravelled.
- 2.2. The garage would comprise a flat roofed structure with a roller shutter door to the front.
- 2.3. In response to concerns raised by the planning authority in relation to the apparent capacity of the proposed garage and driveway area to accommodate up to 4no. cars, further information lodged included:
 - The property is currently vacant and undergoing renovations to provide for a single dwelling.
 - The family has two cars and a hobby classic car. The garage would otherwise be used for storage of miscellaneous household items.
 - The gravelled area is to allow for washing/cleaning of cars and to avoid interference with access along the lane to the three properties at the end of the lane.

3.0 Planning Authority Decision

3.1. Decision

The decision to refuse permission refers to the following reason:

The design and layout of the proposed garage within the context of the existing laneway is such that would result in an unnecessarily wide laneway and excessive quantum of new car parking to serve a single residential dwelling, contrary to Section 4.0 Volume 2, Appendix 5 of the Dublin City Council Development Plan 2022-2028. While it is the policy of Dublin City Council to promote family friendly living in the city it is not intended to promote the use of the car within the city. In particular, the site is located within 500m of a permitted bus stop under Finglas/Ballymun BusConnects scheme and therefore categorised as an urban neighbourhood. The development would be contrary to SPPR3 of the Compact Settlement Guidelines, 2024 which stipulates that in urban neighbourhood areas, the maximum rate of car parking provision is 1no. space per dwelling. The proposed development would therefore set an unacceptable precedent and be contrary to the area's proper planning and development.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 24 July and 23 October 2025).

Basis for planning authority decision. Include:

- Acceptance that the house is being renovated for use a single family dwelling (having been formerly divided into 4no. residential units).
- Recommendation to refuse permission based on the report of the Transportation Planning Division (see below).
- No requirement for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

Transportation Planning Division (dated 14 July and 15 October 2025). Include:

- *While it is acknowledged that the conversion of 4no. units to a single unit can be construed as a new house, this Division considers the proposed development as presented has the potential to accommodate 2no. car spaces within the garage, 2no. perpendicular car spaces directly in front of the garage and due to the laneway setback, 1no. parallel space. This amounts to 5no. car parking spaces for a single property. Because there are no existing parking spaces within the site, the proposed garage creates 'new' car parking spaces for a house.*
- *It is noted that the text within SPPR3 does not differentiate between new or existing, rather a quantum per dwelling*

Engineering Department - Drainage Division

Recommends standard conditions.

Archaeology, Conservation and Heritage

Considers potential for archaeological impact to be low and recommends standard reporting condition in the event of any archaeological material being discovered.

3.3. Prescribed Bodies

Uisce Eireann and Department of Housing, Local Government and Heritage

No submissions received.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. None relevant.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2022-2028

Zoning Z1 (Sustainable Residential Neighbourhoods) – *To protect, provide and improve residential amenities.*

Volume 2, Appendix 5, Section 4.0, Car Parking Standards. Includes:

Parking is an integral element of overall land-use and transportation policy within the City, and the purpose of the parking standards set out in Table 2 is to ensure that an appropriate level of parking is provided to serve all new development.

Residential parking spaces are mainly to provide for car storage to support family friendly living policies in the City. It is not intended to promote the use of the car within the City.

Table 2 indicates a maximum car parking provision of 1 space per house in parking Zone 2 and within which the subject property is located.

5.2. National Policy / Ministerial Guidelines

6.0 Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, (GoI 2024)

These are Ministerial Guidelines under Section 28 of the Act and to which planning authorities and An Comisiun Pleanála are required to have regard and to apply any specific policy requirements (SPPRs) contained therein (Section 1.1). The guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation

of compact settlements (Section 1.2). The guidelines expand on the high level strategy of the National Planning Framework (NPF) (Section 1.3.1).

The NPF priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl (Section 1.3.2).

It will be necessary to apply a graduated approach to the management of car parking within new residential development (Section 5.3.4).

SPPR3 indicates a requirement that, in city centres and urban neighbourhoods, the maximum rate of car parking provision for residential development shall be 1no. space per dwelling (Section 5.3.4).

6.1. Natural Heritage Designations

None relevant.

7.0 Environmental Impact Assessment (EIA)

7.1. 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.

8.0 The Appeal

8.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- No.36 is one of a block of six, two storey terrace houses on the eastern side of Ballymun Road. Access to the rear is by way of a private laneway that also separates the domestic garage site/rear garden from the house. There are several domestic garages and overgrown rear gardens in the vicinity.
- There is no on-site parking to the front of the property. Roadside parking in the vicinity of the house is not restricted and so is used not only by residents but also by employees and visitors to the many enterprises in the area.

- The family due to move into the house, when renovations are complete, have two cars.
- A hard surface to the rear of a house for use incidental to the enjoyment of the house is exempted development. However, the locked domestic garage is required for security and insurance purposes given the location on an open and unsupervised laneway.
- The SPPR3 reference is relevant only to new housing in settlements. Similarly, Appendix 5 of the development plan, and the associated parking standards, refer to new developments.
- The Planners Report indicates that the Council is seeking to argue that the change from multi-unit to a single house *can be construed as a new house*.
- In relation to the width of the laneway the reference in the planning authority planning reports (Section 4.3.8, Volume 2, Appendix 5 of the development plan) applies to mews lane parking. The subject lane way is not a mews lane and the standards quoted refer to minimum widths with no maximum cited.
- The access laneway has been as is since the houses were built.
- The proposed garage would provide for a suitable EV charging point.
- The area to be provided at the site edge is to allow for turning movements and for cleaning vehicles and is within the private property of the applicant only. The proposal does not include any works for the access laneway.

8.2. Planning Authority Response

Request that the planning authority decision to refuse permission be upheld. If a permission is granted a Section 48 development contribution condition should be attached.

8.3. Observations

None.

9.0 Assessment

- 9.1. The main issue in this appeal is the matter referred to in the planning authority reason for refusal and I am satisfied that no other substantive issues arise.
- 9.2. The issue concerns the level of car parking that the proposed development might facilitate.
- 9.3. I agree with the appellants that the compact settlement guidelines do not have application in this case. As indicated at Section 6.0 above the guidelines apply to new housing developments. This should not be surprising as they are national guidelines at the upper end of the planning hierarchy (of plans, guidelines etc.) aimed at the future planning and development of our towns and cities. They are essentially strategic in nature and, in my view, were never intended to bear on such minor developments as proposed in this application.
- 9.4. Minor developments, such as the subject one, should be capable of being dealt with by reference to plans etc. at the lowest level within the planning hierarchy - in this case the local development plan. Even here I would contend that the relevant provisions in relation to parking, as set out in the current city development plan, should be interpreted mainly, if not always, as applying to substantive new developments. In this case I do not agree with the planning authority contention that the refurbishment of the existing house, including its reversion back to a single family dwelling from its former sub-division into four units, should be seen as a new house. The refurbishment in this instance to a single family dwelling should be one that is greatly welcomed and is the type of development that is consistent with the reference in the development plan to residential parking spaces being seen as primarily for car storage to support family friendly living policies within the city (see Section 5.1 above).
- 9.5. I find the manner in which the Transportation Planning Division of the Council interrogated the proposed garage and associated gravelled space to construe a level of parking capacity to be entirely inappropriate. In my view, it represents an undue interference by the planning system in the lifestyle choices of people, families etc.
- 9.6. The particular characteristics of the subject property, with a rear access lane and a rear plot of land, is likely to have been a factor in attracting the family to move to this established part of the city. It offers them the opportunity to provide a garage for their

cars and other needs and to support their lifestyle which, in my view, is perfectly reasonable. Naturally the applicants might choose to construct a good size garage on the rear plot and with a set-back area off the lane. The applicants explain that they have two cars and a hobby classic car and that the set-back area allows for turning movements, cleaning of cars etc. They also suggest that the garage would provide for a secure EV charging point and storage of household items. All of this is perfectly reasonable, in my view, and I note that there is no proposal in the application for works to widen the lane as contended by the planning authority.

9.7. As an aside it is also interesting to note that an argument could be made that the property, moving from four units to a single family dwelling, actually generates a reduced parking demand as a result, from a likelihood of 4 parking spaces to just 2. This, it could be argued, is in line with the thrust of the planning authority's policy not to promote the use of the car in the city.

9.8. In conclusion, I consider that the appeal should be upheld.

10.0 Appropriate Assessment Screening

10.1 Having considered the nature, small scale and location of the project within an established and serviced urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

10.2 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.

11.0 Water Framework Directive

11.1 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status

(meaning both good chemical and good ecological status) and to prevent deterioration.

11.2 Having considered the nature, small scale and location of the project in a serviced urban area, 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.

12.0 Recommendation

12.1. I recommend that permission be granted subject to conditions.

13.0 Reasons and Considerations

Having regard to the minor nature of the proposed development, being a domestic garage with access onto a private lane associated with the refurbishment of a house reverting to single family occupancy in an established part of the city, and taking account of policies in the Dublin City Development Plan 2022-2028 to support family friendly living in the city, and the associated provisions in relation to parking, it is considered that the proposed development, subject to compliance with the following conditions, would be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of September 2025, 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 garage shall be used solely for purposes incidental to the enjoyment of the house as such and shall not be used for any commercial or other purposes.

Reason: To protect the residential amenities of the area.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. (The applicant/developer is further advised that, in this event, under the National Monuments Act, the National Monuments Service, the Department of Housing, Heritage and Local Government and the National Museum of Ireland also require notification).

Reason: In the interest of preserving (in situ or by record) archaeological material likely to be damaged or destroyed in the course of development.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

B. Wyse
Planning Inspector

9 February 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Domestic garage.
Development Address	36 Ballymun Road, Glasnevin, Dublin 9
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, 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 Q3	

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

Inspector: B. Wyse Date: 9 February 2026