



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL500948-DS-26**

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<b>Development</b>	Formation of a vehicular entrance to facilitate one no. off street car parking space and associated hard and soft landscaping and site development works
<b>Location</b>	51 Sandymount Road, Sandymount, Dublin 4, D04H348
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB5917/25
<b>Applicant(s)</b>	Laurence Óg O'Brien
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Laurence Óg O'Brien
<b>Observer(s)</b>	Philip O'Reilly
<b>Date of Site Inspection</b>	11 <sup>th</sup> May 2026
<b>Inspector</b>	Andrew Hersey

## 1.0 Site Location and Description

- 1.1 The site is located at 51 Sandymount Road, Sandymount, Dublin 4, D04H348. The site comprises of a 2 storey over basement mid terrace dwelling.
- 1.2 The front curtilage comprises a paved hard-surfaced area. The front boundary is defined by a black-painted wrought iron railing mounted on a low granite plinth wall. Access to the site is provided via a pedestrian entrance measuring approximately 900mm in width
- 1.3 There is a parking bay along the roadside in front of the property
- 1.4 The adjacent houses to the east and both have parking within the curtilage of their properties.

## 2.0 Proposed Development

- 2.1 The development is for the formation of a new vehicular entrance to facilitate one no. off street car parking space within the curtilage of the front garden. The entrance comprises of a 2500mm sliding gate. It is proposed to construct 2 no. new granite piers either side of the vehicular entrance. The sliding gate is to match the appearance of the existing railing.
- 2.2 The majority of the existing boundary treatment comprising railings and granite plinth, including the existing pedestrian gate and access, are to be retained.
- 2.3 The proposed development also provides for all associated hard and soft landscaping and site development works

## 3.0 Planning Authority Decision

- 3.1 **Decision** – Refuse Permission for the following reason:

*The 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 and 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 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..*

### **3.2 Planning Authority Reports**

The case planners report raises the following issues;

- That a report on file from the Transport Planning Division recommends refusal on the basis that it will reduce on-street car parking by at least one space in an area where there is a high demand for spaces by visitors and residents.
- That the same report confirms that the size of the proposed entrance and the area allocated to the parking space in the front garden complies with development plan standards
- The report concludes that the proposal will result in the loss of on street car parking facilities and as such is contrary to the Dublin City Development Plan 2022 to 2028 and should be refused permission for the reason as cited under Section 3.1 above.

### **3.3 Other Technical Reports**

- Drainage (13<sup>th</sup> January 2026)– no objection subject to conditions
- Transportation Planning (21st January 2026) states the following that
  - The area is a moderately trafficked street with controlled pay & display and permit car parking
  - Many houses on the street do not accommodate off street car parking and are therefore reliant on street car parking
  - The proposal would result in the loss of at least one on street car parking space from an existing parking bay.

- It is further stated that Google Streetview shows examples of 2 cars parking within the same bay.
- On street car parking is in high demand by residents and visitors and that the division consulted with DCC Parking Enforcement, and they confirmed that it is located within a "heavy demand road".
- The new vehicular entrance and space allocated to the car parking area within the curtilage of the dwelling are compliant with development plan standards
- It was recommended that the proposed development be refused for the following reason;

*The 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 and 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 on1street 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. development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **3.4 Prescribed Bodies**

None on file

### **3.5 Third Party Observations**

3.5.1 There is one observation on file from a Philip O'Reilly, dated 5<sup>th</sup> January 2026 whom raises the following issues:

- That the previous application for the same proposal was refused and should be refused again.

- The proposal would remove a valuable on-street parking space needed by residents, businesses and tradespeople.
- That similar applications nearby have been consistently refused.
- The proposed gate and associated pillars is said to be out of character with the area

## 4.0 Planning History

4.1 There are two applications on this site as follows:

- Planning Reg. Ref: WEB1314/25: granted permission for the demolition and reconstruction of the existing three-storey rear outrigger extension with minor elevational alterations, including the replacement of an upper-ground-floor rear window with French doors. It also includes the construction of a new single-storey rear extension at lower-ground (garden) level (c. 55m<sup>2</sup>), minor internal alterations, installation of a new rooflight (not visible from the public highway), a comprehensive window replacement schedule throughout, and all associated site works.
- Planning Reg Ref: WEB1714/24 - Permission refused by Dublin City Council to an Elena O’Sullivan for *Permission for the alteration to the front boundary railings to create a new vehicular entrance and also one parking space with landscaping in front garden* for the following reason:

*The proposed vehicular entrance would result in the removal of on-street parking spaces on Sandymount Road, which would be contrary to Policy SMT25 and 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 Sandymount Road would detract from the convenience of road users and the residential amenity of surrounding properties and the proposed 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 proposed development would set an*

*undesirable precedent for similar type developments and would be contrary to the proper planning and sustainable development of the area.*

This was appealed to the Board under ABP-320702-24 and was subsequently withdrawn before a decision was issued.

4.2 Relevant adjacent sites relevant to this case are as follows:

- Planning Reg. Ref. WEB2139/23 (ABP-319337-24) at 28 Sandymount Road for Permission for the widening of existing pedestrian gate/front railings to form new vehicular access and provision of a single parking space to front garden and all associated site works refused permission, in part, for the following reason:

*Having regard to the proposed removal of an on-street parking space to accommodate a private off-street parking space, it is considered that the proposed development would be contrary to the provisions of Section 8.5.7, Policy SMT25, in relation to carparking, and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan 2022-2028. Furthermore, the proposed development would set an undesirable precedent for the loss of on-street parking within this terrace. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **5.0 Policy Context**

### *5.1 Development Plan*

5.1.1 The Dublin City Development Plan 2022-2028 is the statutory development plan in force in the area at present.

5.1.2 Within the plan the site is subject to zoning objective Z2 Residential Neighbourhoods which seeks to *protect and/or improve the amenities of residential conservation areas.*

5.1.3 Appendix 5, Section 4.3.1 (Dimensions and Surfacing) sets out the design requirements for residential vehicular access and parking areas, including

dimensions, layout and surfacing standards, in the interests of road safety and residential amenity.

5.1.4 Appendix 5, Section 4.3.5 (Vehicular Access) seeks to ensure that vehicular access arrangements are designed and operated in a manner that protects road user safety, provides adequate visibility and avoids adverse impacts on the public realm and adjoining properties

5.1.5 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. Section 8.5.7 states that 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.

5.1.6 Volume 2, Appendix 5 Transport and Mobility: Technical Requirements

- Section 4.1 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.
- Section 4.3 'Parking in Front Gardens': states that: 'Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.'
- Section 4.3.1 'Dimensions and Surfacing': states that: 'Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians'. It is stated in this section that a vehicular opening for a single residential dwelling shall be 'at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates'. 'The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building.'

### **5.3. Natural Heritage Designations**

- South Dublin Bay and River Tolka SPA (Site Code 004024) which is located 400m metres to the east of the site and
- South Dublin Bay SAC (Site Code 000210) which is located 400m to the east of the site

### **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 & 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**

7.1.1 A first party appeal was lodged on the 11<sup>th</sup> February 2026. The appeal in summary raises the following issues;

- That the refusal of permission is based on one issue only i.e. the alleged loss of an on-street parking space.
- That a traffic and parking assessment submitted with the application concluded the existing marked parking bay outside No. 51 is substandard and too short to accommodate two legal parking spaces.
- That the same report states the existing bay is approximately 11m long, whereas two standard spaces would require about 14.4m.
- The appellant contends that creating the driveway would not result in the loss of any properly dimensioned on-street parking space.
- Parking surveys carried out by the appellant found only moderate demand for parking on Sandymount Road, with spare capacity available throughout the day.

- The appellant argues that Dublin City Council failed to properly consider the parking report when making its decision.
- That the proposal was revised from an earlier refused scheme, reducing the entrance width and retaining over 4.5m of the existing railings and front boundary.
- The appellants principle argument is that the current parking bay which is 11 metres in long is too short to accommodate 2 cars which requires a length of 14.4 metres i.e. 2 x 7.2 metre spaces. The existing bay therefore can only provide sufficient space for 1 car and that the proposed vehicular entrance will still maintain sufficient space for 1 car i.e. a 7.2 metre space.
- The appellant maintains the development complies with the Dublin City Development Plan, conservation objectives, boundary treatment requirements and sustainable transport policies.
- The appeal concludes there is no planning justification for refusal because the proposal would provide off-street parking without reducing the effective on-street parking stock and would preserve the character of the area

### **7.3. Planning Authority Response**

None received

### **7.4. Observations**

7.4.1 One observation was received from Philip O'Reilly on the 16<sup>th</sup> March 2026. The observation raises the following issues:

- That the proposed development was refused previously under Planning Reg. Ref. WEB1747/24
- An application for off street parking was refused recently at 28 Sandymount Road across the street from the proposed development.
- The proposal will result in an unsightly electric sliding gate and two granite piers which would be out of context with the area

- That a google street view, dated November 2024, shows that there is sufficient space for 2 cars parked within the car parking bay.
- The fact that 3 bus routes are mentioned in the appeal illustrates that there are other options available for transport in the area other than relying on the private car.
- That the development plan clearly states that there is a presumption against off street private parking facilities

## **8.0 Assessment**

8.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

8.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters;

- Principle of Proposed Development/Development Plan Policy
- Other Issues

### **8.2 Principle of Proposed Development/Development Plan Policy**

8.2.1 The proposed development site is located within an area designated in the Dublin City Development Plan 2022–2028 (hereinafter referred to as "the Plan") with zoning objective Z2, the objective of which is to “protect and/or improve the amenities of residential conservation areas”.

8.2.2 Having regard to the above, it is considered that the proposed development which comprises of the construction of a new vehicular access to the front garden of the proposed development site and the creation of a parking space within the same would not adversely affect the residential or visual amenities of the area.

8.2.3 With respect to the same, I do not consider that the proposal contravenes the zoning objective for the site.

- 8.2.4 The principal issue in question is with respect to Development Plan policy, which in general, is not supportive of new vehicular entrances into front gardens for the purposes of off-street parking in the plan area.
- 8.2.5 Section 4.3 of Volume 2 Appendix 5 the Plan 'Parking in Front Gardens' clearly states that: *'Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.'*
- 8.2.6 I note that the Transportation Planning Division report identifies Sandymount Road as an area where on-street parking is in high demand by both residents and visitors. The report further notes that consultation with Dublin City Council Parking Enforcement confirmed that the road is regarded as a "heavy demand" parking location.
- 8.2.7 I refer to the parking survey carried out by the first party as set out in the 'Planning Stage Report' prepared by Waterman Moylan. I note that the survey was carried out during the week of the 16<sup>th</sup> May 2025. It is not clear what day the survey was carried out however, the said report states that the demand for on-street spaces is well below capacity.
- 8.2.8 It is the case therefore that there are conflicting views between the local authority and the applicants on this matter.
- 8.2.9 I refer to Volume 2, Appendix 5 Transport and Mobility: Technical Requirements of the Dublin City Development Plan 2022-2028 which under Section 4.1 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.*
- 8.2.10 The principal issue is whether the proposal would result in the loss of on-street parking. The appellant argues that no such loss would arise, as the existing 11-metre-long parking bay cannot accommodate two vehicles and effectively functions as a single parking space. It is submitted that the proposed entrance would still allow one vehicle to park within the remaining eastern section of the bay.

8.2.11 I note the appellant's reference to a 7.2-metre requirement for a kerbside parking space. However, no evidence has been provided to demonstrate the origin of this standard, and I have been unable to identify any such requirement in the relevant planning policy or guidance documents. It would appear purely to relate to the remaining space left over in the parking bay when one car is parked within the same and is not indicative of any standard set out in any plan or guideline.

8.2.12 A review of available Google Street View imagery dating back to 2009 demonstrates that two vehicles have consistently been accommodated within the existing parking bay without encroaching beyond its marked limits. I am therefore satisfied that the bay currently functions as two on-street parking spaces.

8.2.13 In these circumstances, I do not accept the appellant's contention that the proposed entrance would not result in the loss of on-street parking. Rather, I consider that the proposal would result in the loss of a parking bay that is currently capable of accommodating two vehicles.

8.2.14 In light of the above, I consider that the proposal would be contrary to the presumption against the removal of on-street parking spaces set out in Section 4.1 of Volume 2, Appendix 5 of the Dublin City Development Plan 2022–2028

8.2.15 Having regard to the foregoing, I consider that the proposed entrance would result in the loss of two existing Pay & Display parking spaces in an area where Dublin City Council Parking Enforcement has confirmed that parking demand is heavy. Accordingly, the proposal would be contrary to Section 4.1 and Section 4.3 of Volume 2, Appendix 5 of the Dublin City Development Plan 2022–2028, as well as Policy SMT25 of the Plan. I therefore consider that the proposed development is unacceptable in principle at this location.

### **8.3 Other Issues**

8.3.1 It is noted that the proposed vehicular entrance is to be separate to the existing pedestrian entrance which is to remain in place. The vehicular entrance is to have a sliding gate with granite pillars which is to match the existing cast iron rail.

8.3.2 The third party observation on file raises concerns that the sliding gate with the associated granite pillars are not appropriate and would be out of context with the area.

8.3.3 Notwithstanding the site's location within a Z2 Conservation Area, and having regard to the observations raised by the third party, I am satisfied that, subject to the use of appropriate materials and finishes, the proposed development would integrate satisfactorily with the established character of the area and would not adversely affect the visual amenities or architectural character of the Conservation Area

## **9.0 AA Screening**

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2 The subject site is located

- 400 metres to the west of the South Dublin Bay and River Tolka SPA (Site Code 004024)
- 400m to the west of the South Dublin Bay SAC (Site Code 000210)

9.3 The proposed development comprises of the construction of a new vehicular entrance in an urban area. No nature conservation concerns were raised in the planning appeal.

9.4 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

9.5 The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority

- 9.6 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7 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 proposed development is located 400metres to the west of Dublin Bay.
- 10.2 The proposed development consists of a new vehicular entrance and associated landscaping works within the front garden. Surface water from hardstanding areas will be managed using SuDS methodology (as per the recommendation of the Drainage Division of Dublin City Council
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 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. 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.
- 10.5 The reason for this conclusion is as follows [insert as relevant]:
- The minor scope of the works and nature of the development
  - The distance to the nearest water body, Dublin Bay and the lack of hydrological connections to the same.
- 10.6 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 that permission be refused for the following reasons:

1. The proposed vehicular entrance would result in the removal of on-street parking spaces on Sandymount Road, which would be contrary to Policy SMT25 and 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 Sandymount Road would detract from the convenience of road users and the residential amenity of surrounding properties and would set an undesirable precedent for similar type developments and would 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

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Andrew Hersey  
Planning Inspector

8th June 2025

### Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL500948-DS-26
<b>Proposed Development Summary</b>	New Entrance
<b>Development Address</b>	51 Sandymount Road, Dublin 4
<b>IN ALL CASES CHECK BOX /OR LEAVE BLANK</b>	
<p><b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b></p> <hr/> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>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)?</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>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<p><b>3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>

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

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