



An
Coimisiún
Pleanála

Inspector's Report

PL501252-DS-26

Development	The development will consist of the demolition of the existing single storey garage (26.8sq.m.) to the rear and the construction of a new single storey garage (15.7sq.m.) to the rear, relocated and aligned with the site boundary, together with all associated site works
Location	20 Bushfield Terrace, Donnybrook, Dublin 4, D04 E0Y2
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1472/26
Applicant(s)	Ciara McDaniel & Aidan Duggan
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Paul Healion
Observer(s)	Pauline Kennedy
Date of Site Inspection	20 th July 2026
Inspector	Andrew Hersey

1.0 Site Location and Description

- 1.1 The subject site comprises a two-storey mid-terrace dwelling at No. 20 Bushfield Terrace, Donnybrook Dublin 4
- 1.2 The property includes a rear garden which fronts onto a narrow rear laneway separating it from the single-storey dwellings at Smith's Cottages.
- 1.3 The site shares party boundaries with No. 21 Bushfield Terrace to the north and No. 19 Bushfield Terrace to the south.
- 1.4 An existing detached garage with double doors is located to the rear of the property, fronting onto the rear laneway. A strip of land measuring approximately 1.36 metres in width is located between the edge of the laneway and the front elevation of the garage.

2.0 Proposed Development

- 2.1 The proposed development comprises the demolition of the existing detached garage located within the rear garden and its replacement with a new single-storey garage having a gross floor area of 15.7 sq.m.
- 2.2 The existing garage has a stated gross floor area of 26.8 sq.m, resulting in an overall reduction in floorspace.
- 2.3 The proposed garage would have a maximum height of 2.7 metres, which is marginally higher than the adjoining garage at No. 21 Bushfield Terrace, which has a stated height of 2.42 metres.
- 2.4 The proposed garage would be repositioned to align with the rear site boundary, replacing the existing garage which is set back from the rear laneway.
- 2.5 The proposed garage is stated to be for purposes ancillary to the enjoyment of the existing dwelling.

3.0 Planning Authority Decision

3.1 Decision – Grant Permission subject to the following conditions. The following conditions are relevant to the appeal;

3.1.1 Condition 2 requires that the garage be used solely for purposes ancillary to the main dwelling, prohibits its use for vehicular access or parking and requires that the development shall not encroach upon or overhang the public laneway

3.1.2 Condition 3 sets out the city councils drainage requirements

3.1.3 Condition 4 stipulates that the garage is not to be used for human habitation or for commercial uses.

3.2 Planning Authority Reports

The case planners report raises the following issues;

- That the proposed garage is compliant with the Z2 zoning objectives for the site.
- That the proposed development would not give rise to any unacceptable impacts on visual or residential amenity.
- That the proposed garage would remain within the application site and would not encroach onto the public laneway.

3.3 Other Technical Reports

- Drainage (24th March 2026)– no objection subject to conditions
- Transportation Planning (3rd April 2026) no objection subject to the following conditions:
 - The proposed garage shall be used for purposes ancillary to the main dwelling only and shall not be used for vehicular access or parking. All doors or gates serving the garage shall not be outward opening.
 - That the proposed development shall not encroach upon or overhang the public laneway.

3.4 Prescribed Bodies

No reports on file

3.5 Third Party Submissions

3.5.1 There are seven third party submissions on file which in summary raise the following issues:

- Concerns the reduction in the effective width of the rear laneway arising from the repositioning of the proposed garage.
- Concerns regarding the potential impact on access for emergency, service and utility vehicles.
- Concerns regarding the impact on existing parking arrangements and vehicle manoeuvrability within the laneway.
- Concerns regarding pedestrian safety within the shared laneway.
- Concerns regarding the accuracy of the submitted drawings, including the site boundary and proposed encroachment.
- Concerns that the proposal could establish a precedent for similar developments along the laneway.
- It was suggested that the replacement garage could be accommodated without extending towards the laneway.

4.0 Planning History

4.1 There are Section 5 Declarations and Planning applications which related to this site as follows:

- Section 5: EXPP Ref. 0128/25: Demolition of the existing rear extension, construction of a new single-storey, part-flat roof and part-pitched roof extension (33 sq.m). Removal of the existing corrugated asbestos roof to the garage and replacement with a new corrugated metal roof. Temporary removal of part of the garage facing, to be reinstated in exactly the same manner as the existing, after

completion of the works. All ancillary site development works. Decision: Deemed Exempt Development

- Planning Reg. Ref. 2011/21 Permission to widen the existing pedestrian access to provide kerb dishing for off-street parking. Decision: Grant permission subject to conditions

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 Section 14.7.2, states that 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.

5.1.4 Volume 2, Appendix 18, Section 1.1 'General Design Principles' outlines that: 'the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes'. Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units should:

- *Not have an adverse impact on the scale and character of the existing dwelling*

- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- *Achieve a high quality of design*
- *Make a positive contribution to the streetscape (front extensions)*

5.3. Natural Heritage Designations

- South Dublin Bay and River Tolka SPA (Site Code 004024) which is located 2.9km metres to the east of the site and
- South Dublin Bay SAC (Site Code 000210) which is located 2.9km 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 third party appeal in the name of Paul Healion of 1A Smiths Cottages was lodged on the 27th April 2026. The appeal in summary raises the following issues;

- That the appellant seeks a modification of the permission to ensure clarity, enforceability and the protection of a shared access lane.
- Internal Inconsistency of the Permission: The appeal contends that the decision is internally inconsistent, as the approved drawings appear to conflict with the planning condition prohibiting encroachment onto the rear laneway.
- Failure to Establish the Site Boundary: The appeal argues that the Planning Authority failed to satisfactorily establish the correct site boundary and the extent of the applicant's ownership.

- **Failure to Assess the Function of the Shared Laneway:** The appeal submits that insufficient consideration was given to the impact of the proposal on the operation, manoeuvrability and accessibility of the shared rear laneway.
- **Failure to Consider Cumulative Impact and Precedent:** The appeal contends that the Planning Authority failed to assess the cumulative impact and precedent that could arise from permitting similar developments along the laneway.
- **Loss of Existing Parking and Manoeuvring Space:** The appeal argues that the proposal would result in the loss of existing informal parking and manoeuvring space, to the detriment of the functionality of the shared laneway.
- **Access for Emergency Vehicles:** That the laneway with the positioning of the garage currently allows access for emergency vehicles.
- That the appellant suggests that ACP seek revised drawings to clearly demonstrate that there is no encroachment on the laneway and that the development maintains the existing functional width of the laneway

7.3. Planning Authority Response

None received

7.4. Observations

One observation was received from Pauline Kennedy of 7 Smiths Cottages on the 28th May 2026. The observation raises the following issues:

- That the approved drawings appear to conflict with the planning condition prohibiting any encroachment onto or overhanging of the public laneway
- That the ownership boundary, the red line boundary has not been verified by the Planning Authority
- That the current garage position provides for a localised set back which aids turning movements for cars on the laneway
- That the laneway with the positioning of the garage currently allows access for emergency vehicles.
- The relocation of the garage closer to the laneway will result in the loss of functional turning circle at Cottage 1A Smiths Lane

- Loss of on street parking on the laneway

7.5 First Party Response to Appeal

7.5.1 A first party response was received on the 10th May 2026 and, in summary, states:

- That the proposed garage would be constructed entirely within the applicant's property and would not encroach upon the public laneway.
- That title deeds, historical lease drawings and Land Registry mapping demonstrate that the submitted red line boundary accurately reflects the extent of the applicant's ownership.
- That the existing setback between the garage and the laneway forms part of the applicant's property and does not form part of the public laneway.
- That the Transportation Planning Division considered the impact of the proposal on the operation of the laneway, including emergency and service vehicle access, and raised no objection subject to conditions.
- That the turning area at the end of the laneway is in the ownership of Dublin City Council and, accordingly, the proposal would not establish the precedent or cumulative impacts suggested by the appellant.
- That the proposal would not adversely affect the operation of the laneway or result in the loss of public parking or manoeuvring space.
- That the Planning Authority's decision to grant permission should be upheld.

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;

- Impact of the proposed garage on Smiths Lane

8.2 Introduction

- 8.2.1 It is noted that neither the Planning Authority nor the appellant objects to the principle of replacing the existing single-storey garage located to the rear of the applicant's property. The appeal relates primarily to the siting and layout of the proposed replacement garage, rather than the principle of development itself. Furthermore, the proposed development is considered to be acceptable in principle having regard to the zoning of the site, which is located within an area subject to Zoning Objective Z2 under the Dublin City Development Plan 2022–2028, the objective of which is to "protect and/or improve the amenities of residential conservation areas.

8.3 Impact of the proposed garage on Smiths Lane

- 8.3.1 The appeal is principally concerned with the proposed encroachment of the replacement garage towards the rear laneway. The appellant submits that this would reduce the effective width of the laneway, resulting in the loss of parking and manoeuvring space and restricting access for emergency and service vehicles.
- 8.3.2 The appellant's address is stated as 1A Smith's Cottages, which is located at the end of the laneway and fronts directly onto it.
- 8.3.3 The proposed garage is proposed to be relocated within the applicant's site, with its front building line repositioned to the rear boundary adjoining the laneway which is currently delineated by a slight concrete kerb. The existing garage is set back between approximately 1.36 metres and 1.62 metres from the edge of the laneway.
- 8.3.4 The proposed garage would project beyond the building line of the existing garage serving No. 21 Bushfield Terrace to the north-west, although it would broadly align with the rear boundary wall of No. 19 Bushfield Terrace to the south-east.
- 8.3.5 The existing setback presently accommodates informal parking, bin storage and vehicle manoeuvring associated with the dwelling.
- 8.3.6 In their first-party response, the applicants submit that the proposed garage is located entirely within lands in their ownership and have furnished title

documentation and historical mapping in support of this position. They further contend that the existing setback between the garage and the laneway forms part of their private property rather than the public laneway and that the turning area at the end of the laneway is under the ownership of Dublin City Council. While I note these submissions, questions relating to land ownership and title are civil matters and, pursuant to section 34(13) of the Planning and Development Act 2000 (as amended), do not preclude the determination of the planning application. There is no objective evidence before the Commission to demonstrate that the proposed garage would extend beyond the application site. Nevertheless, the planning implications of relocating the garage to the rear boundary remain material considerations requiring assessment.

8.3.7 I note that the Transportation Planning Division concluded that the proposed development would not give rise to transportation concerns, subject to compliance with the recommended transportation conditions. Condition 2(a) restricts the use of the garage to purposes ancillary to the dwelling and prohibits its use for vehicular access or parking. Together with Condition 2(b), which requires that the development shall not encroach upon or overhang the public laneway, these conditions ensure that the proposal will neither result in any physical encroachment into the public laneway nor facilitate the use of the garage in a manner that would adversely affect the operation of the laneway. I consider these conditions to be reasonable and necessary having regard to the location of the proposed garage adjoining the laneway and am satisfied that, subject to compliance with these conditions, the proposal would not adversely affect its operation or function.

8.3.8 The principal planning issue is whether relocating the garage to the rear boundary would adversely affect the operation and function of the shared laneway. While the proposal would remove the existing setback currently used for informal parking, bin storage and occasional vehicle manoeuvring, I note that this area forms part of the application site and is not identified as forming part of the public laneway. Furthermore, the evidence before the Commission indicates that the setback is presently occupied by a parked vehicle and domestic bin storage. Accordingly, I do not consider that the proposal would materially reduce the existing usable width of the laneway, as the space is not presently available for the free movement or manoeuvring of vehicles. Although the Planning Authority's assessment does not

include a detailed technical appraisal of vehicle manoeuvring or emergency access, neither has the appellant submitted any independent technical evidence demonstrating that the proposal would result in unacceptable traffic safety, servicing or operational impacts. On the basis of the information before the Commission, I am not satisfied that the relocation of the garage would materially prejudice the safe or efficient operation of the shared laneway.

8.3.10 The appellant also raises concerns regarding the precedent that may arise from permitting the garage to be relocated to the rear boundary. However, each planning application must be determined on its own merits having regard to the particular circumstances of the site and the provisions of the Development Plan in force at the time. I do not consider that the determination of the current proposal would, in itself, establish a precedent for similar development elsewhere along Bushfield Terrace.

8.3.11 While the proposed garage would alter the existing relationship between the building and the rear laneway, the development would remain ancillary to the existing dwelling and would replace an existing domestic outbuilding with another domestic outbuilding into the Residential Conservation Area. I acknowledge that the proposal would marginally reduce the openness presently provided by the existing setback; however, having regard to the modest scale of the garage, its ancillary nature, and the established pattern of outbuildings and boundary treatments within the rear laneway, I do not consider that the proposal would materially detract from the character or appearance of the Residential Conservation Area or conflict with the objectives of Zoning Objective Z2 or Section 14.7.2 of the Dublin City Development Plan.

8.3.12 The applicants explain that the replacement garage is intended to be reconstructed broadly along the original rear boundary alignment. While a more detailed design rationale may have assisted the assessment of the proposal, I consider that the revised siting remains acceptable having regard to the scale of the structure, its ancillary relationship to the existing dwelling and the character of the surrounding laneway.

8.3.13 Having regard to the foregoing, while I acknowledge the concerns raised by the appellant, I am not satisfied that the proposal would give rise to unacceptable impacts on the operation of the laneway, residential amenity or the character of the

Residential Conservation Area. The proposal relates to an ancillary domestic garage located wholly within the application site and I consider that its revised siting would not materially alter the character or function of the rear laneway. I am therefore satisfied that the Planning Authority's decision to grant permission was reasonable and that the proposed development would be consistent with the proper planning and sustainable development of the 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
- 2.9km to the west of the South Dublin Bay and River Tolka SPA (Site Code 004024)
 - 2.9km to the west of the South Dublin Bay SAC (Site Code 000210)
- 9.3 The proposed development comprises of the construction of a replacement garage 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 2.9km to the west of Dublin Bay.
- 10.2 The proposed development consists of a replacement garage.
- 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:
- 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 for the development be granted

12.0 Reasons and Considerations

12.1 Having regard to the nature, scale and design of the proposed development, and subject to compliance with the conditions attached to the grant of permission, I am satisfied that the proposal would integrate satisfactorily with the existing pattern of development, would not give rise to unacceptable impacts on residential amenity, the operation and function of Smith's Lane or the character of the Residential Conservation Area, and would be consistent with the relevant provisions of the Dublin City Development Plan 2022–2028. Accordingly, I consider that the proposed development would constitute the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 following Transportation requirements of the Planning Authority shall be complied with: a) The proposed garage shall be used for purposes ancillary to the main dwelling only, and shall not be used for vehicular access or parking. No doors or gates serving the garage shall be outward opening. b) The garage hereby permitted shall be constructed in accordance with the approved site layout and shall remain wholly within the application boundary. No part of the structure shall encroach upon or overhang the public laneway.

	c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer. Reason: In the interests of pedestrian and traffic safety
3.	Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenity of property in the vicinity
4	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development
5.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interest of public health.

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.

Andrew Hersey

Planning Inspector

25th July 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL501252-DS-26
Proposed Development Summary	Garage
Development Address	20 Bushfield Terrace, Donnybrook D04 E0Y2
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?	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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 <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☒ 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	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold

Inspector: _____

Date: _____

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