



An
Coimisiún
Pleanála

Inspector's Report

PL-501674-DR-26

Development

Car port including PV panels located on the roof. Alterations to the hard landscaping to form an enlarged parking area. Installation of PV panels on rear garden room (Protected Structure).

Location

5, Mount Merrion Avenue, Blackrock,
Dublin, A94W9P2.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D26A/0302/WEB.

Applicant(s)

Conor & Mary McDonnell.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to 5 conditions.

Type of Appeal

First Party v Condition.

Appellant(s)

Conor & Mary McDonnell.

Observer(s)

None on file relating to appeal.

Date of Site Inspection

11th September 2026.

Inspector

Des Johnson

1.0 Site Location and Description

- 1.1. The site is located on the north-western side of Mount Merrion Avenue, approximately 90m south-west of its junction with Rock Road, Blackrock.
- 1.2. No.5 is second last in a terrace of two-storey over semi-basement dwellings fronting on to Mount Merrion Avenue. No.5 is a Protected Structure. It has a lengthy rear garden which borders a private laneway running along the rear gardens of the terraced house. There is a sliding vehicular gate from the rear garden on to the laneway.
- 1.3. There is a studio type building in the rear garden with a flat roof. This is set out as a gym. At the end of the rear garden is a hardstanding area on which a car was parked at the time of inspection. There is what appears to be a carport structure with PV panels at the end of the rear garden to the adjoining No.7.
- 1.4. There is pay parking along this stretch of Mount Merrion Avenue.
- 1.5. I was unable to gain access to the private laneway which was closed by a metal gateway at the time of inspection.

2.0 Proposed Development

- 2.1. The proposed development is for (1) formation of a car port to the end of the rear garden including PV panels located on the roof of the proposed car port structure (2) alterations to the hard landscaping to the rear garden to form an amended and enlarged parking area (3) installation of PV panels on the existing rear garden room.
- 2.2. The gross floor area of existing buildings on site is stated to be 235.80sqm, the gross floor area of proposed works is stated to be 5sqm. The site area to which the application relates is 0.065ha.
- 2.3. The application documents include an Architectural Impact Heritage Assessment & Planning Report (including photographs). This states that currently there is a single parking space to the existing rear garden. The proposal will provide sustainable power to the dwelling and also serve car charging. The car port has no visual impact on the main house and is consistent with adjoining structures along the rear lane.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 5 conditions.

3.1.1. Conditions

The conditions refer to the following:

1. Development to be carried out in accordance with plans etc.
2. **(Under Appeal)** *A maximum of one car parking spaces shall be provided to serve the existing dwelling. Revised drawings shall be submitted to the Planning Authority for written agreement showing a revised design for the carport facilitating parking for one car only.*

Reason: *In the interest of orderly development.*

3. Finishes
4. Disposal of surface water
5. Prevention of mud, dirt etc.

3.2. Planning Authority Reports

The site is within an area zoned 'A'. The proposed development may be permitted under this zoning subject to compatibility with other policies and objectives of the Plan and not having undesirable effects. The impact on the existing Protected Structure is considered negligible. There would be no undue overbearing impact or overlooking. There would be no significant change to the existing context with continued car parking to the rear of the existing property. The privacy and amenity of adjoining property would not be significantly impacted. Regard is had to the provisions of SPPR 3 of the Guidelines which seek to substantially reduce or wholly eliminate car parking in urban neighbourhoods. The Planning Authority considers the provision of car parking acceptable in this instance noting that the rear vehicular access from Pea Field Mews is a privately managed laneway and the use of same for ad hoc parking. The site is located 400m from Blackrock DART station. The proposal should not be seen as setting a precedent for similar developments in the area.

3.2.1. Other Technical Reports

- Transportation Planning – no objection subject to conditions relating to the prevention of mud, dirt etc. and requirement for the repair of the public road or adjoining properties as a result of site construction works. (These conditions are included in the decision).
- Drainage Planning – no objection subject to condition relating to surface water run-off and finishes to parking and hardstanding area.

3.3. **Prescribed Bodies**

No submissions on file.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

- 4.1. D08A/1247 – Permission for single-storey pavilion of approx. 20sqm to rear garden of Protected Structure at 5, Mount Merrion. The existing and proposed Site Plans show 2 car parking spaces at the end of the rear garden. Condition 1 of the permission requires the development in its entirety to be carried out in accordance with the plans submitted.
- 4.2. D008B/0359 – Permission to demolish existing two-storey return and construct new two-storey extension and ‘sliding gate on to lane’ at 5 Mount Merrion Avenue Protected Structure. The submitted Site Layout shows two parking spaces at the end of the rear garden indicated as ‘new parking and turning space’.
- 4.3. D25A/0168/WEB – Permission for demolition of existing garage to rear and construction of a new pitched roof garage with basement to rear of existing garden and vehicular access to Peafield Lane and all associated works. The Site Layout indicated one parking space but also a large utility space at the end of the rear garden.

5.0 **Policy Context**

5.1. **Development Plan**

The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory plan for the area.

The site is in an area zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting existing residential amenity*.

No.5 is a Protected Structure categorised as a 'building' and described as a 'house terrace'.

Section 11.4.1 refers to Record of Protected Structures. It is a Policy Objective to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures.

Policy Objective HER8: refers to Work to Protected Structures This Policy Objective includes protect structures included on the RPS from any works that would negatively impact their special character and appearance, ensuring that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials, and protecting the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

Table 12.5 refers to Car Parking Zones and Standards. For Zone 2 the standard for a 3 bedroom + dwelling is 2.

5.2. Relevant National Policy

The Sustainable Residential Development and Compact Settlements Guidelines issued in 2024.

Section 5.3.4 refers to Car Parking – Quantum, Form and Location. It states that the availability of car parking has a critical impact on travel choices for all journeys, including local trips. With ongoing investment in active travel and public transport across all urban areas and particularly in our cities and larger towns, the number of locations with access to everyday needs and employment within a short walk or cycle or via a regular public transport connection is increasing all the time. In areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel. In order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced

private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development.

The approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. In areas where car parking is reduced local authorities should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share). On-site or proximate spaces should also be prioritised for use by mobility impaired persons and leased on a demonstrated needs basis rather than being sold with units. As part of this transition, it will be important that local authorities continue to progress active travel projects in conjunction with the National Transport Authority and the Department of Transport and that new ways of addressing transport needs, such as mobility hubs, increased bicycle parking across settlements and car clubs, are supported in conjunction with reduced car parking. Table 3.8 defines 'Accessible', 'Intermediate' and 'Peripheral' Locations. These definitions should form the basis for the approach to car parking.

SPPR 3 – refers to Car Parking. It is a specific planning policy requirement of these Guidelines that: (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

High Capacity Public Transport Node or Interchange Lands are defined as being within 1,000 metres (1km) walking distance of an existing or planned high-capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail¹¹, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor'¹² stop.

5.3. Natural Heritage Designations

South Dublin Bay SAC – c.650m to the northeast

South Dublin Bay & River Tolka Estuary SPA & pNHA – c.650m to the northeast

6.0 EIA Screening

- 6.1. The development proposed is not of a Class for the purposes of Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. As such, the development is excluded at pre-screening stage.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal relate to Condition No.2 of the Planning Authority decision which reads as follows:

A maximum of one car parking spaces shall be provided to serve the existing dwelling. Revised drawings shall be submitted to the Planning Authority for written agreement showing a revised design for the carport facilitating parking for one car only.

Reason: *In the interest of orderly development.*

The grounds of appeal may be summarised as follows:

- The premises has a c.37m long back garden with substantial hard standing which provides for parking space for 2 cars, and vehicular access to a private laneway. The subject condition seeks to remove from the applicants a right they have enjoyed for 26 years to use the rear of the house to park 2 cars. Ref: D08A/1247 showed the layout of the rear garden as it then existed and clearly showed space for 2 cars.
- The proposal provides for 2 car parking spaces and also accommodation for bicycles, storage and for EV charging. The applicants currently drive 2 electric cars (EVs) and the proposed development would facilitate the charging of these vehicles.
- Under Ref: D00B/0359 permission was granted at 5, Mount Merrion Avenue for development. The submitted layout showed 2 parking spaces off the rear laneway.
- National Planning Policy (*set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024*) addresses car parking rates and management of car parking in new residential developments. Standards set out in SPPR 3 relate to new developments. The Guidelines have been misinterpreted.

- Table 12.5 of the Development Plan sets out maximum levels of parking provision for new developments. The subject premises is located in Parking Zone 2 where the maximum provision is set, per Table 12.5, at 2 spaces for a house with 3 or more bedrooms.
- The Plan states that there is clear distinction between residential parking and destination parking and there is less value in adopting more restrictive residential parking standards for the purposes of encouraging sustainable travel.
- The Transportation Planning Department had no objection to the proposal subject to conditions.
- Under Ref: D25A/0168/WEB permission was granted at 25, Mount Merrion Avenue for development including new pitched roof garage with basement to the rear of the existing garden. This is also a Protected Structure. No restriction was placed on parking. The decision was made after the 2024 Guidelines were issued.

7.2. **Planning Authority Response**

The grounds of appeal do not raise any new matter that would justify a change of attitude to the proposed development.

7.3. **Observations**

None on file.

7.4. **Further Responses**

None on file.

8.0 **Assessment**

8.1. There are several elements to this proposed development at this Protected Structure as follows:

- Formation of a carport to the end of the rear garden including PV panels located on the roof of the carport structure
- Alterations to the hard landscaping to rear garden to form an amended and enlarged parking area

- Installation of PV panels on the existing rear garden room.

8.2. The Planning Authority decided to grant permission subject to 5 conditions.

8.3. The site is within an area zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities*. The proposed development is permissible within this zoning subject to compatibility with other policies and objectives of the Plan. The proposed development would not detract from the Protected Structure or its grounds. I consider that the overall proposed development is, in principle, acceptable. Accordingly, it is reasonable to consider the appeal, which is against Condition 2, and which relates to one element of the development, under Section 139 of the Planning and Development Act 2000, as amended.

8.4. Condition 2 of the Planning Authority decision reads as follows:

A maximum of one car parking spaces shall be provided to serve the existing dwelling. Revised drawings shall be submitted to the Planning Authority for written agreement showing a revised design for the carport facilitating parking for one car only.

Reason: In the interest of orderly development.

8.5. The grounds of appeal contend that the condition would remove a right enjoyed for 26 years to use the rear garden to park 2 cars and charge them. The appellants currently drive 2 EVs. SPPR of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024* relate to new developments and have been misinterpreted. The Development Plan sets out maximum levels of parking provision for new developments and Table 12.5 of the Plan has a standard of 2 spaces for a house with 3 or more bedrooms in this locality. The Transportation Planning Department had no objection to the proposal subject to conditions. Permission was granted at 25, Mount Merrion Avenue (also a Protected Structure) for development including new pitched roof garage with basement to the rear of the existing garden. No restriction was placed on parking. The decision was made after the 2024 Guidelines were issued.

8.6. I consider that the key issues to be addressed in the assessment of Condition 2 are as follows:

- Site Planning History

- Policy
- Appropriate Assessment

Site Planning History

- 8.7. The planning history for the site indicates car parking for two cars at the rear end of the garden since, at least, August 2000. The Site Layout plans for Ref: D00B/0359 and D08A/1247 both show parking for two cars with vehicular access on to the adjoining laneway. While neither of these applications sought permission specifically for car parking, two car parking spaces were indicated on the approved drawings. It is clear that there has been parking for 2 cars on the site and an approved vehicular entrance from the site on to the adjoining private laneway for a considerable period.

Policy

- 8.8. It is National Policy to promote sustainable forms of transport and to reduce on-site car parking in urban areas close to high-capacity public transport nodes. The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024*, sets out a graduated maximum car parking rate for developments through SPPR 3, where alternative sustainable transport options are available. The maximum rate of car parking provision for new residential development at urban locations close to public transport nodes, where such provision is justified to the satisfaction of the planning authority, is set at 1 no. space per dwelling. The subject site is in close proximity to high capacity public transport options.
- 8.9. The Dun Laoghaire Rathdown County Development Plan 2022-2028, Table 12.5 addresses Car Parking Zones and standards. The subject site is in Zone 2 as defined in the Plan. The standard for Zone 2 for a 3 bedroom + dwelling is 2.
- 8.10. The proposed development is not for any additional on-site car parking spaces but to provide a carport structure with PV panels to serve existing car parking as well as the main dwelling. This is noted in the Planning Report which states that the proposed development does not result in a significant change to the existing context (i.e. continuation of car parking to the rear of the existing property). The Planning Report considers the provision of car parking acceptable in this instance noting the rear vehicular access from Pea Field Mews is a privately managed laneway and the use of same for ad hoc parking.

- 8.11. There appears to be conflicting information submitted regarding the number of car parking spaces currently on the site. The Architectural Impact Heritage Assessment Report submitted with the application documentation states that currently there is a single parking space to the existing rear garden. The grounds of appeal contend that the condition under appeal seeks to remove from the applicants a right they have enjoyed for 26 years to use the rear of the house to park 2 cars. I submit that the planning history for the site indicates that there are currently 2 car parking spaces. The proposal would facilitate the use of the 2 EVs currently used by the appellants.
- 8.12. Condition 2 seeks to reduce the number of car parking spaces to serve the existing dwelling to one, and a reduction in the design of the carport to facilitate one car. It is imposed *in the interest of orderly development*, and this does not refer to the necessity for the condition in order to meet any National or County policy objective. The Transportation Planning report raises no objection to the application proposal subject to conditions, and these have been inserted in the Planning Authority decision. The Planning Report does not detail any convincing case for the inclusion of the condition, and there is no elaboration on the Planning Authority response to the grounds of appeal.
- 8.13. In the circumstances outlined, I do not recommend the inclusion of the condition and reason on policy grounds.

9.0 AA Screening

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

The subject site is located in an established residential area on Mount Merrion Avenue, Blackrock.

The proposed development comprises formation of a car port including PV panels on the roof, hard landscaping to form an enlarged parking area, and installation of PV panels on rear garden room.

Having considered the nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature and small scale of the development

- The location in an established residential area,
- The separation distance and absence of any connectivity to any European sites

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.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (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 area. The proposed development relates to the formation of a car port including PV panels on the roof, hard landscaping to form an enlarged parking area, and installation of PV panels on rear garden room. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

11.0 Recommendation

11.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance, would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to delete condition number 2 and the reason therefor.

12.0 Reasons and Considerations

Having regard to the nature, extent and siting of the proposed development, the 'A' zoning for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, and to the planning history for the site, it is considered that the proposed development is visually acceptable, would not be injurious to the residential

amenities of property in the vicinity, and would be in accordance with 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.

Des Johnson
Planning Inspector

25th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501674-DR-26.
Proposed Development Summary	The proposed development relates to the formation of a car port including PV panels on the roof, hard landscaping to form an enlarged parking area, and installation of PV panels on rear garden room.
Development Address	5, Mount Merrion Avenue, Blackrock, Dublin, A94W9P2. (Protected Structure).
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 Q.2.
	☐ No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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)?	
☐ Yes, it is a Class specified in Part 1. 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 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.	The development proposed is not of a Class for the purposes of Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. As such, the development is excluded at pre-screening stage.
☐ 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)	
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)?	
Yes ☐	
No ☒	

Inspector: _____ Date: **25th September 2026** _____