



An
Coimisiún
Pleanála

Direction
ABP-322724-25

The submissions on this file and the Inspector's report were considered at a meeting held on 19/09/2025.

The Commission decided, generally in accordance with the inspector, as set out in the following Order:

Planning

Commissioner:

Patricia Callear
Patricia Callear

Date: 19/09/2025

DRAFT WORDING FOR ORDER

WHEREAS a question has arisen as to whether (1) vehicular entrance gate with backing; (2) wooden fencing; and (3) decorative railing, all at 73 Grosvenor Road, Rathmines, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Eugene and Amy Jane O'Reilly care of Goodwin and Lee Architects of Hillcourt Road, Glenageary, County Dublin requested a declaration on this question from Dublin City Council and the Council issued a

declaration on the 13th day of May, 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Eugene and Amy Jane O'Reilly referred this declaration for review to An Coimisiún Pleanála on the 6th day of June, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 5 and 16, Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the report of the planning inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The gate, the wooden fence and the railing are works that constitute development,
- (b) the gate and decorative railing fall within the scope of Class 5, Part 1, Schedule 2 of those Regulations,
- (c) the wooden fence is not a temporary structure and, therefore, does not fall within the scope of Class 16, Part 1, Schedule 2 of those Regulations,
- (d) the wooden fence falls to be considered under Class 5 of those Regulations. Being in excess of 1.2 metres in height, it does not satisfy all of the conditions and limitations of this class and, therefore, does not fall within its scope, and

- (e) there are no restrictions on exempted development that apply to the gate and the railing:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, as amended, hereby decides as follows:

- (1) The vehicular entrance gate with backing and the decorative railing are development and are exempted development.
- (2) The wooden fence is development and is not exempted development.