

An  
Bord  
Pleanála

## Board Order ABP-318351-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4011/23**

**Appeal** by Seven Cabra Real Estate Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 4<sup>th</sup> day of October, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of installation of pedestrian access gates at the entrance to the residential development at Fassaught Avenue, alterations to the boundary treatment with the residential properties on Carnlough Road consisting of an anti-climb mesh fence, alterations to the boundary treatment with numbers 134 and 136 Carnlough Road consisting of the provision of a paladin fence and a high level privacy screen comprising solid timber panelling above, all at Hamilton Gardens, 2-4 Carnlough Road, Cabra West, Dublin.

## Decision

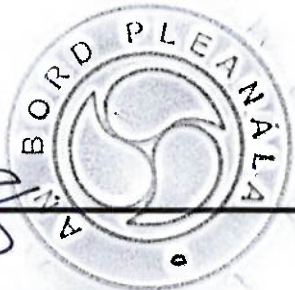

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition number 3(a) so that it shall be as follows for the reason set out.

3. (a) The pedestrian access gates shall be open and have unrestricted access all year round from Monday to Sunday, inclusive, between the hours of 0630 and the seasonal listed closing times below, which shall be advertised at all access points to Hamilton Gardens and controlled by the Management Company for Hamilton Gardens:
- October to April, inclusive, 1830 hours
  - May to September, inclusive, 2200 hours

**Reason:** To allow for ease of access to retail and other neighbourhood facilities for local residents and to protect the residential amenity of the residents of Hamilton Gardens.

## Reasons and Considerations

Having regard to the grounds of appeal, the reports submitted, the observations of third parties, the zoning objective, and Policy Objective QHSN21 (Gated Residential Development) of the Dublin City Development Plan 2022-2028, the Board agreed with the Inspector's report and considered that the condition should maintain permeability through the site for the community during daylight hours and largely restrict access after dark with fob access provided to residents at all times. In altering the Inspector's recommendation, the Board considered that two distinct access periods would bring greater clarity for local residents.



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**Mick Long**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 30<sup>th</sup> day of August 2024.