



An
Bord
Pleanála

Board Order ABP-320801-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 0236/24

WHEREAS a question has arisen as to whether a gated entrance (three metres in width) will be opened, joining the rear garden of number 9 Kilbarrack Road, Raheny, Dublin and the lane to facilitate access to the rear garden is or is not development or is or is not exempted development,

AND WHEREAS Stephanie Regan care of Liam Scott of 9 Kilbarrack Road, Raheny, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 29th day of August, 2024 stating that the matter is development and is not exempted development,

AND WHEREAS Stephanie Regan referred the declaration for review to An Bord Pleanála on the 12th day of September, 2024,

P.C.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) Section 2(1) of the Roads Act 1993, as amended,

AND WHEREAS An Bord Pleanála has concluded that a gated entrance (three metres in width) will be opened, joining the rear garden of number 9 Kilbarrack Road, Raheny, Dublin and the lane to facilitate access to the rear garden is development and is not exempted development,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that a gated entrance (three metres in width) will be opened, joining the rear garden of number 9 Kilbarrack Road, Raheny, Dublin and the lane to facilitate access to the rear garden is development and is not exempted development.

P.C.

In differing with the Inspector's recommended finding of exempted development for the works described, the Board agreed firstly with the Inspector that the development (comprising works) would fall within Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However, based on the information on file, the Board, on a majority 2:1 vote, considered that the proposed development would endanger public safety because of conflicting movements of traffic and pedestrians and poor forward visibility arising when exiting from the rear of the property onto the lane. Accordingly, the Board decided that a gated entrance (three metres in width), joining the rear garden of number 9 Kilbarrack Road and the lane to facilitate access to the rear garden, is development and is not exempted development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this *04* day of *February* 2025.