

An
Coimisiún
Pleanála

Commission Order
ABP-322724-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 0151/25

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,

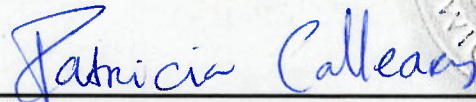
AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (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 the Planning and Development Regulations 2001, as amended,
- (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 decorative railing are works that constitute development,
- (b) the gate and the decorative railing fall within the scope of Class 5, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (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 the Planning and Development Regulations 2001, as amended,
- (d) the wooden fence falls to be considered under Class 5 of the Planning and Development Regulations 2001, as amended, 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 Planning and Development Act 2000, as amended, hereby decides that the vehicular entrance gate with backing and the decorative railing is development and is exempted development and that the wooden fence is development and is not exempted development.



Patricia Calleary

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 22nd day of September 2025.

