



An
Bord
Pleanála

Inspector's Report PL29N.248930

Development	Formation of 2.8m opening to existing boundary wall on St. Josephs Avenue and erection of security gate
Location	Drumcondra Station, 30 Drumcondra Road Lower, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2890/17
Applicant(s)	Iarnrod Eireann Railway Systems
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Iona Residents Association
Observer(s)	None
Date of Site Inspection	28 th September 2017
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is part of a parcel of land adjacent to Drumcondra Railway Station, at the junction of St. Joseph's Avenue and St. Anne's Road North, in a residential area of Dublin 9. The land accommodates a Telecommunications and Electrical Room servicing Drumcondra Railway Station, with the appeal relating to the access to this land.
- 1.2. The site subject of this appeal comprises a 2.8m wide opening within an existing boundary wall, enclosed by a 2.75m wide and 2.5m high security gate (constructed from a steel frame with transparent steel mesh and 200mm high palisade fence to top of gate), accessed from St. Joseph's Avenue. The boundary wall on either side of this opening is of block/concrete construction, with palisade fencing on top.

2.0 Proposed Development

- 2.1. The development relates to the retention of an opening within an existing block/concrete boundary wall and associated security gate. It is stated that the opening is used by Iarnród Éireann as a 'private pedestrian access' to access the telecommunications and electrical infrastructure associated with the rail line.

3.0 Planning Authority Decision

3.1. Decision

GRANT retention permission. The following conditions are of note:

- C2: The existing gate shall be replaced with a pedestrian gate, with a maximum width of 1.2m.
- C3: Details of the materials, colours and maintenance of the gate to be submitted and agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection.

3.3. Prescribed Bodies

Irish Water: No response received.

Irish Rail: No response received.

3.4. Third Party Observations

- The size of the opening is larger than what is required for what the applicant describes as a 'private pedestrian entry'.
- Negative visual impact of gate and fence.
- New electrical boxes inserted in the boundary wall adjoining the entrance gate which are not mentioned in the public notices.
- A lot of unauthorised development on the site.
- The opening created in the wall should be closed, the gate removed and the wall reinstated.

4.0 Planning History

None

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The application site is located within land use zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities.'*

5.2. **Natural Heritage Designations**

The site is not located within or directly adjacent to a Natura 2000 site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal has been submitted by the Iona District Residents Association and is summarised as follows:

- A number of unauthorised elements remain on the site.
- It is requested that ABP address the issue of the ancillary building on site and whether the development is or is not exempted development.
- Gate should be removed and the wall reinstated.

6.2. **Planning Authority Response**

- No further comment.

6.3. **Observations**

None.

6.4. **Further Responses**

Iarnrod Eireann state that the TER compound (telecommunications and electrical room) is required for the operation of Drumcondra station and the opening of the wall and gate, which is subject of this retention application, is required periodically to service the TER compound. Iarnrod Eireann request that the decision of Dublin City Council be upheld.

7.0 Assessment

- 7.1. This appeal relates to the retention of an opening in a wall and insertion of a gate. Other matters raised in relation to unauthorised development on the site accessed via this gate and the palisade fencing on the adjoining wall is not the subject of this application and is a matter for the Planning Authority to address through the appropriate procedures.
- 7.2. The primary issue for assessment relates to the visual impact of the development on the amenities of the area.
- 7.3. An opening has been created within the concrete wall in question, which is 2.8m wide, enclosed by a 2.75m wide and 2.5m high gate. The gate is constructed from a steel frame with transparent steel mesh and 200mm high palisade fence to top of gate.
- 7.4. The grounds of appeal argue the site is located in a residential area and the gate should be removed and the opening closed. I am of the view that it is reasonable to allow for a pedestrian access to this site to facilitate maintenance by Iarnród Éireann of the telecommunications and electrical equipment located within the site.
- 7.5. I am, however, of the view that the gate, which is located in a residential area, does visually detract from the streetscape. I am satisfied that this issue can be dealt with as per condition 2 and 3 of the Planning Authority's decision, which requires the removal of the existing gate and replacement with a gate of a more appropriate finish and width.

Appropriate Assessment

- 7.6. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. The proposal for retention of an opening to an existing boundary wall and erection of a gate is considered to be acceptable in principle at this location. Having examined the file and conducted a visit of the site and its environs, I consider that permission should be granted, subject to conditions in relation to the width of opening and finish of gate.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern of development in the area, in addition to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed opening and gate would not seriously injure the residential or visual amenities of the area or of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Within 6 months of the date of this decision the existing gate shall be removed and a pedestrian gate, with a maximum width of 1.2m shall be provided. The gate shall not open outwards.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. Details of the materials, colours and textures of the finish to the proposed gate shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

Una O'Neill
Senior Planning Inspector

29th September 2017
