



An  
Bord  
Pleanála

## Inspector's Report 302674-18

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<b>Development</b>	Permission for adaptation of front boundary railings, to relocate opening and replace swing gates with sliding gate, retention of crossover and associated works
<b>Location</b>	40 Alma Road, Blackrock Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0672
<b>Applicant(s)</b>	Deirdre Dempster
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission s.t. conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Deirdre Dempster
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> November 2018
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on the corner of Alma Road and Monkstown Road, in Blackrock. It is situated at the end of a row of houses fronting Alma Road. The site comprises one of a pair of semi-detached houses at the southern end of the street. The southern boundary abuts Monkstown Road and is defined by a 2.5m high brick wall. The site area is given as 0.0415ha and the road frontage boundary is c.10m in length.
- 1.2.** The Monkstown Road boundary wall terminates at the southern gate pier at the entrance. The remainder of the front boundary is comprised of 1.3m high railings on a low plinth wall with mature hedging inside the railings. There is a pay and display parking bay immediately outside the site, with an associated sign.
- 1.3.** There is an existing gate on the front (west) boundary leading to a hard-standing parking area, (2 cars), which is immediately to the north of the roadside boundary wall. The gate is a 2m high, curve-topped swing gate which is electronically controlled, and is flanked by tall masonry pillars, 1.8m and 2.3m high, respectively. It should be noted that the submitted drawings indicate that the existing (and proposed) height of the front railings is 1.8m, which is not the case.

## **2.0 Proposed Development**

- 2.1.** It is proposed to relocate the vehicular entrance and gates on the front boundary further to the north, away from the junction with Monkstown Road. The entrance would be widened from 2.7m at present to 3.5m. It is stated that the proposed development will also facilitate three off-street parking spaces and will allow for a car to enter forwards, turn and exit in forward gear.
- 2.2.** The proposed development involves the relocation of the opening and adaptation of the railings, and also includes the replacement of the swing gates with a sliding gate which would be automatically controlled. The proposal would also necessitate the relocation of the crossover and the reinstatement of the pavement. The sliding gate would be metal, resembling railings, with new gate piers and the railings to the south of the entrance would also be reinstated. The location of the proposed entrance would be immediately adjacent to the pay and display parking bay, which would be required to be relocated.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to nine conditions which were generally of a standard nature. Condition 3 required that the replacement gates are not automated.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

3.2.1.1 The planning report (4/09/18) noted that the railings were incorrectly shown at 1.8m on both the existing and proposed drawings, yet on site, the height was observed at 1.3m with at least one step up along its length. It was considered that the proposed railings should be consistent in height with those on the neighbouring properties, between 1.2m and 1.4m and should not be as tall as proposed. However, replacement of the gate pillars at the existing heights of 1.8m and 2.3m was considered to be acceptable. Regard was had to Section 8.2.4.9 of the CDP regarding Vehicular Entrances and Hardstanding Areas.

3.2.1.2 Permission was, therefore, recommended, subject to conditions.

#### **3.2.2. Other Technical Reports**

3.2.2.1 Roads Design - Planning - No objections subject to 8 no. conditions. This included a condition requiring that the proposed gate shall not be automated in accordance with Section 8.2.4.9 of the CDP. Other conditions included a requirement to remove the pay and display parking bay and associated sign, restriction on width of entrance to 3.5m, reinstatement and dishing of footpath.

### **3.3. Prescribed Bodies**

3.3.1 None.

## 4.0 Planning History

**D99B/0927 – 40 Alma Road** - planning permission granted on appeal site for 2-bedroomed attic conversion including altering hip roof to form gable, 2 no. rooflights and dormer window and construction of a brick wall to Monkstown Road frontage, of front garden (height of same to match garage wall).

Extensive history relating to creation or widening of vehicular entrances on Alma Road. Approx. 11 no. permissions granted since 2002. The following are the most relevant to the current application/appeal.

**D04A/0665 – 32 Alma Road** – permission granted for widening of vehicular entrance four doors to north (same side of road), including gates.

**D04A/1269 – 34 Alma Road** – permission granted for widening of vehicular entrance three doors to north, (same side), including gates.

**D02/0965 – 43 Alma Road** – permission granted for changes and alterations to vehicular entrance gates. This property is directly opposite site, on corner with Monkstown Road. Automated gates permitted.

**D07A/0874 – 41 Alma Road** – permission granted for widening of entrance, (next door to No. 43, opposite site). Permission had previously been refused for proposed sliding automated gates, similar to No. 43, (Ref. D06A/1327) on grounds of traffic hazard, relating to sightlines.

**D07A/0894 – 39 Alma Road** – permission granted for widening of entrance, (next door to No. 41, opposite site). Permission had previously been refused for proposed sliding automated gates, similar to No. 43, (Ref. D06A/1784) on grounds of traffic hazard, relating to sightlines.

**D04A/0666 – 28 Alma Road** – permission granted for widening of access.

**PL06D.200914 (D02A/0877) – 33 Alma Road** – permission granted on appeal for double gates to allow vehicular entrance.

## **5.0 Policy Context**

### **5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022**

5.1.1 The site is zoned Objective A for which the objective is to “To protect and improve residential amenity”. The adjoining Monkstown Road and the houses to the rear, Eaton Square, form part of an Architectural Conservation Area. Relevant policies contained in Chapter 8 include the following.

**8.2.4.9 – Vehicular entrances and hardstanding areas** – “Automatic electronic gates into residential developments are not favoured, and should be omitted.

Automatic and electronic gates are not acceptable in terms of road safety unless the entrance is set back 6.0m from the back of the footway to avoid the roadway or footway being obstructed by a vehicle while the gate is opening.”

5.1.2 This section also requires that vehicle entrances and exits be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is being proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety.

### **5.2. Design Manual for Urban Roads and Streets (2013)**

These statutory guidelines focus on the role and function of streets within urban areas where vehicular traffic interacts with pedestrians and cyclists. The manual generally seeks to achieve better street design in order to encourage more people to choose to walk, cycle and use public transport by making the experience more pleasant and safer, and thereby promoting more healthy lifestyles. It outlines practical design measures to support and encourage more sustainable travel patterns in urban areas. These include guidance on materials and finishes, street planting, design and minimum width of footways (including minimum widths, verges and strips), design and location of pedestrian crossings, kerbs and corner radii and shared surfaces.

### 5.3. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 500m to the north on the far side of the N31 and the Dart line.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first-party appeal was submitted by Simon Hoe Architects on behalf of the appellant. The main points raised may be summarised as follows:

- **Road safety** – it is considered that automatic gates are safer to the public than manual ones, as the latter requires the householder to stop the car in the road, step out and walk to the gate, and return to the car before driving off the road and allowing other cars to pass. Thus, not having automated gates slows down the clearing of accumulated cars increasing visibility for pedestrians crossing the road.
- **Existing automated gates** – The property already has automated gates, as do several other properties on the street, which do not currently cause problems.
- **Automation** – were manual gates to be in place, permission would not be required to automate them.
- **Security** – The site is on the corner with a main road and receives a lot of unwanted callers. Prior to automation of the existing gates, the applicant, who is a widow with 2 children, felt very vulnerable and installed automation in an effort to improve security. A letter from the applicant is attached to the grounds of appeal to this effect.

### 6.2. Planning Authority Response

- 6.2.1 The P.A. responded to the grounds of appeal on 26<sup>th</sup> October 2018. It is noted that Section 8.2.4.9 requires that entrances are set back 6.0m from the public road if automation is to be considered to be acceptable, and that the entrance to the appeal

site is not set back by 6.0m. It was considered that it would give rise to a traffic hazard and an obstruction to other road users.

## **7.0 Assessment**

**7.1.** The first party appeal is against **Condition No. 3** only which states that

The proposed new/replacement sliding gate for the relocated vehicular entrance shall not be an automatic electronic gate.

Reason: in the interest of public safety and the proper planning and sustainable development of the area.

I am satisfied that the appeal can be dealt with in accordance with the relevant provisions of S139 of the Planning and Development Act 2000, as amended.

It is considered that the main issues arising from the appeal are as follows:-

- Compliance with policy
- Road safety.

## **7.2. Compliance with policy**

**7.2.1.** The current Dun Laoghaire Rathdown County Development Plan 2016-2022 at paragraph 8.2.4.9 states that automatic gates into residential development are not acceptable in terms of road safety, unless the entrance is set back by 6.0m. As noted in the P.A. reports, the entrance to the appeal site is not set back 6.0m from the road and is not recessed at all. It is noted, however, that this policy seems to have been introduced in the recently adopted 2016, and is not contained in the earlier 2010-2016 Development Plan.

**7.2.2.** It is further noted that planning permission was granted in 2002 for a sliding gate, which was proposed to be automated, directly opposite the site, at No. 43 Alma Road (D02A/0965). This property is similarly located in that it is directly adjacent to Monkstown Road. I also note from a review of the P.A. website, that most of the other permissions granted appear to relate to manual gates, although it is not always specified. It is further observed that permission had been refused for two further proposed entrances in 2006 (D06A/1784 – No. 39, and D06A/1327 – No.41), which

were stated to be similar to that permitted at No. 43 and would have been automated. However, permission was subsequently granted for widened entrances at each of these properties and the drawings indicated that they would be manual gates. It is acknowledged, however, that neither the reasons for refusal nor the technical reports relating to the previous refusals had made any reference to the issue of automation.

**7.2.3.** It is further noted that the appellant has advised that the existing gates are automated and that there are several gates along the street which have automation. The appellant has also pointed out that there is no need to apply for planning permission to introduce automation.

**7.2.4.** In light of the above, it is considered that although the proposed development is not strictly in compliance with the current Development Plan policy, it is acknowledged that this is a relatively new policy which is likely to have been adopted after the automation of the existing gates, and that an identical situation on the opposite side of the street was granted planning permission by the planning authority. Thus, in these circumstances, it is considered that strict adherence to the policy is not justified in this instance.

### **7.3. Road Safety**

**7.3.1.** The P.A. Transport Section has stated that the proposed automation of gates would give rise to a traffic hazard at this location as follows:

“This is specifically relevant to 40 Alma Road, Blackrock, as it is an immediate property entrance on Alma Road off Monkstown Road, and a vehicle accessing the property via Monkstown Road would be an immediate obstruction/danger to other vehicles turning onto Alma Road from Monkstown Road, while it waits for an automatic electronic gate to open. If the turning traffic onto Alma Road off Monkstown Road happened to be especially heavy, the obstructing vehicle waiting for an automatic electronic gate to open might cause queuing to occur back onto Monkstown Road. Both of these obstruction situations could lead to read end shunt collisions”

**7.3.2.** In general terms, I would agree with this assessment. However, I am mindful of the fact that the existing gates are automated and are located immediately adjacent to



the junction with Monkstown Road. Given that the proposed development involves the relocation of an existing entrance with an automated gate to a new location c.2m further away from the junction with Monkstown Road, the proposed automation of the new gates would not increase the hazard associated with automated gates at this location. It is considered that the relocation may in fact reduce the risk of an incident due to the slightly better location away from the junction.

- 7.3.3.** The appellant has stated that the introduction of manual gates is likely to result in a slower response in terms of moving the vehicle off the public road and into the driveway, as the driver has to get out, manually open the gates and get back into the car. The fact that the proposed gates are sliding is also of note, as this operation is likely to facilitate the vehicle to move off the carriageway quicker than inward opening gates.
- 7.3.4.** In conclusion, it is considered that the relocation of the entrance further away from the junction, together with the fact that the existing gates are already automated, means that in road safety terms, the proposed development would be likely to improve the existing situation, and in any case would not make it worse.

#### **7.4. Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.5. Appropriate Assessment**

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 500m to the north. They are located on the far side of the N31, Seapoint Avenue, and on the seaward side of the Dart line. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## **8.0 Recommendation**

8.1 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 have been 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 remove Condition Number 3 and the reason therefor.

## **9.0 Reasons and Considerations**

9.1. Having regard to the policies and objectives as set out in the Dun Laoghaire Rathdown County Council Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, and in particular to the existing automated electronic gates at the existing entrance to the site and to the entrance to the property immediately opposite the site, and to the fact that the proposed relocation of the entrance away from the junction with Monkstown Road would result in improved road safety, I am satisfied that Condition No. 3 is not warranted. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Decision**

**Remove:** Condition No. 3 and the reason therefor.

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Mary Kennelly  
Planning Inspector

25<sup>th</sup> November 2018