



An  
Bord  
Pleanála

## Inspector's Report ABP-305357-19

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| <b>Development</b>                  | Vehicular entrance and completion of works |
| <b>Location</b>                     | Main Street, Rathkeale                     |
| <b>Planning Authority</b>           | Limerick City & County Council             |
| <b>Planning Authority Reg. Ref.</b> | 19/614                                     |
| <b>Applicant(s)</b>                 | Patrick Sheridan                           |
| <b>Type of Application</b>          | Retention Permission                       |
| <b>Planning Authority Decision</b>  | Refuse                                     |
| <b>Type of Appeal</b>               | First Party                                |
| <b>Appellant(s)</b>                 | Patrick Sheridan                           |
| <b>Date of Site Inspection</b>      | 26 <sup>th</sup> November, 2019            |
| <b>Inspector</b>                    | Kevin Moore                                |

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is on the north side of Main Street in Rathkeale, County Limerick. There is an existing two-storey house nearing completion of renovation works. The house is a protected structure. There is an existing vehicular entrance which is gated on the west side of the property frontage. The gate is galvanised with uPVC sheeting. The gate makes provision for pedestrian access on its east side which can open inwards. The overall gate opens outwards to allow for vehicular access to the side of the house.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the retention of the vehicular entrance forming part of a previously permitted development under Planning Permission 15/902 and the completion of works. The gateway at the entrance comprises galvanised gates to a stated height of 2.7 metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 16<sup>th</sup> August 2019, Limerick City & County Council refused permission for the proposed development for one reason relating to traffic impact.

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

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

The Planner noted the planning history and the report received. It was noted that a previous application sought permission for a vehicular entrance that was not permitted. The concerns of the Roads Engineer were acknowledged. A refusal of permission was recommended based on traffic impact.

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

The Operations and Maintenance Services Engineer recommended that permission should not be granted because of the impact of the proposed out-swinging gate on traffic movement and conflict with traffic at the adjoining Chapel Lane.

## 4.0 Planning History

### P.A. Ref. 15/902

Permission was granted for the demolition of the rear portion of an existing dwelling and for a new extension and vehicular entrance/access to the side of the dwelling. Condition 3 of the permission omitted the proposed vehicular entrance.

## 5.0 Policy Context

### 5.1. Limerick County Development Plan

#### Development Management Standards

##### **Development requiring access to public roads (Section 10.11.1)**

All applications for development involving access onto the public road network are assessed having regard to:

- 1) Relevant national standards and guidelines:
  - a) National Roads Authority NRA: Design Manual for Roads and Bridges January 2009 Road Geometry Handbook.
  - b) Department of Transport (DoT), Dublin Transport Office (DTO), and DEHLG: Traffic Management Guidelines 2003.
- 2) The following considerations:
  - a) Classification of the public road.
  - b) Speed limit which applies to the road.
  - c) Width and carrying capacity of the road.
  - d) Condition of the road surface.
  - e) Drainage requirements of the road.
  - f) Nature, scale and layout of the development.

- g) Volume and nature of traffic likely to be generated by the development.
- h) Design of the access and sightline visibility.
- i) Vertical and horizontal alignment.
- j) Number of access points in the vicinity.
- k) Junctions in the vicinity.
- l) Level of parking required and provision of on-site parking.
- m) Lighting and advertising matter associated with the development.
- n) Footpath and public lighting requirements.

## 5.2. Rathkeale Local Area Plan

### Zoning

The site is zoned 'Town Centre' with the objective to protect and enhance the character of Rathkeale town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre while guiding the development of an expanded and consolidated town centre area.

### Heritage

The existing dwelling is a protected structure (RPS Ref. 1554) and the site is located within Rathkeale Architectural Conservation Area.

## 5.3. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

#### **5.4. EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The grounds of the appeal may be summarised as follows:

- The appellants have a sick child and need to have vehicular access to their property for off-street parking so as to be able to access the side entrance to their dwelling in order that in the future they will be able to provide a ramped approach to the side entrance.
- Regarding impact on Chapel Lane, reference is made to an Inspector's report under Appeal Ref. PL 91.246954 and to how traffic self-regulates in an urban framework. There would be no conflict with traffic on Chapel Lane as traffic is limited in speed and volume.
- As there is little left of the original house, commentary that a vehicular entrance affects the prospects and views of the protected structure should not apply.
- Parking off street should be a basic provision for any homeowner on a main street to protect property from vandalism.
- The appellant has no problem with costs associated with dishing of the public footpath.

#### **6.2. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## 7.0 Assessment

- 7.1. I have inspected this site, including the access to the property and the internal layout of the house, and I met the applicant and his family in their mobile home which was parked to the rear of the house. It is my submission to the Board, further to the applicant's submission as part of the planning application, that a vehicular entrance is a necessity for this property to serve the needs of this family. The main door entrance to the front of the house at street level is below the finished floor level of the house internally and this has resulted in steps being provided immediately inside the front door. This would prove a difficult and inappropriate access to serve this family's needs at times of emergency. The only reasonable way to provide necessary wheelchair access and emergency vehicular access to this house is from the side. Thus, in principle, the need for a vehicular entrance is accepted to meet fundamental needs of the family occupying this house.
- 7.2. I note that the existing gate provides for pedestrian access on its east side and this narrow section of the overall gate can open inwards. However, the curtilage behind this access slopes upwards from the gate and, as a consequence, the overall gate allowing vehicular access cannot open inwards. I acknowledge that the consequence of this arrangement for an outward opening gate results in potential conflict with pedestrians on the public footpath adjoining the frontage. With regard to any potential conflict with vehicular traffic, I do not accept that the irregular usage of this gate for vehicular access would in any way interfere either with the free flow of traffic on this main street or have any conflict with traffic coming from Church Lane to the west. Church Lane is very much a very narrow lane which is so restricted in width that it cannot facilitate any substantial flow of regular traffic. I do not accept that the irregular use of a gate allowing for vehicular access into the appeal site could be construed as any traffic hazard for vehicles on the public street.
- 7.3. The sole issue relating to the proposed development is the outward opening nature of the existing gate. Notwithstanding the likely irregular periodic use of this gate, one must seek to address the potential conflict with pedestrian movement along this frontage on this main street in the town. While there is a most definite need for a vehicular access, there must be a safer way of providing a gated access to the side of this house to prevent conflict with pedestrians on the street. I note from the

drawings submitted with the application that the overall width of the opening along the frontage is approximately 4.5 metres. It is reasonable to estimate that an emergency vehicle, such as an ambulance, would likely require a minimum width of 2.2 metres. Thus, it can be seen that the necessity for utilising the full 4.5m width may not be required for the purpose intended for a vehicular gate. There may be an opportunity to examine different types of gates in this instance. For example, using the above referenced minimum width, there may be the potential to accommodate a sliding gate, which would overcome the difficulties of the sloped nature of the curtilage behind the frontage to the side of the house, as well as addressing any traffic safety concerns.

- 7.4. In conclusion, I must repeat that there is a necessity to make provision for vehicular access to this site to meet the appellant's family's needs. A gate allowing vehicular access to meet minimum needs can be provided on this site, in my opinion, which would not conflict with pedestrian movement on the street at this location. There are no traffic safety concerns for vehicular turning movements at nearby Church Lane, in my view. The existing gate arrangement, while not likely resulting in frequent vehicular use, is not a safe access for pedestrians on the street. Allowing such a gate would be an undesirable precedent to set in this town centre location. It is my opinion that an alternative arrangement should be pursued and, on that basis, the retention of the existing gate should be refused permission. The Board may consider that the irregular use of the existing gate merits its retention in these particular circumstances and this may also be construed as reasonable and sustainable in the prevailing circumstances.

## 8.0 Recommendation

- 8.1. I recommend that permission is refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the outward opening nature of the existing vehicular gate, it is considered that the proposed development would endanger public safety by reason of traffic hazard due to conflict with pedestrian movement on the adjoining public footpath.

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Kevin Moore  
Senior Planning Inspector

3<sup>rd</sup> December 2019