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Bord  
Pleanála

## Inspector's Report 305514-19

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<b>Development</b>	Rear access gate and extended boundary wall
<b>Location</b>	86 Lorcan Drive, Santry, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3570/19
<b>Applicant(s)</b>	Jacinta Balfe
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant retention permission subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Gerard & Lorraine Keane
<b>Observer(s)</b>	Maureen Green
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2019
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. No. 86 Lorcan Drive, Santry, Dublin 9 is a two-storey, end-of terrace property located within a mature residential cul-de-sac. The site is irregular in shape, with vehicular access located to the front via Lorcan Drive, while the rear garden of the property extends into the Magenta Hall residential estate to the rear.
- 1.2. The garden wall to which this application relates fronts onto a residential cul-de-sac within this neighbouring estate, being situated between Nos. 30 and 30a Magenta Hall.

## 2.0 Proposed Development

- 2.1. The development comprises a rear access gate and extended boundary wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Retention Permission subject to 3 no. conditions issued on 16<sup>th</sup> September 2019. Condition No. 2(a) requires the gates to be rehung to open in an inward direction.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

### 3.3. Other Technical Reports

- 3.3.1. **Engineering Department Drainage Division:** No objection to the proposed development subject to condition.

### 3.4. Prescribed Bodies

- 3.4.1. **Irish Water:** None received.

### 3.5. **Third Party Observations**

- 3.5.1. 3 no. third party observations were made on this application. The grounds of objection generally relate to: the loss of trees to facilitate the development; failure to erect the site notice on the correct date; increased traffic in Magenta Hall on foot of the new access gate; the creation of the access gate removes the cul-de-sac in Magenta Hall; and, the access step to the gate is not within the applicant's ownership.

## 4.0 **Planning History**

- 4.1. **PA Reg. Ref. 4067/09:** Planning permission granted on 12<sup>th</sup> January 2010 for a single-storey extension to the rear.
- 4.2. **PA Reg. Ref. 1080/02:** Planning permission granted on 5<sup>th</sup> July 2002 for a first-floor extension to the side and rear.
- 4.3. **PA Reg. Ref. 1314/93:** Planning permission granted on 7<sup>th</sup> October 1993 for an extension to the side and rear and to widen the entrance.

### **Enforcement History**

- 4.4. **E0489/19:** Creation of entrance to the rear.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

- 5.1.1. **Zoning:** The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods) which has the objective "to protect, provide and improve residential amenities".
- 5.1.2. **Policy:** The policy regarding boundary walls and railings is set out in Section 16.2.2.4 of the development plan. Dublin City Council will seek to ensure that development will not result in the loss or insensitive alteration of characteristic boundary walls or railings. New boundary walls or railings should (i) replicate an existing or traditional pattern which is characteristic of the immediate locality and (ii) use a design and materials appropriate to the existing or proposed building and street-scene.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. 1 no. third party appeal has been lodged by Gerard and Lorraine Keane of No. 30 Magenta Hall, the grounds of which can be summarised as follows:

- The development has resulted in the loss of trees which were planted within Magenta Hall against the boundary wall of No. 86 Lorcan Drive;
- The access gate will be used to make deliveries to No. 86 Lorcan Drive, which will block access to No. 30 Magenta Hall;
- The access gates cause a health and safety concern for children playing in Magenta Hall;
- The wall and gates are out of character with the area;
- The gates should be removed, the wall closed-up and new trees planted to replace those that were removed.

6.1.2. The appeal submission is accompanied by a petition from residents of Magenta Hall who object to the development.

### 6.2. Applicant Response

6.2.1. This can be summarised as follows:

- Retention permission has been sought to regularise the planning status of the development;
- The access gates do not open onto the public footpath and are within the application red line boundary. The gates pose no danger to any pedestrians walking by as they are set back from the boundary;
- The applicant is willing to comply with Condition No. 2 of the Planning Authority's decision which requires the access gates to be inward opening;

- The trees along the property boundary were previously damaged and were subsequently removed due to their condition;
- The pedestrian gate provides access to the public pathway and is for domestic use only. It will also facilitate access to a foul sewer manhole in the rear garden that services the subject property and 2 neighbouring dwellings;
- The works are in harmony with the surrounding area;
- The gate will provide better connectivity for the subject property;
- A number of similar walls and rear access gates are evident in Magenta Hall and Lorcan Drive;
- The applicant has given an undertaking to provide low growing evergreen shrubs on either side of the access gate.

### **6.3. Planning Authority Response**

6.3.1. None received.

### **6.4. Observations**

6.4.1. 1 no. observation has been received from Maureen Greene who submits that the gateway will increase traffic levels in Magenta Hall, causing obstruction and inconvenience and a danger to residents.

### **6.5. Further Responses**

6.5.1. A further response was received from the appellants which largely reflects the grounds of appeal. In addition, the appellants submit that the gates may facilitate the future construction of a granny flat within the application site. The appellants also submit that the development has devalued the price of their property.

## 7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Visual impact of the development;
- Traffic impacts / pedestrian safety;
- Appropriate assessment.

7.2. Each of these issues is addressed in turn below.

### 7.3. Visual impact of the development

7.3.1. The appellants submit that the boundary wall and access gate are inconsistent with the character of the area.

7.3.2. During my site inspection I noted that the neighbouring dwellings and boundary treatments at Magenta Hall, are characterised by a variety of materials, including brick, pebble-dash, stone cladding, render and timber fencing. In addition, while most of the dwellings are comprised of semi-detached pairs, the property which adjoins the subject site to the west at No. 30A Magenta Hall is a single storey bungalow, while that further to the west at No. 31 Magenta Hall is a detached, two-storey dwelling. Thus, it is considered that the cul-de-sac adjoining the application site exhibits a diversity of character, materials and design.

7.3.3. The boundary wall is rendered and capped and exceeds the height of the adjoining party walls by c. 0.5 m. The access gate is set within the wall and comprises 2 no. outward-opening painted timber panels. On balance, I do not consider that the boundary wall and access gate, by reason of scale, design or materials, has any negative visual impact on the residential cul-de-sac at Magenta Hall given the diversity of building materials which have been employed in this area.

### 7.4. Traffic impacts / pedestrian safety

7.4.1. The appellants submit that the proposed development will increase traffic movements within the residential cul-de-sac at Magenta Hall, which poses a safety risk for children playing in the area.

7.4.2. While I note that no report has been received from the Road Traffic Department of Dublin City Council, I further note that the gate facilitates pedestrian access only to

the rear of the application site. While the appellant submits that the gate will enable the making of deliveries to No. 86 Lorcan Drive via Magenta Hall, in my opinion, this is unlikely to occur to any significant extent which would result in a traffic hazard.

- 7.4.3. The applicant's agent submits that the gates are outward open within the property boundary. However, I note that the height of the boundary wall does not permit visibility over the adjoining footpath. Thus, having regard to the appellants concerns in relation to pedestrian safety at this location, in my opinion it is reasonable to require the access gates to be inward opening. I note that the applicant's agent has expressed a willingness to comply with this requirement, which can be addressed by way of condition. In conclusion, I consider that the development for which retention permission is sought is acceptable and in accordance with the proper planning and sustainable development of the area.

## 7.5. **Appropriate assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the development as retained would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

- 8.1. I recommend that retention permission be granted subject to conditions.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature and scale of the development for which retention permission is sought, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development therefore, is 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. <b>Reason:</b> In the interest of clarity.
2.	The access gates hereby permitted shall be inward opening. <b>Reason:</b> In the interests of orderly development and pedestrian safety.

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Louise Treacy  
Planning Inspector

11<sup>th</sup> December 2019