



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312870-22

<b>Development</b>	Construction of vehicular and pedestrian entrance with all associated siteworks.
<b>Location</b>	Geraldstown Woods, Santry Avenue, Dublin 9, D09 AT04.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F21A/0650
<b>Applicant(s)</b>	Geraldstown Woods Management Company
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party against Decision to Refuse Permission
<b>Appellant(s)</b>	Geraldstown Woods Management Company
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> September 2022
<b>Inspector</b>	Enda Duignan

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## **1.0 Site Location and Description**

- 1.1. The address of the appeal is Geraldstown Woods, Santry Avenue, Dublin 9. Geraldstown Woods is an existing residential development which is located on the northern side of Santry Avenue, c. 145m to the east of the junction of Santry Avenue and Ballymun Road (R108). Vehicular access to the site is provided by an existing entrance at the western end of the site's frontage to Santry Avenue. Geraldstown Woods is a cul-de-sac and the existing development comprises a number of 3 – 4 storey apartment buildings which are generally located on the northern side of the internal access road serving the development. Communal open space is provided around the periphery of the existing development and there are a number of mature trees along the southern site boundary.
  
- 1.2. In terms of the site surrounds, the residential development of Northwood Court is located to the site's north. The site is bound to the west by the Domville Woods apartment development and the Metro Hotel and Forestwood Avenue residential development is located to the south, on the opposite side of Santry Avenue.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the provision of new automated vehicular and pedestrian gates at the entrance to the existing residential development. The proposal includes 2 no. automated pedestrian gates on either side of a new automated vehicular access gate at the entrance to the site. The vehicular gate has a maximum height of c. 2.8m and the pedestrian gates on either side have maximum heights of c. 2.4m. Stone clad pillars are also proposed on either side of the gates which measure c. 2.4m in height.
  
- 2.2. The proposal includes the provision of steel rail fencing to the west and east of the proposed entrance gates which will tie in with the existing fencing to the east of the site which enclose the site along its southern boundary.
  
- 2.3. The proposal also includes the provision signage for the proposed development on the proposed pillars and on a section of wall to the west and east of the respective pedestrian gates which measure c. 2.7m long.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Fingal County Council refused permission for the development for the following 4 no. reasons:

1. The proposed development would be contrary to the design principles and requirements of the Design Manual for Urban Roads and Streets (DMURS) and would cause issues with and restrict access for service and emergency vehicles. The proposed development would contravene materially Objective PM32 of the Fingal Development Plan 2017-2023 and would be contrary to Section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Section 3.14 in relation to connectivity and permeability and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would reduce permeability and integration with the surrounding community which would be contrary to the principle of Objective DMS32 in the Fingal Development Plan and the 'RS' residential zoning objective of the Geraldstown Woods development, which is to protect and improve residential amenity in the Fingal Development Plan 2017-2023. The proposed development would also prevent access/use of the zoned open space area serving the Geraldstown Woods development which would be detrimental to the character and vitality of the area. The proposed gated development would therefore seriously injure the residential amenities of the area, would contravene materially Objective PM31 and Objective PM33 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
3. Site layout drawings submitted with the planning application are insufficient as they do not show the existing mature trees located at the entrance to Geraldstown Woods which would be in close proximity to the proposed railings, footpath and gates. The impact of the proposed works on the existing mature trees on site has therefore not been adequately addressed and if permitted may result in the loss of trees. The proposed development would therefore be

detrimental to the visual amenity of the area and contrary to the proper planning and sustainable development of the area.

4. The proposed gated development, if approved, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, seriously injure the residential amenity and viability of the area and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Fingal County Council Planning Report forms the basis of the decision. The report provides a description of the site and surrounds and sets and out its planning history. The report outlines the applicable zoning objective and provides an overview of the policy of the Fingal County Development Plan, 2017-2023, that is relevant to the development proposal.

The Planning Authority indicate within their report that they encourage increased permeability within towns and villages and the provision of a gated entrance to an established residential development would therefore be unacceptable. In this regard, the proposal is deemed to be contrary to Objective DMS32 of the Fingal County Development Plan, 2017-2023. The Planning Authority also indicate that the justification/rationale for the proposal with respect to the illegal dumping of rubbish at the site has not been adequately demonstrated.

In terms of vehicular and pedestrian access, the Planning Authority raised significant concerns that the proposal could reduce the free flow of traffic at this location and could cause traffic to back up onto Santry Avenue. Concerns were also highlighted with respect to the restriction of access for service and emergency vehicles as a result of the proposed development.

The Planning Authority also noted the presence of trees along the southern site boundary and concerns were raised with respect to the potential impact of the proposal on said trees.

### 3.2.2. Other Technical Reports

Transportation Planning: Report received recommending a refusal of permission.

Parks & Green Infrastructure Division: Report received recommending a refusal of permission.

Water Services: Report received stating no objection.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None

## 4.0 Planning History

### 4.1. The Subject Site.

4.1.1. The relevant planning history of the site and wider surrounds can be summarised as follows:

- **F05A/1415**: Planning permission granted for a re-design to 1 No. residential apartment block C, within the site of Santry residential development phase 4, previously granted permission under Planning Ref F05A/0464.
- **F05A/1259**: Planning permission granted for a residential development consisting of three apartment blocks with a total of 90 apartments.
- **F05A/0464**: Planning permission granted for development consisting of a re-design to 8 no. residential blocks, 5 and 6 storey's high, within the site of Santry residential development phase 4, previously granted permission under ref. PL06F.112730 (F98A/1328).
- **F05/0327/E1**: Extension of Duration granted for the construction of an office development within lands at Santry Demesne.

- **F05/0327/E1:** Planning permission granted for the construction of an office development within lands at Santry Demesne.
- **F04A/0578:** Planning permission granted for a 2 storey licensed restaurant, total gross area 726m<sup>2</sup>, on part of lands at Santry Demesne, (previously approved for office development, Blocks L & K under Ref. F98A/1328 and PL06f.112730). Plus landscaping, surface parking and siteworks.
- **F04A/0577:** Planning permission granted for the construction of a 4 storey Neighbourhood Centre over basement.
- **F02A/0001:** Planning permission granted for the omission of a section of dwarf wall and railing, along the south side of the distributor road / north side of the Public Park at Santry Demesne and the provision of a low railing from Temple Gardens to seven acre bridge.
- **F00A/0391:** Planning permission granted for residential development, comprising 111 no. apartments 1, 2 and 3 bedroom types, in three and four storey blocks plus 10 no. two bedroom Duplex Apartments over 10 no. one bedroom single storey apartments.
- **F98A/1328:** Planning permission granted for an integrated urban development project consisting of an apartments complex and associated amenity building, an offices complex, a Hotel, an extensive public park and all site development works, including ESB substations and security kiosks, infrastructural services and outfall sewers including surface water attenuation.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The proposed vehicular and pedestrian gates are located across the roadway serving the development and the lands to the west of the entrance are zoned 'RS' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is to "Provide for Residential Development and Protect and Improve Residential Amenity". It is noted that the lands to the east of the entrance are zoned 'OS' which seeks to "Preserve and provide for open space and recreational amenities". The site is also identified on the zoning maps as being located within the Dublin Airport Noise Zone D.

5.1.2. The following relevant policy objectives are noted:

- **Open Plan Estates:** It is important to maintain the openness of residential development, particularly schemes where openness is a defining feature of the development. This can be achieved through the removal of the exempted development rights with regard to the provision of boundary walls, railing or other features to the front of houses.
- **Gated Communities:** Gated communities are communities or developments in which access to the public is not readily available due to the erection of different types of physical barriers. Gated communities serve to exclude and divide communities and do not support the development of a permeable, connected and linked urban area.
- **Objective PM31:** Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).
- **Objective PM32:** Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government’s Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority’s Permeability Best Practice Guide (2015), in the provision of good urban design.
- **Objective PM33:** Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.
- **Objective PM60:** Ensure public open space is accessible, and designed so that passive surveillance is provided.
- **Objective PM61:** Ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents.
- **Objective DMS32:** Prohibit proposals that would create a gated community for any new residential developments.

- **Objective DMS56:** Integrate and provide links through adjoining open spaces to create permeable and accessible areas, subject to Screening for Appropriate Assessment and consultation, including the public, as necessary.

## **5.2. Design Manual for Urban Roads and Streets (DMURS), 2019**

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest designated site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 000206), located c. 4.9km to the south-east of the appeal site. The North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) are located c. 6.7km to the site's south-east. The proposed Natural Heritage Area (pNHA): Santry Demesne, is also located c. 300m to the site's east.

### **5.4. EIA Screening**

- 5.4.1. Having regard to the nature and scale the proposed development, which consists of the erection vehicular and pedestrian gates and railings and associated signage, there is no real likelihood of significant effects on the environment arising from the development to be retained. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

- 6.1.1. The main grounds of the appeal can be summarised as follows:
- 6.1.2. The existing residential development is a private development which is not taken in charge by the Local Authority. It is the Appellant's understanding that the open space within the development was only ever intended for the residents of the development and not as a general public amenity. It is indicated that the costs associated with the upkeep of the open space areas are met by residents of the development through their annual management fees and no contribution is received from the Local Authority.

- 6.1.3. With respect to illegal dumping, cars regularly drive into the development and offload bags of waste and other large bulky items. Photographic evidence of same is attached to the appeal submission.
- 6.1.4. There is an on-going issue of antisocial behaviour on site because of the open nature of the existing development. Significant costs have already been incurred as a result of the installation of CCTV on site and for the upgrading of street lighting.
- 6.1.5. In terms of permeability, the site is, and has always been a cul-de-sac as there is no through road of pedestrian/cycle access to other developments to the rear. While there is a preference for a fully gated development, the Appellant is amenable to committing to the pedestrian and cycle access open if fully gated is not possible.
- 6.1.6. The Appellant refers to a number of examples of developments within the surrounds which have similar security arrangements. Photos of examples within the surrounds of the site accompany the appeal submission.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **7.0 Assessment**

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Site Permeability
- Traffic & Transportation
- Open Space & Impact on Trees
- Precedent
- Appropriate Assessment

## **7.1. Design & Site Permeability**

- 7.1.1. The proposal seeks planning permission for the provision of new automated vehicular and pedestrian gates at the entrance to the existing Geraldstown Woods residential development. The proposal includes 2 no. automated pedestrian gates, located on either side of a new automated vehicular access gate at the entrance to the site. A nameplate sign is proposed on each of the piers on either side of the vehicular entrance and larger signage (Geraldstown Woods) measuring c. 1.5m wide by 0.6m high) are proposed on new walls to the side of the pedestrian entrances. The proposal also includes the widening of the existing footpath adjacent to the proposed pedestrian entrances. Additional fencing is also proposed within this portion of the site so that the residential development is entirely enclosed along its southern boundary to Santry Avenue. In design terms, the entrance gates and railings are generally consistent with the character of the surrounding area. The stone clad walls and piers have a distinctively residential character, and the proposed railings will tie in with the design of the existing railings along Santry Avenue further to the east along the site's frontage. Overall, I am satisfied that the proposal is acceptable having regard to the visual amenity of the surrounding area.
- 7.1.2. In terms of a rationale for the development proposal, the Applicant has outlined that the installation of the gates is required given the prevalence of illegal dumping and anti-social behaviour on site due to the open nature of the site and the applicant has submitted photographic evidence in support of this claim. From my inspection of the site, it appeared as though all bins stores on site were located within locked cages. I note that Objective DMS32 of the current CDP seeks to "Prohibit proposals that would create a gated community for any new residential developments". I agree with the Planning Authority that this policy should be applied to existing residential developments and not just new developments. The current CDP defines gated communities as communities or developments in which access to the public is not readily available due to the erection of different types of physical barriers. It is highlighted that they serve to exclude and divide communities and do not support the development of a permeable, connected and linked urban area.

- 7.1.3. Design Principle 1 of the Design Manual for Urban Roads and Streets (DMURS), 2019 seeks “To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.” Section 3.3.3 (Retrofitting) of DMURS also recognises that sustainable travel can be supported through retrofitting and requires that local authorities prepare plans to retrofit areas in order to create more sustainable neighbourhoods. It is stated that well placed links can lead to substantial benefits for the local community in terms of reducing walking distances to essential services. It also highlights that research has found that increased local movement is also beneficial to security as it can increase levels of passive surveillance.
- 7.1.4. Although I acknowledge that the site is a cul-de-sac and currently lacks both vehicular and pedestrian permeability, I note that opportunities may present themselves in the future to enhance permeability within the site and surrounds, particularly with the existing development to the north. I concur with the concerns of the Planning Authority that the installation of railings along this portion of the boundary and the provision of automated gates will prohibit access to the site and will result in the creation of a gated community. Given the nature of the proposed development, I have concerns that this may inhibit in perpetuity the potential for future permeability through the site should the opportunities arise. On this basis, the proposal is considered to be contrary to Objective DMS32 of the current CDP and therefore, does not accord with the proper planning and sustainable development of the area. In this regard, I recommend that permission be refused for the proposed development.

## **7.2. Traffic & Transportation**

- 7.2.1. The Planning Authority noted in their assessment of the proposed development that a yellow box is indicated at the entrance to the Geraldstown Woods development. Significant concerns were raised that the proposed restricted gate access to Geraldstown Woods could reduce the free flow of traffic and could cause traffic to back up onto Santry Avenue. The Planning Authority’s Transportation Planning Section also noted that “The proposed development is contrary to the design principles and requirements of the Design Manual for Urban Roads and Streets. Moreover, the gates will cause issues with access for service vehicles and emergency vehicles”.

- 7.2.2. I note that there is an existing right-turning lane at the entrance to Geraldstown Woods when travelling in a westerly direction along Santry Avenue. The existing entrance to the site is located c. 150m to the east of the signalised junction of Santry Avenue and Ballymun Road. I also note the location of an existing bus stop on the northern side of Santry Avenue, c. 30m to the west of the entrance to Geraldstown Woods. The Applicant has not submitted information with respect to the number of expected traffic movements from the existing development and there is no supporting documentation to demonstrate (traffic impact assessment) that the proposal would not result in a potential traffic conflict at this location. Although it could be assumed that each resident of the existing development may have fob access for the proposed gates, no details as to how this is managed is included within the application or appeal. I also note that no information is included with respect to access for visitor car parking or how this is intended to be managed. As a result, this could be a contributing factor in cars backing up onto Santry Avenue, with this impact likely to be exacerbated at peak times.
- 7.2.3. Given the location of the existing entrance relative to the junction of Santry Avenue and the Ballymun Road, the location of the existing bus stop on the northern side of Santry Avenue and the lack of information with respect to traffic movements and how access for visitor car parking is to be managed, I would share the concerns of the Planning Authority with respect to the potential for traffic congestion at this location and the potential for cars to back up onto Santry Avenue due to the provision of a restricted gate access. On the basis of the foregoing, the proposed development would endanger public safety by reason of a traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area. For this reason, permission should be refused for the proposed development.
- 7.2.4. In terms of access for emergency vehicles, I note the appeal submission indicates that access will be programmed accordingly in consultation with the emergency services to ensure there are no restrictions to emergency vehicles. From the information submitted on file, it is unclear how this can be effectively managed given access to the site is likely by a fob. An 'access control' is identified on the northern side of entrance which is for 'Vehicular Access Only' (Gate/Signage Details elevation). There are also

no details as to whether an intercom is provided at this location. On the basis of the information submitted on file, I am not satisfied that the proposal would not cause issues with respect to the restriction of access for service and emergency vehicles.

### **7.3. Open Space & Impact on Trees**

- 7.3.1. I note in the Planning Authority's second refusal reason, concerns were raised that the proposed development would restrict access/use of lands zoned as open space within the appeal site and the proposal would therefore be detrimental to the character and vitality of the area. I note that the main communal open space areas within the Geraldstown Woods development are located along the northern and eastern site boundaries. Following an inspection of the site, I observed that the landscaped area along the southern site boundary is unlikely to function as useable communal open space given its restricted depth.
- 7.3.2. I am conscious of the commentary within the appeal submission, whereby it is stated that the open space within the development was only ever intended for the residents of the development and not as a general public amenity. It is also indicated that the costs associated with the upkeep of the open space areas are met by residents of the development through their annual management fees and no contribution is received from the Local Authority. Given the layout of communal open space within the development (i.e. pockets of open space to the north and east of the development) and the lack of existing connections through the site, it is unlikely that the open space is utilised on a regular basis by members of the wider community. In this regard, I do not share the concerns of the Planning Authority with respect to the restriction of access to the communal open which serves the existing development. Notwithstanding this, concerns remain with respect to the creation of a gated community and the proposals non-compliance with Objective DMS32 of the current CDP.
- 7.3.3. Concerns were also highlighted by the Planning Authority with respect to the impact of the proposal on existing trees within the site. I note that the Planning Authority's Parks and Green Infrastructure Division recommended a number of conditions in the event of a grant of planning permission including the omission of all gates, wing walls

and path widening proposals and the engagement of a suitably quality arborist to oversee the proposed works and ensure the impacts of proposed works are minimised on existing trees. The appeal submission contends that the proposal will not have an adverse impact on existing mature trees on site as the proposed works are not within the crowns of the existing trees and it is indicated that trees will be protected prior to any development. It is also confirmed that an arborist can be engaged in the event of a grant of planning permission.

- 7.3.4. Although the indicative location of these trees has now been identified on the site layout plan, it is unclear from the submitted documentation, in the absence of any supporting information in the form of an arboricultural assessment, whether the proposed development will adversely impact on the ongoing viability of the existing trees. I note that the existing trees along the southern boundary to Santry Avenue provide a valuable contribution to the existing streetscape character and their loss to facilitate the proposed development would be regrettable. In this regard, the proposal has the potential negatively impact the visual amenity of the appeal site and surrounds and is therefore contrary to the proper planning and sustainable development of the area.

#### **7.4. Precedent**

- 7.4.1. The Planning Authority raised concerns that the proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, seriously injure the residential amenity and viability of the area and would be contrary to the proper planning and sustainable development of the area. In response to the Planning Authority's refusal reason, the appeal submission refers to existing gated developments within the vicinity of the subject site and photographs are attached to substantiate. Although there may be examples within the surrounds of the site where this is evident, this is not reason by itself to justify the proposed development. As noted, the proposal to create a gate community is contrary to Objective DMS32 of the current CDP and should therefore be refused planning permission.

## **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, new access gates and railings, and to the nature of the receiving environment, with no direct hydrological or ecological pathway 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. I recommend that the planning application be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. Through the creation of a gated community, the proposed development would limit opportunities for future permeability through the existing residential development, an outcome which is considered to be contrary to the design principles and requirements of the Design Manual for Urban Roads and Streets (DMURS), 2019. In addition, the proposed development would be contrary to Policy Objective DMS32 of the Fingal Development Plan, 2017-2023, which seeks to prohibit proposals that would create a gated community, would impede the potential for connectivity and permeability in the future and would therefore be contrary to the proper planning and sustainable development of the area.
2. Given the location of the existing entrance relative to the junction of Santry Avenue and the Ballymun Road and the location of the existing bus stop on the northern side of Santry Avenue and having regard to the insufficient information on file with respect to traffic movements on the site and how access for visitor car parking is to be managed, the Board is not satisfied that the proposed development would not endanger public safety by reason of a traffic hazard. In this regard, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The existing trees along the southern boundary to Santry Avenue provide a valuable contribution to the existing streetscape character. The applicant has failed to demonstrate that the ongoing viability of these trees will not be impacted by the proposed development. In this regard, the proposed development has the potential to negatively impact on the visual amenity of the appeal site and surrounds and is therefore contrary to the proper planning and sustainable development of the area.

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Enda Duignan

Planning Inspector

10/10/2022