



An  
Bord  
Pleanála

## Inspector's Report ABP318868-24

<b>Development</b>	Retain a vehicular entrance and gate.
<b>Location</b>	49 Eglinton Road, Donnybrook, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4663/23
<b>Applicant(s)</b>	Paul & Syliva Kiernan
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	Applicant v refusal
<b>Appellant(s)</b>	Paul & Syliva Kiernan
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2024
<b>Inspector</b>	Hugh Mannion

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## **1.0 Site Location and Description**

- 1.1. The site comprises a semidetached two storey house at 49 Eglington Road, Donnybrook Dublin 4. The subject of the application is an existing gated vehicular entrance between the front garden and the pedestrian footpath with width of 3.6m. The gate is painted and slides open/closed.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the retention of a vehicular gateway with a sliding wrought iron gate with a width of 3.6m at 49 Eglington Road, Donnybrook, Dublin 4.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for 1 reason.

The City Development Plan limits the width of vehicular entrances to a maximum of 3m with the aim of avoiding traffic hazard and conflict with pedestrians. The proposed development would facilitate hazardous vehicular movements conflicting with pedestrian safety, set an undesirable precedent for similar developmental and be contrary to the proper planning and sustainable development of the area.

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

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

The planners report recommended refusal set out in the chief executive's order.

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

#### **3.2.3. Transport Planning Division recommended refusal along the lines set out in the chief executive's order.**

#### **3.2.4. Drainage Division had no objections to the proposed development.**

## 4.0 Planning History

None relevant.

## 5.0 Policy and Context

### 5.1. Development Plan

The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2022 – 2028 with the objective ‘to protect and or improve the amenities of residential conservation areas’.

Appendix 5 in the Plan addresses, *inter alia*, off street parking.

**4.3.1 Dimensions and Surfacing Vehicular** entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres. Detailed requirements for parking in the curtilage of Protected Structures and in Conservation Areas are set out below in section 4.3.7<sup>1</sup>.

The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath, or where safe access and egress from the proposed parking space cannot be provided, for example on a very busy road, opposite a traffic island or adjacent to a pedestrian crossing or traffic junction or where visibility to and from the proposed access is inadequate. In certain circumstances, applicants may be

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<sup>1</sup> This section does not elaborate on vehicular entrance widths.

required to demonstrate that vehicles can turn within the site and exit in forward motion. Any works to the public road to facilitate the provision of an entrance including the removal or relocation of utility poles/boxes and public lighting are carried out at the applicant/developers own expense to the requirements of the relevant utility provider and Dublin City Council. Applications for new vehicular entrances or works to existing entrances shall clearly delineate in the submitted drawings the location of any existing street trees, utility boxes/poles, public lighting and other relevant infrastructure located in the immediate vicinity of the entrance.

## **5.2. Natural Heritage Designations**

5.3. Not relevant.

## **5.4. EIA Screening**

5.5. The proposed development is not of a class set out in Parts 1 or 2 of Schedule 5 to the Planning and Development Regulations, 2001, as amended, and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

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

- The planning authority's advisory booklet recommends a minimum vehicular width of 2.5m to a maximum of 3.6m without outward opening gates. The entrance/gate proposed for retention complies with this standard.
- The planning authority granted permission at 78 Eglington Road for a entrance of 3.2m.
- The difference between the original width 2.9m to the current width of 3.6m (0.7m) is not significant in pedestrian safety terms. The footpath is 1.85m wide and the parking area of 2.43m for a combined distance of 4.28m. This allows adequate room for manoeuvring cars.

- The application doesn't create an undesirable precedent because the adjoining house (47 Eglinton Road) in the past widened that entrance to 3.6m. The design of the gateway/gate proposed for retention reflects that of number 47.
- No one in the area has objected to the entrance/gate.

## 6.2. **Planning Authority Response**

- None

## 6.3. **Observations**

- None

## 6.4. **Further Responses**

- None

## 7.0 **Assessment**

- 7.1. In so far as the appeal references a leaflet 'Parking in Front Gardens' this appears to reference an advisory leaflet published in 2011 by Dublin City Council. I consider that the provisions of the current City Development Plan in relation to vehicular entrances should be preferred to this leaflet as the relevant statutory advice.
- 7.2. The appeal makes the case that there is no visual disruption to the streetscape since the proposed entrance/gate generally replicates that of the adjoining site at 47 Eglinton Road. I agree with this point.
- 7.3. As the City Development Plan makes clear a major consideration in limiting the width of vehicular entrances is pedestrian safety and the Plan states that "entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians". The Transport Planning Division reported no objection to the sliding gate but noted that the proposed development would lead to conflict between pedestrians on the footpath and cars entering/exiting the parking area in the front garden of the application site.

7.4. I consider that the policy to limit the width of vehicular entrances to protect pedestrian safety is reasonable. In the present case a 3.6m metre stretch of public footpath will be used to access parking spaces for several cars – I consider that there is reasonable anticipation that the widened endarken has the capacity to give rise to conflict between pedestrians and moving vehicles in a manner as to endanger public safety and be contrary to the Development Plan policy to limit the width of such entrances.

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

7.6. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

### 8.0 **Recommendation**

8.1. I recommend permission be refused.

### 9.0 **Reasons and Considerations**

9.1. The Dublin City Development Plan 2022 – 2028 requires that entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians and that for a single residential dwelling, the vehicular entrance shall be at least 2.5 metres or at most 3 metres in width. The proposed development provides a vehicular access of 3.6m wide which would lead to conflict between pedestrians using the public footpath and motor cars manoeuvring between the public street and the parking spaces within the front garden of the application site. Therefore, the proposed development would endanger public safety by reason of traffic hazard, contravene the provisions of the current Dublin City Development Plan and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Hugh Mannion  
Senior Planning Inspector

3<sup>rd</sup> March 2024