



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319617-24

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<b>Development</b>	Pedestrian entrance gate in rear garden boundary wall abutting South Park Drive.
<b>Location</b>	115 Clonkeen Road, Deansgrange, Blackrock, Co. Dublin, A94 F586
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24A/0102
<b>Applicant(s)</b>	Tom and Meave Barragry
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Residents of South Park and South Park Drive
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> August 2024
<b>Inspector</b>	Bernadette Quinn

## **1.0 Site Location and Description**

1.1. The appeal site, with a stated area of 0.069 ha, fronts onto Clonkeen Road which is a mature residential area comprising semi-detached two storey dwellings. The rear boundary wall partly adjoins the end of a cul de sac at South Park Drive with this boundary comprised of a concrete block wall. The appeal site contains a rear garden measuring c. 45 metres in length.

## **2.0 Proposed Development**

2.1. The proposed development comprises a pedestrian entrance gate in the rear garden boundary wall abutting south park drive. The gate will be a hardwood structure, 1 metre in width and 1.94m high to match the height of the existing rear boundary wall.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 15<sup>th</sup> April 2024, Dun Laoghaire Rathdown County Council issued notification of the decision to grant planning permission subject to 2 conditions. Condition 2 (a) states that the gate shall be inward opening.

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

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

The Planning Authority case officer report can be summarised as follows:

- South Park Drive cul de sac provides dual vehicular and pedestrian access to both 19 and 21 Beech Park Grove;
- No adverse visual or residential amenity impacts will arise;
- A previous planning application on the adjoining site was for a vehicular entrance.

### 3.2.2. Other Technical Reports

Transportation Planning: No objection subject to standard conditions and a requirement that the gate shall be inward opening.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Three third party observations were received objecting to the proposed development. The grounds of objection are similar to those raised in the appeal.

## 4.0 Planning History

Appeal Site:

No recent relevant planning history.

Adjoining site to north:

D00A/0072 / PL06D.119144 – Permission for rear boundary wall and vehicular gate granted by planning authority with a condition that the entrance be for pedestrian use only and a maximum width of 1.5m. Following an appeal against the decision An Bord Pleanála issued a decision to grant permission for the wall and refuse permission for the proposed gate. The reason for refusal related to impacts on the amenities of the area as a result of additional traffic movements the proposed gate would attract.

PL06D.104204 – Permission refused for a proposed pedestrian access from the rear of 147 Clonkeen Road for reasons relating to residential amenity from traffic movements and parking of vehicles.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: "provide residential development and improve residential amenity while protecting the existing residential amenities".

5.2. Section 12.4.8.1 relates to vehicular entrances and hard standing areas.

### 5.3. Natural Heritage Designations

None.

### 5.4. EIA Screening

5.4.1. See Appendix 1 - Form 1 EIA Pre-Screening attached to this report. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

One third party appeal has been received from the residents of South Park and South Park Drive. The appeal includes a copy of the observations made to the planning authority in relation to the planning application, a map of the estate boundary wall and photographs of wooden boundary fences located in cul de sacs in the estate.

- Planning permission was previously refused for a connection from Clonkeen Road (west) to South Park Drive via the same boundary wall as the current proposal, file reference D00A/0072 and in a neighbouring cul de sac ref PL06D.104204. A grant of permission for the subject proposal would contravene these previous decisions and create an unacceptable precedent.

- The Proposal would impact on the integrity and privacy of the cul de sacs in the estate and a gateway would allow applicants an advantage in any future planning application for development.
- A physical connection between South Park and Clonkeen Road would damage the integrity of the estate and reduce the value of properties.
- A 1.8m high timber post and rail fence previously existed against the west face of the existing wall in the rear edge of the public footpath. The proposed development interferes with the right of the residents to erect a replacement fence at this location.
- Concerns in relation to safety and security.
- The proposal will intensify the use of the cul de sac and reduce the seclusion enjoyed by residents.
- The proposal conflicts with the zoning objective 'to protect and improve residential amenities'.
- Traffic safety concerns.

## 6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The planning history referred to relates to a vehicular access.
- Precedent has already been set at no. 19 and no. 21 Beech Park Grove.
- There is insufficient space for any potential further proposals in the rear garden of the appeal site.
- An additional gate in the cul de sac improves the look of the cul de sac and could discourage anti-social behaviour.
- Since the estate was constructed there have been many ad-hoc developments.
- A planning application granted the existing concrete wall and so a right to replace the timber fence does not exist and would require a planning application.

- The development will not result in intensification of the right of way but will be used periodically to access the rear garden as there is no direct access from the front of the house.
- The appeal is vexatious.

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

The response received states no new issues raised which would justify a change of attitude to the proposed development.

### 6.4. **Observations**

None.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Visual and Residential Amenity
- Traffic Safety
- Other Matters

### 7.2. **Principle of Development**

7.2.1. The proposal involves a relatively minor alteration within the curtilage of an existing house comprising a pedestrian gate. The first party has outlined that the need for the gate is to allow easier access to the rear garden for gardening purposes as there is no direct access to the rear garden from the front of the house.

7.2.2. I do not agree with third party concerns that the proposal would allow the applicants an unfair advantage in any future application. The applicants have stated the

intended purpose of the gate and any future planning application for development would be considered on its own merits.

- 7.2.3. Having regard to the location of the site within an established residential area and to the Residential zoning objective, I consider that the principle of a pedestrian access is acceptable, subject to further assessment regarding impacts on the amenities of the area and surrounding properties.
- 7.2.4. I note that the rear of properties at 19 and 21 Beech Park Grove which are located approximately 15m to the north of the appeal site also contain rear garage and pedestrian accesses onto the same cul de sac as the appeal site and I am satisfied that the proposal will not result in an undesirable precedent at this location. The third party refer to a planning precedent on the neighbouring site at no. 113 Clonkeen Road whereby permission was refused for a rear gate accessed via the same cul de sac, as this application related to a vehicular entrance I do not consider the decision is relevant to the assessment of the current proposal.

### **7.3. Impact on Visual and Residential Amenity**

- 7.3.1. The existing wall to the rear of properties on Clonkeen Road is of modern concrete block construction and is not of any visual or architectural value. Existing gated openings in the wall serving outbuildings and a rear garden to properties on Beech Park Grove are located approximately 15 metres to the north of the proposed gate. The proposed works are minor in scale and I consider the insertion of the proposed hardwood pedestrian gate would not detract from the visual amenity or character of the area and is in keeping with the pattern of development in this area.
- 7.3.2. No evidence has been submitted to support the views of the third party that the proposal would reduce property values in the area. Having regard to the nature and scale of the development and to the absence of any effects, and to the pattern of development in the area, I have no concerns in this regard.
- 7.3.3. I do not consider the proposal would threaten the privacy or security of adjoining residents and having regard to the nature and scale of the proposal I consider the development is unlikely to result in amenity impacts on neighbouring properties.

#### **7.4. Traffic Safety**

- 7.4.1. The proposed gate is to be located adjacent to a footpath at the end of a cul-de-sac. I do not consider the proposal will result in a traffic hazard, noting that traffic speeds would be low at this location, the availability of clear unobstructed sight lines, and the presence of a footpath between the proposed access and the road. The planning authority included a condition that the gate shall be inward opening. If the Board decides to grant permission I recommend a condition be attached to this effect to ensure the gate does not obstruct the footpath.
- 7.4.2. I note that there is car parking available within the front garden to serve the dwelling on the appeal site and as such the pedestrian access is unlikely to be used to facilitate vehicle access/parking and I do not have concerns in relation to traffic safety.

#### **7.5. Other Matters**

- 7.5.1. In relation to the right of the residents to replace a previously existing fence, I am satisfied that the works proposed are within the first party's property and that it is not the role of the Board to adjudicate on matters relating to title.

### **8.0 AA Screening**

I have considered the proposed development of a pedestrian gate in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 4.5km from Dalkey Islands SPA (site code 004172) and Rockabill to Dalkey Island SAC (003000). The proposed development comprises the development of a pedestrian access gate. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature and scale of the proposed dwelling.
- The location and distance from the nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.



- Taking into account the screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions.

## 10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, to the 'A' residential zoning objective of the site, to the nature, scale and design of the proposed development, to the capacity of road and pedestrian infrastructure adjoining the site, and to the pattern of development in the area, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the character of the area or the amenities of property in the vicinity, and would be acceptable in terms of design, traffic safety and amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed pedestrian gate shall be inward opening.

**Reason:** In the interest of clarity.

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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Bernadette Quinn  
Planning Inspector

24<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-319617-24		
<b>Proposed Development Summary</b>	Pedestrian entrance gate in rear garden boundary wall abutting South Park Drive		
<b>Development Address</b>	115 Clonkeen Road, Deansgrange, Blackrock, Co. Dublin, A94 F586		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_