



An  
Bord  
Pleanála

## Inspector's Report

ABP-320814-24

<b>Development</b>	Widen and relocate vehicular entrance gate and form new separate pedestrian entrance gate, both opening from the Old Bray Road. Both new entrances to be provided with new gates.		
<b>Location</b>	Santessa, Old Bray Road, Dublin 18. D18X4H6.		
<b>Planning Authority Ref.</b>	D24A/0474/WEB.		
<b>Applicant(s)</b>	Gareth & Kathryn Healy.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party v Condition of Permission.	<b>Appellant</b>	Gareth & Kathryn Healy.
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	11 <sup>th</sup> November 2024.	<b>Inspector</b>	Des Johnson

## Context

### 1. Site Location/ and Description.

1.2 The site is located on the western side of the Old Bray Road, which runs parallel to the N11, approximately 500m south of Cabinteely Village, and a short distance south of Brennanstown Avenue.

1.3 The section of the Old Bray Road ends in a cul de sac. There is a row of large detached dwellings on the western side of the road. There is a large detached

dormer bungalow (gross floor area stated to be 114sqm) setback from the front boundary on the appeal site (area stated to be 0.113ha.. Several houses, including the adjoining property to the south, have stone wall front boundaries, pillars, and gates. There are double yellow lines along the western side of the carriageway to the front of the houses.

## **2. Description of development.**

2.1 The proposal is for development consisting of the widening and relocation of vehicular entrance gate, and forming a new separate pedestrian entrance gate, both opening from the Old Bray Road. Both new entrances are to be provided with new gates.

2.2 The development would include the demolition of a length of an existing rubble stone wall (2760mm), and the creation of a new vehicular gated entrance 3500mm wide, creation of a new pedestrian gated entrance 1050mm wide, raising the existing front boundary wall by 200mm, and two new granite piers. The existing vehicular gated entrance is 3175mm wide, and the front boundary wall is shown as 1600mm high.

## **3. Planning History**

3.1 No recent planning history on this site.

## **4. Planning Policy**

4.1 The Dun Laoghaire-Rathdown Plan 2022-2028 is the relevant statutory plan for the area.

The site is an area zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.4.8.1 relates to General Specifications. Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres. Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed. Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back from the back of the footway, to avoid the roadway or footway being obstructed by a vehicle while the gate is opening.

Section 12.4.8.2 relates to Visual and Physical Impacts. Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage. Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to

avoid these. Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height, and size to match the existing streetscape.

There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications.

## **5. Natural Heritage Designations**

South Dublin Bay SAC & pNHA – c. 4.9km to NNW.

South Dublin Bay & River Tolka SPA – c. 4.9km to NNW.

Rockabill to Dalkey Island SAC – c. 4.1km to NE.

Dalkey Islands SPA – c. 4.1km to NE.

Dalkey Coastal Zone & Killiney Hill – c. 4.1km to NE.

Knocksink Wood SAC & pNHA – c. 6.2km to SW.

## **Development, Decision and Grounds of Appeal**

### **6. PA Decision.**

6.1 The Planning Authority decided to grant permission, subject to 4 conditions.

6.2 The conditions address the following:

1. Standard compliance
3. Requirements relating to widened vehicular access
4. Construction hours

Condition 2 reads as follows:

*The development shall accord with the following:*

- (a) *The height of the stone front boundary wall shall not exceed 1.6m in height.*
- (b) *The height of the pillars and gates shall not exceed 1.8m in height.*
- (c) *Automatic electronic gates shall not be installed.*

**Reason:** *To protect the residential amenities of the area, traffic safety and orderly development.*

6.3 The Planner's Report states that the site is in an area zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. There are no 3<sup>rd</sup> Party submissions. The site is within a site on the Record of Monuments and Places RMP/Duchas No.

026-119 (Burial Ground). It is not considered that the proposed development would impact on the recorded site. It is noted that all the entrances along this road at this location are flush to the footpath and front boundary walls are low. It is noted that this section of road will become an important pedestrian route in the future. Within this context and having regard to the pattern of entrances in the area, the proposal to raise the height of the existing wall is not justified and would be out of keeping with the pattern of development in the area. The Transport Department recommend Further Information relating to a requirement for a recessed entrance. The Planning Department does not agree that there should be a recessed entrance or that Further Information should be requested. In the absence of a recessed entrance, the proposal to use electronic gates would not be consistent with Section 12.4.8.1 of the CDP, which states that automatic electronic gates into residential developments are not favoured and should be omitted.

## **7. First Party Appeal.**

6.1 This is a First Party appeal against a single condition. The grounds of appeal relate to Condition 2 of the Grant of Permission and may be summarised as follows:

- It is proposed to raise the front boundary wall to align with the neighbours' wall. This is required for security reasons, and to deter future intrusions into the property.
- It is proposed to retain the current pillar height of 2m, as it provides better proportion to the proposed 1.8m boundary wall. The raised wall will ensure visual harmony.
- The proposed automatic gates will not negatively impact on residential amenities, traffic safety or orderly development. Traffic flow on the cul de sac is minimal, and the proposed development would not obstruct it. Several nearby properties have automatic gates, including the adjoining neighbour.

## **8. PA Response**

8.1 None on file.

## **Environmental Screening**

### **9. EIA Screening**

The proposed development is not of a Class contained in Schedule 5 and, as such, the need for screening or EIA does not arise..

### **10. Assessment**

10.1 The proposal is for development consisting of the widening and relocation of vehicular entrance gate, and forming a new separate pedestrian entrance gate, both opening from the Old Bray Road. Both new entrances are to be provided with new

gates, and the new vehicular entrance is to be provided with an automatic, electronic wooden gate. The Planning Authority concluded that the proposed development was acceptable in principle, and granted permission subject to conditions. There is a 1<sup>st</sup> Party appeal against Condition 2 which reads as follows:

*The development shall accord with the following:*

- (a) The height of the stone front boundary wall shall not exceed 1.6m in height.*
- (b) The height of the pillars and gates shall not exceed 1.8m in height.*
- (c) Automatic electronic gates shall not be installed.*

**Reason:** *To protect the residential amenities of the area, traffic safety and orderly development.*

10.2 The site is in an established residential area, and is zoned 'A' ' to provide residential development and improve residential amenity while protecting the existing residential amenities'. Having regard to the nature of the proposed development, and the condition under appeal, I conclude that the determination by the Board of the proposal 'de novo' would not be warranted, and that the case should be determined under Section 139 of the Planning & Development Act 2000, as amended.

10.3 The reason for the implementation of Condition 2 is to protect the residential amenities of the area, traffic safety and orderly development. There are three separate elements in Condition 2, and it is appropriate to assess each of these in the context of the reason for the Condition.

### **Front Boundary Wall**

10.4 The existing front boundary wall is shown as 1600mm in height, and is constructed of random stone. A section of the wall would be removed in the proposed development. It is proposed to raise the existing wall by 200mm. The front boundary wall of the neighbouring property to the south is also of random stone construction and is higher than the front boundary wall of the appeal premises. The 1<sup>st</sup> Party state that the proposed increase in height, while providing additional security, would align with the neighbours' wall. From inspection, I note that the height and finishes to front boundary wall along this stretch of the cul de sac vary. On this issue, I conclude that the raising of the front boundary wall by 200mm to align with the neighbouring wall to the south would not be detrimental to the residential amenities of the area or traffic safety.

### **Pillars**

10.5 The existing gate piers are indicated as 2000mm in height on the submitted drawings. The grounds of appeal state that it is proposed to retain the existing gate pier height as it provides better proportion to the proposed 1.8m boundary wall. The existing piers have castellations to the top, and these are to be removed, with the piers then raised to their existing height. On this issue, I conclude that the proposal to retain the existing pier height is acceptable, and would not be detrimental to the residential amenities of the area or traffic safety.

## **Gates**

10.6 It is proposed to replace existing steel gates 3175mm wide with timber motorised vehicular gate 3500mm wide and, in addition, to provide a new timber pedestrian gate 1050mm in width. The gates would be flush with the front site boundary. The neighbouring property to the south would appear to have motorised steel gates. Vehicular gates along this stretch of the Old Bray Road vary in height, design and materials. On this issue, I conclude that the proposal for automatic gates as proposed, would not be detrimental to the residential amenities of the area. In terms of traffic safety, the Old Bray Road is a cul de sac, and carries little traffic. The proposal would move the vehicular access marginally south away from a bend in the road. In these circumstances, I find no reason to conclude that the proposed new vehicular arrangements would have any detrimental impacts for traffic safety.

## **Appropriate Assessment**

10.7 I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area, separated from designated European sites as detailed in Section 5 of this report. The proposed development consists of the widening of an existing vehicular access, and raising of an existing front boundary wall. No nature conservation concerns are raised. Having regard to the modest nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **Recommendation**

I recommend that this appeal be considered and determined under Section 139 of the Planning and Development Act 2000, as amended.

I recommend that Condition 2 and the reason for its imposition be omitted.

## **Reasons & Considerations**

Having regard to the nature and scale of development in an established residential area, and the existing pattern of development in the area, it is considered that the omission of Condition 2 and the reason for its inclusion, would not have a detrimental impact on the residential amenities of the area or traffic safety, and would be consistent with the proper planning and sustainable development of the area.

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Des Johnson

Planning Inspector

12<sup>th</sup> November 2024.

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.