



An
Bord
Pleanála

Inspector's Report

ABP322122-25

Development

The development will consist of repositioning and widening of the existing vehicular entrance.

Location

103A Cherrywood Road, Shankhill, Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D24/1035/WEB.

Applicant(s)

Keith Cleary.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s)

Keith Cleary.

Observer(s)

None.

Date of Site Inspection

14/05/2025.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. No.103A Cherrywood Road is located on the west side of the road north of the disused Bray to Dublin city railway viaduct.
- 1.2. The single-storey dormer style detached house on site appears to be an infill house, which is set back from the road.
- 1.3. There is an existing vehicular entrance and in-curtilage car parking.
- 1.4. Cherrywood Road was heavily trafficked on the day of my site visit.
- 1.5. Site area is given as 0.082 hectares.

2.0 Proposed Development

- 2.1. The development consists of the repositioning of the existing vehicular entrance to the centre of the road frontage and the widening of the entrance to 4.25m.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

(1) The Planning Authority is not satisfied, on the basis of the documentation submitted with the planning application, that adequate sightlines can be provided to serve the proposed repositioning of the existing vehicular entrance. Therefore, the proposed new entrance would endanger public safety by reason of traffic hazard or obstruction of road users, would set an unwelcome precedent, 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 decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Transport Planning Division of the planning authority recommend refusal of planning permission for the following reasons:

- (1) Due to Endangerment of Public Safety by reason of traffic hazard because of a substandard visibility splay to the right for such an access on Cherrywood Road, Shankill in accordance with DMURS Section 4.4.5 Visibility Splays – i.e. the proposed repositioned vehicular entrance would not comply with the minimum visibility splay requirements to the right for such an access in accordance with DMURS Section 4.4.5 Visibility Splays and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.*
- (2) Precedent – i.e. the proposed repositioned vehicular entrance which would not comply with the minimum visibility splay requirements to the right for such an access on Cherrywood Road, Shankill in accordance with DMURS Section 4.4.5 Visibility Splays, by itself, or by the precedent that the grant of permission for it would set for other relevant development, would adversely affect the use of Cherrywood Road, Shankill by road users, as per Clause 7 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.*

3.3. Third Party Observations

None on file.

4.0 Planning History

There is no recent planning site history.

5.0 Policy Context

Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is "A" (Map 10): *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

Vehicular Entrances and Car Parking Standards

- Section 12.4.8.1 (Vehicular Entrances and Hardstanding Areas – General Specifications) *inter alia* states:

Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. 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.....

5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

- The Design Manual for Urban Roads and Streets (DMURS).

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

See completed Form 1 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal, prepared by FHA Architecture & Design on behalf of the appellant, are summarised below:

- The appellant requires improvement of the existing vehicular entrance arrangement at no 103A Cherrywood Road, Shankhill, as the current location makes it difficult to manoeuvre in and out of his property. The appellant for the reasons outlined below requests An Bord Pleanála to overturn the planning authority's decision to refuse planning permission.
- The appellant using the existing vehicular entrance has to currently exit onto the road driving backwards.
- The appellant requested a pre-application request (PAC DLRCC Ref. No: PAC /165/24) to discuss the creation of a second vehicular entrance for access only designating the existing entrance as an exit. The appellant received a negative response from the planning authority, as one entrance only is permitted per property,
- The appellant as an alternative proposal requires permission to reposition and widen the existing entrance, which it is claimed would allow the appellant to access / egress his property in a safe manner.
- The appellant subsequent to the refusal of planning permission by the planning authority proposes to reduce the wide of the relocated vehicular entrance from 4.25m to 3.9m in order to assuage the concerns of planners.
- The appellant notes that the planners do not have an issue with the visual impact of the proposed development.
- It is claimed that the main reason for refusal relates to the proposed vehicular entrance sightlines.

- The drawings submitted to the planning authority have been amended to indicate compliance with the requirements of DMURS.
- Drawing No. 24408-FHA-ABP-DR-A-103 (proposed site layout plan 1: 200) dated Oct 24 and Drawing No. 24408-FHA-ABP-DR-A-1004 (proposed site layout plan 1: 500) Oct 24 are appended to the appeal statement.
- Additionally, the planning authority cites a reduction in visibility to the right for the relocated entrance. The appellant notes that the adjoining property to the right has an entrance set-back from the road and that this setback is a sightline reservation.
- The property owner adjoining has signed a statement stating that he has no issue with the appellant using the sightline reservation. The signed statement is a appended to the appeal statement.

7.2. Planning Authority Response

The planning authority consider that the grounds of appeal do not raise any new matters, which would justify a change in attitude to the proposed development.

7.3. Observations

None to date.

8.0 Assessment

- 8.1. The following assessment covers the points made in the appeal submission and is a consideration of the overall application. It is noted there are no new substantive matters for consideration.
- 8.2. The substantive matter under appeal relates to deficient sightlines, as incorrectly shown by the applicant in the original drawings submitted to the planning authority.
- 8.3. The proposed development consists of the repositioning of the existing vehicular entrance towards the southwest from the northeast edge of the road frontage to the centre of the road frontage.

- 8.4. The Transport Planning Division of the planning authority recommends a refusal of planning permission, as the relocation of the vehicular access would result in deficient sightline visibility to the right for vehicles exiting the re-positioned entrance.
- 8.5. The Transport Planning Division conclude that the new vehicular entrance would have a reduced sightline to the right when compared to the existing vehicular entrance located at the northern extremity of the road frontage. Therefore, the proposed reposition of the entrance would have an adverse road safety impact.
- 8.6. The Transport Planning Division highlight that the submitted drawing entitled 'Proposed Site Layout Plan Sight Lines' (Drawing No. 24408-FHA-PL-XX-DR-A-1004) does not demonstrate that the proposed repositioned vehicular entrance would provide acceptable site lines. Furthermore, visibility splay sightlines for exiting vehicles must be unobstructed and cannot pass through private property not in the control of the applicant.
- 8.7. Cherrywood Road has a 50 km/hr road speed limit. The Design Manual for Urban Roads and Streets (DMURS), requires that visibility for a 50 km/ hr road is measured from a point 2.4m back from the roadway along the centre of the vehicular entrance – see Figure 4.63.
- 8.8. The minimum set back requirement is 2m in difficult circumstances where vehicle speeds are slow and there is limited traffic movement from the entrance. In the instance of Cherrywood Road I observed on the day of my site visit that vehicles speed is not slow.
- 8.9. The appellant using the existing vehicular entrance at the northern extremity of the frontage has to currently exit onto Cherrywood Road driving backwards due to a lack of manoeuvrability, which is stated as challenging.
- 8.10. The Design Manual for Urban Roads and Streets (DMURS), Section 4.4.5 (Visibility Splays) provides visibility standards for a 50 km/ hr road (Forward Visibility) in Table 4.2 SSD (Stopping Sight Distance) Standards. It requires 45m sightlines in both directions measured at a distance of 2.4m (setback) from the nearest edge of the roadway for a 50 km/hr road speed limit.
- 8.11. The Transport Planning Division do not consider that the proposed repositioned vehicular entrance would comply with the minimum visibility splay requirement of

45m sightlines to the right, as measured from a point along the centre of the vehicular entrance 2.4m back from the nearest edge of the roadway.

- 8.12. The appellant accepts that the submitted planning authority drawings mistakenly measured the sightlines from the centre of the repositioned vehicular entrance at the roadway edge without a setback.
- 8.13. The appellant by way of appeal submission has submitted revised proposed site layout plan sightlines: Drawing No. 24408-FHA-ABP-DR-A-103 (proposed site layout plan 1: 200) dated Oct 24 and Drawing No. 24408-FHA-ABP-DR-A-1004 (proposed site layout plan 1: 500) dated Oct 24.
- 8.14. I note that Drawing No. 24408-FHA-ABP-DR-A-103 (proposed site layout plan 1:200) is in fact at a scale of 1:250.
- 8.15. The appellant annotates the proposed site layout plan(s) indicating that the hedging in the south-western edge of the boundary frontage would be maintained at a height of 1m to facilitate a clear line of vision south.
- 8.16. However, the line of vision south as shown on Drawing No.24408-FHA-ABP-DR-A-1004 (proposed site layout plan 1:500) is shown to the centre line of the road to the south (at a sightline distance of 45m) rather than to the nearside kerb edge as required by DMURS (Figure 4.63).
- 8.17. I note that a potential sightline to the nearside kerb edge to the south would in probability traverse the front curtilage of the neighbouring property to the south at 102 Cherrywood Road.
- 8.18. I do not consider that the appellant has demonstrated compliance with DMURS sightline requirements to the south of the proposed relocated vehicular entrance.
- 8.19. The appellant confirms that the existing sightline reservation to the north will remain as is and would be unaffected by the proposed works.
- 8.20. The appeal statement is accompanied by a letter from the owner of the neighbouring property at no. 103 Cherrywood Road confirming that the set-back between the front boundary wall of no.103 Cherrywood Road and the roadside is specifically reserved for road visibility to facilitate safe entry and exit onto the busy road.
- 8.21. The owner of no.103 Cherrywood Road does not object to the appellant at 103a Cherrywood Road using the setback between the front boundary wall of no.103

Cherrywood Road and the roadside in their sightline to facilitate safe entry and exit to their property through the repositioned vehicular entrance.

- 8.22. I consider that the appellant has not demonstrated that the 45m sightline can be achieved in both directions with a 2.4m set back from the kerb edge, as measured from the centre of the re-positioned vehicular entrance, as shown on Drawing No. 24408-FHA-ABP-DR-A-1004 (which only demonstrates the sightline to the centre line of the road and not to the nearside kerb edge to the south).
- 8.23. However, the deficient sightline to the south must be balanced with the potential benefit arising from the relocation of the vehicular entrance in terms of overall manoeuvrability.
- 8.24. The appellant in making an application for the relocation of the vehicular entrance is motivated by the constraint of the existing access / egress to the hard surfaced forecourt in front of the house. The location of the access / egress at the northern extremity of the road frontage restricts movement to perpendicular parking, as the appellant is currently having to exit backwards onto Cherrywood Road.
- 8.25. The hard surface area in front of the dwelling house extends inside the boundary wall for the full width to the front facade. The existing forecourt between the front façade of the house and the front boundary wall has a maximum dept of 6585mm tapering to 5585mm moving from north to south along the frontage. I consider that the relocation of the vehicular entrance to the centre of the hard surface forecourt would allow greater manoeuvrability within the site.
- 8.26. Therefore, the relocation of the vehicular entrance by increasing on site manoeuvrability could potentially accommodation in-curtilage parallel parking negating the requirement for the appellant to exit onto Cherrywood Road backwards.
- 8.27. I consider on balance that the development proposal has merit notwithstanding that the appellant has only demonstrated the required 45m sightline to the south to the centre line of the road.
- 8.28. The Transport Planning Division also note that the proposed 4.25m wide repositioned entrance would be widened and would exceed the 3.5m maximum requirement width for vehicular entrances permitted by Section 12.4.8.1 (Vehicular

Entrances and Hardstanding Areas – General Specifications) of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

- 8.29. The appellant has reduced the width of the new vehicular entrance by way of the submitted revised drawings from 4.25m to 3.9m in order to address the concerns of the Transport Planning Division of the planning authority.
- 8.30. I note that the width of the proposed repositioned vehicular entrance would subject to reduction in width by the appellant by way of revised drawings submitted with the appeal statement would still not comply with the maximum 3.5m width permitted by Section 12.4.8.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
- 8.31. The new entrance would be 0.4m greater in width than that permitted by the development plan. I consider that the entrance width can be reduced to the maximum permissible vehicular entrance width of 3.5m by way of condition.
- 8.32. Finally, in terms of the visual impact of the proposed development, I would concur with the planning case officer that the development is consistent with existing dwellings and associated boundaries in the vicinity and would not detract from the residential and visual amenities of the surrounding area.

9.0 AA Screening

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises the repositioning and widening of an existing vehicular entrance as set out in Section 2.0 of this report.

No significant 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 it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend a grant of permission subject to condition for the reasons and considerations outlined below.

11.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed relocation and widening of the existing vehicular access at no.103A, Cherrywood Road, Shankill, subject to condition, would be consistent with Section 12.4.8.1 (Vehicular Entrances and Hardstanding Areas – General Specifications) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 21 day of March, 2025, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings, including an amended site layout plan, providing for the following modification:</p> <p>(i) The reduction in the width of the repositioned vehicular entrance from 3.9m to the maximum permitted width of 3.5m.</p> <p>Reason: In the interest of road safety and in order to clarify the scope of the permission.</p>
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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.



Anthony Abbott King
Planning Inspector

04 June 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP322122-25		
Proposed Development Summary	Relocation and widening of existing vehicular entrance		
Development Address	103A, Cherrywood Road, Shankhill, Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input type="checkbox"/>		Proceed to Q3.
No	<input checked="" type="checkbox"/>		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>	N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	<input checked="" type="checkbox"/>	N/A	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	x	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: A 188-4 2,

Date: 01 June 2025