



An
Bord
Pleanála

Inspector's Report

ACP-322974-25

Development	The retention of a rear pedestrian entrance gate to the boundary wall providing access to Park View.
Location	25 Park View, Castleknock Road, Dublin 15, D15 W01T
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0174E
Applicant(s)	Helen and Bryan Sweeney
Type of Application	Permission
Planning Authority Decision	Grant retention permission
Type of Appeal	Third Party
Appellant(s)	Mairin Browne and Others
Observer(s)	Niall Bodkin
Date of Site Inspection	13 th August 2025
Inspector	Killian Harrington

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

The subject site is c. 0.084 hectares located at 25 Park View, Castleknock Road, Dublin 15. The site consists of a 2 storey detached dwelling with a hipped roof and render finish. It forms part of a row of similar, detached houses that front onto and have vehicular access on Castleknock Road. The properties 22 to 27 Park View also abut Park View and are separated from this road by a continuous perimeter wall over 2 metres in height.

2.0 Proposed Development

- 2.1. The application is for retention of a rear pedestrian entrance gate to the boundary wall providing access to Park View at the property 25 Park View, Castleknock Road, Dublin 15. The gate measures approximately 2.1 metres x 1.07 metres.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to grant retention planning permission for the development with conditions.

- Condition 2 stated that the pedestrian access gate shall not be used for any other purpose other than pedestrian entry/access incidental to the residential use of the subject property (In the interest of development control)
- Condition 3 stated that the pedestrian access gate shall not open outwards over the public footpath at any time. (In the interest of public and traffic safety)

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report noted the size of the dwellings, the residential zoning, the planning history in the area and no objections from Transportation Planning. An examination of residential amenity was undertaken and it was found not to impact on neighbours. The report concluded that the development was acceptable and recommended a grant of retention permission subject to conditions including that the gate would not open outwards.

3.2.2. Other Technical Reports

Transportation Planning section report dated 28 May 2025 noted the 30km/hr speed limit on this residential street and had no objection to granting retention permission subject to a condition ensuring the gate did not open outwards over the public footpath.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

There were 6 no. submissions on file that raised the following points:

1. Retention would establish a precedent
2. It would cause impact on pedestrian and traffic movements
3. It would cause impact on the character and residential amenity of the surrounding area
4. It does not comply with the Development Plan

4.0 Planning History

Subject site

Reg. Ref. FW20/0192 - Permission granted for the demolition of existing single-storey extension to the side of the house. Construction of a new front porch and single-storey extension to the side of the dwelling, changes to all elevations including 2 storey bay projection to the south elevation, change to the fenestration and

plastering over all the brick work. Replacement of front/side boundary wall, gates and pillars wall and all ancillary works.

Neighbouring sites

22 Park View

Reg. Ref. F04A/1598 – Permission granted for moving and widening the existing entrance to the centre of the front boundary wall.

27 Park View

Reg. Ref. F06A/1798 – Permission granted to extend front roof to form new canopy to front, for revised vehicular entrance, pier and gates, for retention of conversion of existing garage to games room with revised roof profile, for retention of bay windows to kitchen and lounge at rear and for internal alterations as amendments to previous grant of planning ref. no. F03B/0404 to the existing house

5.0 Policy Context

5.1. Development Plan

Under the Fingal Development Plan 2023-2029 the site is subject to the Land Use Zoning 'RS - Residential' - 'To provide for residential development and protect and improve residential amenity'.

5.2. Natural Heritage Designations

Rye Water Valley/Carlton SAC and Rye Water Valley/Carlton proposed NHA c.9km to the west of the site, Liffey Valley proposed NHA c.1km to the south of site, Royal Canal proposed NHA c.1 km to the north of the site and South Dublin Bay and River Tolka SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA c.8 km to the east

5.3. 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. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The submitted appeal on behalf of a number of Park View residents raises the following grounds

- Amenity impact on residents including potential bin collection
- Potential safety hazard for pedestrians and vehicles
- The development would contribute to traffic congestion and the problem of on street parking in the area
- Setting a future precedent of not conforming to street character
- Access is not supposed to be provided at this location
- Inaccuracies in application drawings

6.2. Applicant Response

A response to the third party appeal on behalf of the applicant was submitted and sets out the background to the application, a detailed description of the proposal and responding to the appeal claims. The response includes the following:

- The OS map has yet to be updated by Tailte Éireann for the site and the planning authority had no issue with the drawings. The gate is accurately drawn.
- Solicitors letter confirms right of way over all avenues and passages in Park View development

- 4 no. enclosed letters of support from Park View residents
- The gate is inward opening and pedestrian only and there was no objection from the Council's Transportation Planning section so there would be no safety issue
- Bin collection does not take place to the rear of the property and there is no intention for this to happen
- There is local precedent for rear access gates at 7 houses nearby
- The gate is a safe convenient access point for an active young family and would not have adverse effects on residential and visual amenities

6.3. Planning Authority Response

The planning authority submitted a response stating no further comment and requesting An Coimisiún Pleanála to uphold the decision of the Planning Authority. In the event that the appeal is successful, a request is made for a financial contribution and/or provision for any shortfall in open space and/or any Special Development Contributions required in accordance with the Section 48 Development Contribution Scheme. Conditions should also be included where a tree bond or contribution in respect of a shortfall of play provision facilities are required.

6.4. Observations

There was one observation from a Park View resident that made the following points:

- Integrity of the estate and visual uniformity is at risk
- There was no planning application at the time, undermining the planning process
- Privacy and safety of residents would be impacted
- Refuse bins could potentially be left at this location and would lead to clutter and degradation of the street

6.5. Further Responses

None

7.0 Assessment

- 7.1. The principal concerns gathered from the submitted appeal and observation are residential amenity, traffic safety and visual impact and I will address any other matters.
- 7.2. In terms of residential amenity, the properties 30-33 Park View to the north of the subject site have no immediate proximity to the gate with the distance between the properties exceeding 18 metres so there would be no issue of overlooking or impacting on outlook. The appeal raises concerns that this gate could be used in the future as a collection point for refuse bins, causing a nuisance and public health issue. However, the traditional bin collection for 22-27 Park View properties would appear to be on Castleknock Road owing to the access from there and the applicant confirmed this in their response to the appeal citing the normal route taken by one of the main waste companies. Any public littering or dumping would be an environmental health matter. The rear gate serves a purpose as an ancillary access point only and given its materials and location, it is not considered that the gate would have a negative impact on any property in its vicinity or have a negative impact on the residential amenity of the Park View dwellings opposite. I note the letters of support from residents in the applicant's response to this appeal.
- 7.3. In terms of road safety, it is understood the gate does not open onto the public footpath and this would be conditioned in the event of retention permission being granted. The gate does not impact the public road in any way and the speed limit of 30 km/hour and the visibility afforded to drivers on this street is noted.
- 7.4. The problem cited in the appeal of on street parking in the general area of Phoenix Park is acknowledged. However, it is not made clear in the appeal what traffic congestion would result from retaining the gate at this location. The Transportation Planning section raised no objection and sought a condition only in relation to the opening direction of the gate. This is a valid recommendation as it eliminates

interference on the public footpath and therefore protects the safety of pedestrians and vehicles.

- 7.5. Section 14.9 of the Development Plan contains no guidance on reducing the visual impact of rear pedestrian gates. However, the gate is typical of the many rear access doors set into boundary walls in residential areas comprising a small galvanised metal door. The dimensions (2.1m height and 1.07m width) are considered modest given the height and width of the rear boundary wall is substantial. I note on the application drawings that the width of the northern boundary wall for 25 Park View is 24 metres and the height over 2.5 metres. Following a site inspection, it was noted that the gate is set back into the wall further reducing both its visual impact and safety risk from Park View road. Overall, the gate would not detract from the residential character of Park View and be visually harmonious with the wall and its surroundings.
- 7.6. The row of properties, 22-27 Park View, that are accessed from Castleknock Road are also bound by Park View road to the rear and this sets them apart from other dwellings in the Park View estate. I note the rear of 22 Park View has both vehicular access and separate rear pedestrian gate also and this gate is noticeably larger than the subject proposal. It appears this dates back to the original construction of the dwelling as it precedes the more recent alterations to the house (Reg. Ref. F04A/1598). These properties on Park View are larger than average for the area and have generous front and rear gardens. The subject rear access gate is small relative to plot size and the visually dominating perimeter wall.
- 7.7. The appeal identifies what it claims are inaccurate drawings and I can confirm that the site plan of 25-27 Park View dwellings does not match the outline of these properties as built. It appears that the historic layout of these three dwellings was used, which does not take into account the new side extension of the subject property. It is considered that this slight inaccuracy does not inhibit the assessment of the development however. The applicant has confirmed that the only available OS map of the property was used for the site plan.
- 7.8. The appeal states that unauthorised development such as this rear access would undermine the integrity of the estate and the residential character and layout of the street. The appeal references two planning applications (F09B/0112 and F03B/0522)

refused due to public safety and residential character. However these applications were for properties in Portmarnock and Rush and in both cases the surrounding environment, road network and impacts on amenity were considerably different with overcrowding of driveways and visibility concerns identified at application stage. I also note the applicant's response to the appeal, which includes a solicitors letter confirming that the right of way was included in the lease of the property although this would be a civil matter.

- 7.9. The rear access gate accords with the residential zoning objectives contained in the Fingal Development Plan 2023-2029 and does not contradict any policies and objectives contained therein. I am therefore satisfied from this assessment that the rear pedestrian entrance gate is acceptable in planning terms and there is no requirement for further alterations.

8.0 AA Screening

- 8.1. 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 in a well-serviced residential area with European sites Rye Water Valley/Carton SAC c.9km to the west of the site and South Dublin Bay and River Tolka SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA c.8 km to the east
- 8.2. The proposed development comprises the retention of a rear pedestrian entrance gate to the boundary wall providing access to Park View as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.
- 8.3. 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. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites

- 8.4. I conclude, on the basis of objective information, 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

9.0 Recommendation

- 9.1. I recommend to GRANT retention permission

10.0 Reasons and Considerations

Having regard to the location of the application site on lands zoned for residential development in the Fingal Development Plan 2023-2029 and the pattern of development in the area, it is considered that the proposed development would not seriously injure the amenity of neighbouring properties, would be in keeping with the character of the area and would accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices. Reason: To comply with permission regulations.
2.	The pedestrian access gate shall not be used for any other purpose other than pedestrian entry/access incidental to the residential use of the subject property.

	Reason: In the interest of development control
3.	<p>The pedestrian access gate shall not open outwards over the public footpath at any time.</p> <p>Reason: In the interest of public and traffic safety</p>

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.

Killian Harrington
Planning Inspector
25 August 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	322974-25		
Proposed Development Summary	The retention of a rear pedestrian entrance gate to the boundary wall providing access to Park View.		
Development Address	25 Park View, Castleknock Road, Dublin 15, D15 W01T		
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	X
		No	
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		State the Class here.	Proceed to Q3.
No	X		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	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector:

Date: 25 August 2025