



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP-323512A-25

Development	Single-storey extension with a pitched roof to the side of an existing three-storey semi-detached house, and to relocate the existing pedestrian entrance gate.
Location	61 College Square, Wainsfort Manor Drive, Terenure, Dublin, D6WV662.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0395W
Applicant(s)	Brian & Julie Kirwan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Brian & Julie Kirwan
Date of Site Inspection	25 th October 2025
Inspector	Colin McBride

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1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-323512-25 dated 28th October 2025.
- 1.2. On 26th November 2025 the board made a Direction (CD-021402-25) to defer consideration of this case and issue a Section 137 notice to the parties as follows:-

The Commission has decided under the provisions of S.137 of the Planning and Development Act to take into account matters, other than those raised by the parties, these matters relate to the proposed new pedestrian entrance accessing onto the public area of open space to the south of the site.

Specifically the Commission is inviting submissions regarding legal entitlement to create a new private access onto an area of public open space for the purposes of traversing the open space in order to access the public thoroughfare to the front of the dwelling, together with the potential impact of such an access on the use, maintenance and amenity value of this open space.

- 1.3. This report considers the submissions made on foot of the request for submission.

2.0 Response of Relevant Parties/Observers to the Board's Decision to Request Further Information

- 2.1. A submission was received from the applicant/first party appellants and such can be summarised as follows:-

It is clarified that the new pedestrian gate is to open inwards onto land within the applicants' control/ownership and is not formed directly onto the open space lands as indicated on the enclosed revised Garden Wall Pedestrian Entrance drawing. The appellants reiterate the purpose of the entrance to facilitate rear pedestrian access for waste bins.

The appellants are not seeking to acquire or confer any property right, right of way, or entitlement over lands outside the applicants' ownership/control. No works are proposed within the open space and the proposal does not entail the formation of any defined route, surface, lighting, signage, landscaping alterations or physical intervention within the open space.

Two drawings are provided, a revised planning drawing illustrating the pedestrian gate opening inwards and an indicative land ownership/boundary context drawing for discussion purposes only and illustrating the area currently under discussion with the proper management company in relation to boundary regularisation.

The proposed gate will not materially adversely affect the use, maintenance or amenity value of the open space as no works are proposed within adjoining open space lands, no exclusive path or private appropriation is proposed, the gate is pedestrian only and for secondary/occasional access, it opens inwards and no maintenance burden is created for the management authority or local authority.

The proposal which involves no works in the open space area is consistent with the zoning objective.

If necessary, the applicants would accept conditions that that the gate be for pedestrian use only, that no works, surfacing, light, signage, landscaping or formation of a defined path shall be carried out and that the permission does not confer any right of access or wayleave over lands outside the ownership/control of applicant.

3.0 Assessment

This addendum report should be read in conjunction with the previous Inspector's Report on file dated 28th October 2025. The reason for the Commission's direction and Section 137 request is that the proposed pedestrian entrance entails direct access onto an area of designated public open space with the existing housing development with questions regarding the regarding legal entitlement to create a new private access onto an area of public open space for the purposes of traversing the open space in order to access the public thoroughfare to the front of the dwelling, together with the potential impact of such an access on the use, maintenance and amenity value of this open space.

- 3.1. I would acknowledge the applicants/first party appellants response, which outlines the logic for the pedestrian entrance and the nature and configuration of such relative to the open space (opening inwards) with no provision structural or physical

works in the open space) and the fact it is not the intention to create a right of way of impact continued use of the open space area.

- 3.2. Having regard to the issues raised in the Commission Direction, I would highlight a number of points. Firstly, the proposed pedestrian entrance is to replace an existing pedestrian entrance to the side of the dwelling that provides access from the rear garden to the front garden. With the proposed side extension, the house will lose an external connection from the rear garden to the front garden to the front of the house that exits onto the footpath. The new entrance is to access directly onto public open space located directly to the south. The area of public open space is not within the applicants/first party appellants' ownership, and they would require permission from the owner or relevant management company to open this entrance. This is not necessarily a planning issue with an obligation on the applicants/first part appellants to obtain the relevant consent for such.
- 3.3. I would acknowledged that the applicants/first party appellants have indicated that the proposal will have no physical impact on the open space area as it entails an inward opening gate and no physical structures or pathways through the open space. Notwithstanding such, the provision of a pedestrian access, which based mainly on the information provided by the applicants is for the purposes of being able to store bins to the rear of the dwelling and take them to the access road for collection. I do consider that a proposed pedestrian entrance onto the public open space does have a degree of physical impact on such as it does create a clear opening onto the space and would provide for a physical impact by virtue of establishing a pathway (although not physically demarcated) across the open space to the public throughfare. I do not consider based on the nature of the proposal that such is likely to have a significant impact in terms of the continued use and integrity of the public open space area. In this regard I would suggest if the Commission consider it an issue, that they could consider the case de novo and decide to omit the pedestrian entrance by way of condition.
- 3.4. In terms of the applicants/first party appellants' needs in terms of bin storage, I would note that the existing site has a significant level of space to the front and side of the dwelling due to its corner site location to facilitate such storage and access to the public throughfare.

3.5. In this the case permission was granted by South Dublin County Council for the side extension and for the relocation of the pedestrian entrance. This is a first party appeal against the terms of condition no, which relates to the location of the extension on the side boundary wall and in dealing with this case, I considered it under the provisions of Section 139, having regard to grounds of appeal, which concerned only condition no. 4. I would also highlight the fact no third-party submissions were received highlighting any concerns regarding the proposal.

4.0 Recommendation

4.1. I would highlight the fact that the appeal is against a single condition attached to a grant of permission, namely condition no. 4. In this regard I would consider that it was wholly appropriate to deal with this application under the provisions of Section 139.

4.2. I recommend that condition no. 4 be omitted for the following reason and considerations and I would recommend a Board Order as follows:

DECISION

Having regard to the nature of the condition subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended to REMOVE Condition no. 4 and the reasons therefor.

5.0 Reasons and Considerations

(a) Having regard to the nature and scale of the proposed development, which is satisfactory in the context of visual amenity, adjoining amenities and the proper planning and sustainable development of the area, and to fact that it is located wholly within the curtilage of an existing dwelling, condition no. 4 is considered unnecessary with condition no. 1 adequate to ensure the proposal is constructed in compliance with the approved drawings.

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.

Colin McBride
Planning Inspector

23rd April 2026