



An
Coimisiún
Pleanála

Inspector's Report

PL-501701-DS-26

Development

RETENTION The development will consist of retention permission for the existing vehicular gated entrance and the increase in height of the front and side boundary walls and all associated site works

Location

66A Walkinstown Avenue, Walkinstown, Dublin 12

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1974/26

Applicant(s)

Kieron Fitzgerald

Type of Application

Retention permission

Planning Authority Decision

Split decision

Type of Appeal

First party

Appellant(s)

Kieron Fitzgerald

Observer(s)

None

Date of Site Inspection

12 September 2026

Inspector

Killian Harrington

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1.0 Site Location and Description

- 1.1 The subject site consists of a of recently built two self-contained semi-detached two storey dwellings indicated as 66A Walkinstown Avenue, constructed under the planning permission Reg. Ref. 4999/23 on infill land and located at the corner of Walkinstown Avenue and Walkinstown Park. There is an existing vehicular entrance with car parking on site, with access located on Walkinstown Avenue. The surrounding area is residential in nature and the adjacent properties consist of terraced dwellings of similar scale to the subject semi-detached dwellings, many of which have in-curtilage parking to the front and rear amenity space to the rear. A double-width footpath runs along the perimeter of the site and this includes a bus stop and shelter and medium-sized street tree.

2.0 Proposed Development

- 2.1 The proposed development comprises of retention permission for the existing vehicular gated entrance and the increase in height of the front and side boundary walls and all associated site works

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council issued a split decision:

It REFUSED retention permission for the existing vehicular gated entrance for the following reason:

1. The vehicular entrance to be retained, having regard to its location between a bus shelter with a 2m high advertisement panel and an existing street tree, where sightlines are obstructed, would result in poor visibility for drivers exiting onto a busy road and would increase the potential for pedestrian conflict. The development would therefore endanger public safety by reason of a traffic hazard and obstruction to road users. Furthermore, the vehicular entrance and associated

dishing, by reason of its inadequate clearance from the base and root zone of the existing mature street tree, and in the absence of exceptional circumstances, would conflict with the provisions of Section 15.6.9 (Trees and Hedgerows) and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan 2022-2028, and would fail to satisfactorily protect the existing tree. It is considered that the development proposed to be retained would set an undesirable precedent for further similar development in the vicinity and would be contrary to the proper planning and sustainable development of the area.

The Council GRANTED retention permission for the increase in height of the front and side boundary walls.

3.1.1. Planning Authority Reports

The proposed works to be retained consist of the two elements of (1) raised boundary wall around the two recently built dwellings and (2) vehicular gated entrance to serve the two terraced dwellings and provide in-curtilage parking for both properties.

The boundary wall ranges in height from the lowest 1.3m (towards the front elevation) to the highest of 2m (view from Walkinstown Park). The proposed retention permission for the increase in height of the front and side boundary walls was considered acceptable and would not negatively impact the adjoining properties and would therefore not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028

In relation to the retention of the vehicular entrance, the planner's report referred to the concerns of the Transportation Planning Division relating to poor sightlines as a result of the bus shelter and street tree located at the perimeter of the site. The existing vehicular entrance location is subject to a bus shelter positioned approx. 1.5m from the southern pillar and a street tree approx. 1.4m from the northern pillar.

The Parks and Landscape Services assessed the on-street tree and classified it as a 'medium tree'. Under Figure 1 of Appendix 5, this confirms there is a minimum required clearance of 2.5m between the tree to the proposed edge of the dishing. The setback measurement must be free from all proposed footpath dishing associated with a vehicular entrance, which is generally 0.8m. The total setback required would be 3.3m. Accordingly, the available space cannot accommodate a safe vehicular entrance with a minimum width of 2.5m without potentially impacting the root system of the street tree in accordance with Figure 1, Appendix 5, Volume 2'.

It was considered that, despite being acceptable in principle, the retention of a vehicular entrance was not acceptable at this particular location and has the potential to both create a traffic hazard and set an undesirable precedent. It was noted that the permission for a vehicular entrance was not accepted previously. The vehicular entrance to be retained was considered contrary to the guidance set out in Appendix 5 of the Dublin City Development Plan 2022-2028.

3.1.2 Other Technical Reports

- Drainage Division – no objection subject to conditions
- Transportation Planning Division - recommended that permission be refused, stating the following:

'The bus shelter includes a large side advertisement panel, adjacent to the area required for access/ egress, significantly reducing sightlines for vehicles exiting the site and onto Walkinstown Avenue which is a 50kmph road. No details on sightlines for the vehicular access have been provided as part of the application documents. Notwithstanding this, having regard to the proximity of the bus stop to the access, c.1m or less, the visibility for drivers exiting the site onto the road would be substantially reduced and endanger public safety by creating a significant traffic and road safety hazard. As such, this division recommend the retention of the vehicular access be refused.'

3.3. Prescribed Bodies

No reports received

3.4. Third Party Observations

None

4.0 Planning History

4.1 Subject site

- Reg. ref 4999/23 – Planning permission granted for the development of 1no. 3-bedroom 2 storey (with attic conversion) semi-detached dwelling of 104m² with dormer window to rear and 1no. 1 bed 2 storey (with attic conversion) semi-detached dwelling of 68m² with Velux window to the front roof pitch, with associated site works, bin stores, bicycle parking and front and rear landscaping.
- Reg. ref 3117/23 – Planning permission granted for development consisting of modernisation and refurbishment of existing dwelling with construction of 1 no. 2 storey (with attic conversion) 4-bedroom detached dwellings of 120m², with dormer window to rear with 1 new vehicular driveway entrances for 2 car spaces for proposed dwelling with associated site works, bin store, bicycle parking and front and rear landscaping.
- Reg. ref 3352/22 – Planning permission refused for the development to the side garden of 66 Walkinstown Avenue, Dublin 12. The development will consist of modernisation and refurbishment of existing dwelling with construction of 2 no. 2 storey with attic conversion 3 bedroom semi-detached dwellings of 102m² and 120m² each, with proposed balcony/terrace to the front facing Walkinstown Avenue to 1 no. dwelling with 3 new vehicular driveway entrances

for 1 car space per dwelling with associated site works, bin store, bicycle parking and front and rear landscaping.

Reasons for refusal:

- (1) The proposed development of two houses, built to the side of a terrace of houses, would significantly infringe the established building line on Walkinstown Avenue and would have unacceptable impacts on the visual amenity of the streetscape. The proposed development would therefore, seriously injure the amenities of property in the vicinity, would be contrary to the Z1 zoning objective to protect the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.*
- (2) The proposed development would not provide adequate residential amenity for future occupiers due to the inadequate provision of private amenity space. The proposed development would therefore, be contrary to the Development Standards as set out in sections 16.6 and 16.10.2 of the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.*
- (3) It has not been adequately demonstrated that safe means of access and egress will be provided for the proposed vehicular entrances having regard to its location on a busy road, near a junction, with restricted visibility and the substandard vehicular entrance width and parking area proposed. As such, it is considered that the development would result in potential vehicular and pedestrian, cyclists and bus conflicts, the creation of hazardous manoeuvres onto and across a busy road which would endanger public safety by reason of a traffic hazard and obstruction of road users. The development would have a negative impact on existing public transport infrastructure requiring the removal or relocation of an existing bus shelter and bus cage and would result in the potential loss of two existing street trees. The proposed development would, therefore, set an undesirable precedent for similar sites in the area and be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1 Development Plan

Under the Dublin City Development Plan 2022-2028 the site is zoned objective Zone Z1 'Sustainable Residential Neighbourhoods' with the aim 'to protect, provide and improve residential amenities.' The following Dublin City Development Plan policy objectives have specific relevance to this appeal:

Section 15.6.9 (Trees and Hedgerows)

This section emphasises that trees and hedgerows are important for character, maturity, screening, shelter, privacy, biodiversity, and visual amenity. Dublin City Council states that it will seek to protect existing trees and hedgerows and maximise their retention, preservation, and management when assessing development proposals. Existing trees, groups of trees, and hedgerows should be retained wherever possible as part of development proposals. Planning applications must demonstrate which trees will be retained and how they will be protected during construction.

Appendix 5 Transport and Mobility – Technical Requirements

Section 4.2 Accessible Car Parking

At least 5% of the total number of spaces shall be designated car-parking spaces, with a minimum provision of at least one such space, which ever one is the greatest. In particular circumstances, the planning authority may require a higher accessible parking content depending on the nature of development. All accessible parking shall be allocated and suitably signposted for convenient access.

Section 4.3 Parking in Front Gardens

Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.

Section 4.3.1 Dimensions and Surfacing

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres. Detailed requirements for parking in the curtilage of Protected Structures and in Conservation Areas are set out below in section 4.3.7. The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. Any works to the public road to facilitate the provision of an entrance including the removal or relocation of utility poles/boxes and public lighting are carried out at the applicant/developers own expense to the requirements of the relevant utility provider and Dublin City Council

Section 4.3.2 Impact on Street Trees

This section deals with the treatment of existing street trees where development, access works, utilities, road alterations, or similar works are proposed. It emphasises protecting existing street trees and their root protection areas, avoiding unnecessary loss or damage to street trees during construction and also demonstrating, through planning submissions where necessary, how impacts on trees will be avoided or mitigated.

Section 4.3.5 Treatment of Front Boundaries

When considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape. Vehicular entrances with splayed entrance walls or fences will not generally be permitted. All boundary treatment shall take cognisance of the need to provide adequate visibility

Section 4.3.6 Landscape Treatment of Front Gardens

The front boundary wall or fence should always be provided with a screen of ornamental small trees or hedging to give visual definition to the extent of the front garden and soften the appearance of the parked car. Importantly, any planting incorporated in the garden must not obscure visibility for drivers when exiting the driveway.

Appendix 5 Figure 1

Appendix 5 Figure 1 sets out how to safely provide vehicular access around street trees of large, medium and small size classifications. A medium tree requires 2.5m clearance from the surface of the tree trunk to the edge of the dish.

5.3. Natural Heritage Designations

The South Dublin Bay proposed NHA, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.3km to the southeast. North Dublin Bay SAC, North Bull Island SPA and North Dublin Bay proposed NHA are c. 5km to the northeast.

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. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1 Grounds of Appeal

- 7.1.1 This appeal focuses solely on Condition 3 (removal of vehicular entrance and gates and replaced with a boundary wall to match existing) attached to Dublin City

Council's split-decision. The appeal is seeking to have the condition removed to allow the entrance and in-curtilage parking to be retained.

7.1.2 The appeal includes an autotracking drawing, a Road Safety Audit and a Domestic Entrance Engineering Report by different consulting engineers.

7.1.3 The drawing suggests proposed changes to the bus shelter panelling (provision of a clear side panel), which would then result in a DMURS compliant 49 metre visibility splay.

7.1.4 The Road Safety Audit recommends the removal of illegal parking on the footpath, lowering of the property boundary walls and changes to the bus shelter including its relocation to provide clearer visibility. The bus shelter in its current location restricts visibility of approaching traffic to the right for drivers existing the property.

7.1.5 The Domestic Entrance Engineering report concludes that there is no evidence the existing street tree roots would be impacted, the driveway provides adequate space for vehicles and their safe movement. The only safety issue relates to the bus shelter, which would need to be altered (by providing a clear side panel). The entrance is in keeping with the driveways of surrounding properties.

7.1.6 The appeal contains the following grounds:

- The site forms part of a recently constructed pair of semi-detached dwellings permitted under planning permission 4999/23 and a vehicular entrance with on-site parking has already been constructed. Many properties along Walkinstown Avenue have evolved over time to provide off-street parking within their front curtilages and that the proposed access is therefore consistent with the character and pattern of development in the area.
- The property has limited opportunities for on-street parking because of its location adjacent to an existing sheltered bus stop. Retaining the vehicular entrance is necessary to facilitate on-site parking and reduce reliance on constrained roadside parking spaces. It is suggested that the specific circumstances of the site justify a different approach than that proposed by the planning authority.

- The appeal relies heavily on technical evidence in the form of a Road Safety Audit and Domestic Entrance Engineering Report submitted in support of the appeal. These documents are presented as evidence that the entrance can operate safely and that the Council's traffic safety concerns can be satisfactorily addressed. The implication is that the planning authority did not give sufficient weight to the professional engineering assessment of the proposal.
- The appeal states that future transport context may change. Information has been received indicating that the existing bus shelter may be removed as part of the ongoing BusConnects programme and that enquiries have been made with Dublin Bus and BusConnects to verify this. While no confirmation is included in the appeal, the appellant suggests that if the bus stop arrangement changes, the basis for the Council's safety concerns may be reduced. On that basis, the appellant requests that An Coimisiún Pleanála overturn Condition 3 and allow the vehicular entrance to remain.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

- 8.1. The first party appeal seeks the removal of Condition 3 of the retention permission. This condition requires the removal of the existing vehicular entrance and replacement with the boundary wall. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the principle of a vehicular entrance accords with the Z1 land use zoning. In my view, the primary concern in this appeal is the potential safety hazard of retaining the

vehicular entrance and the impact on street trees as per Appendix 5 of the Dublin City Development Plan 2022-2028.

(1) Traffic Safety

- 8.2 The existing front garden area has an overall depth of between 4.46m and 5.27m, with an approximate width of 6.33m. The proposed development comprises a new vehicular entrance (2.8m wide and a varying depth of between 4.4m at northern end and 5.2m at southern end) and off-street parking within the existing front garden of the property. The extant 2 no. dwellings on the site were permitted without a vehicular entrance, and that there was a previous refusal on traffic safety grounds on the site (see Section 4.0 in this report).
- 8.3 Section 4.3.1 of Appendix 5 of the Development Plan deals with dimensions and surfacing for vehicular entrances and it states that they shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.
- 8.4 In terms of dimensions, the proposed entrance to be retained would comply with Appendix 5 as it is at least 2.5 metres or at most 3 metres in width and does not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres
- 8.5 A bus shelter is located along the perimeter of the site on a double-width footpath and includes a large side advertisement panel, adjacent to the area required for access/ egress. This significantly reduces sightlines for vehicles exiting the site and onto Walkinstown Avenue which is a 50kmph road. I agree with the planning authority that visibility for drivers exiting the site onto the road would be substantially reduced and endanger public safety by creating a significant traffic and road safety hazard.
- 8.6 I note that the appeal has now included a sightlines drawing. I note the conclusions of both a Road Safety Audit and a Domestic Entrance Engineering Report submitted with the appeal. However, both agree that amendments must be made

to be bus shelter in order to secure safe access and egress. If the removal of the shelter at this location cannot take place, another option proposed is to make the side panel of the shelter clear to aid visibility towards the right, exiting of the property. The sightlines on the drawing, although stated as DMURS compliant, are predicated on this course of action. The reports also highlight the high walls of the property being a further obstacle. The appeal does not include any plans from Dublin Bus regarding the shelter, which is outside the control of the applicant, and as such, the safety of the entrance and a DMURS compliant entrance cannot be ensured.

(2) Impact on Street Tree

- 8.7 Section 4.3.2 of Appendix 5 deals with the treatment of existing street trees where development, access works, utilities, road alterations, or similar works are proposed. It emphasises protecting existing street trees and their root protection areas, avoiding unnecessary loss or damage to street trees during construction and also demonstrating, through planning submissions where necessary, how impacts on trees will be avoided or mitigated.
- 8.8 Figure 1 of Appendix 5.0 outlines that a medium tree requires 2.5m clearance from the surface of the tree trunk to the edge of the dish. The subject tree is approximately 1.4m from the northern pillar and the total setback required would be 3.3m. Accordingly, the available space cannot accommodate a safe vehicular entrance with a minimum width of 2.5m without potentially impacting the root system of the street tree in accordance with Figure 1, Appendix 5. The appeal has not adequately addressed this. As such, the proposed entrance would conflict with Section 4.3.2 of Appendix 5 and the provisions of Section 15.6.9 (Trees and Hedgerows) in the Dublin City Development Plan 2022-2028.
- 8.9 The removal of Condition 3 of the subject planning permission would allow the vehicular entrance at its current location to be retained. Having regard to its location between a bus shelter with a 2m high advertisement panel and an existing street tree, where sightlines are obstructed, the retention of the entrance would result in poor visibility for drivers exiting onto a busy road and would increase the

potential for pedestrian conflict. The development, if retained, would therefore endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed entrance would conflict with the provisions of Section 15.6.9 (Trees and Hedgerows) and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan 2022-2028, and would fail to satisfactorily protect the existing street tree as required in Appendix 5. It is considered that the removal of Condition 3 would set an undesirable precedent for further similar development in the vicinity and would be contrary to the proper planning and sustainable development of the area.

9.0 AA Screening

- 9.1. 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 an established residential area c. 3km northwest of South Dublin Bay SAC & South Dublin Bay and River Tolka SPA. North Dublin Bay SAC and North Bull Island SPA are c. 5km to the northeast.
- 9.2. The proposed development comprises retention of the existing vehicular gated entrance and the increase in height of the front and side boundary walls and all associated site works at 66A Walkinstown Avenue, Walkinstown, Dublin 12
- 9.3. 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
- 9.4. 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.

10.0 Water Framework Directive

- 10.1. The subject site is located at 66A Walkinstown Avenue, Walkinstown, Dublin 12 approximately 200 metres northeast of Walkinstown Stream.
- 10.2 The proposed development comprises retention of the existing vehicular gated entrance and the increase in height of the front and side boundary walls and all associated site works
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works
 - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having regard to the nature of the condition and the 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 Dublin City Council under subsection (1) of section 139 of the Planning and Development Act 2000 to:

- (a) ATTACH Condition number 3 and the reason therefor

12.0 Reasons and Considerations

12.1 Having regard to the provisions of the Dublin City Development Plan 2022-2028, the Z1 zoning objectives and the proposed location and design of the vehicular entrance and the relationship of the site with the adjacent bus shelter and street tree, it is considered that the proposed vehicular entrance would result in a significant traffic safety hazard and would fail to comply with Section 15.6.9 (Trees and Hedgerows) and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan 2022-2028. Furthermore, it would set an undesirable precedent for similar type development contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Killian Harrington
Planning Inspector

17 September 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501701-DS-26
Proposed Development Summary	RETENTION The development will consist of retention permission for the existing vehicular gated entrance and the increase in height of the front and side boundary walls and all associated site works
Development Address	66A Walkinstown Avenue, Walkinstown, Dublin 12
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

1. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</u> OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 17 September 2026