



An
Coimisiún
Pleanála

Inspector's Report

PL-501730-DR-26

Development

Retention of development consisting of the erection of a 2m high double leaf aluminium gate of 3.475m width with a single aluminium pedestrian gate of 0.74m width, hung on 2 pillars 2.148m high. Permission is sought to cut back the two pillars so as to provide clear and safe sightlines in each direction as required by DMURS. The gates provide continued vehicular and pedestrian access to the rear garden area of Mount Verona House, Dun Laoghaire.

Location

Mount Verona House, 6, Summerhill Road, Dun Laoghaire, Co. Dublin, A96K302.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D26A/0339/WEB

Applicant(s)

Mathieu Pfiffer.

Type of Application

Retention Permission and Permission.

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Mathieu Pfiffer.

Observer(s)

None on file relating to appeal.

Date of Site Inspection

21st September 2026.

Inspector

Des Johnson.

1.0 Site Location and Description

- 1.1. Mount Verona House is located at the junction of Summerhill Road and Martello Avenue (cul-de-sac) in an established residential area in Dun Laoghaire, Co, Dublin. It is an end of terrace, two-storey over semi-basement, Victorian style villa with gable roof profile, fronting on to Summerhill Road.
- 1.2. The subject entrance is at the rear of the site opening on to Martello Avenue. There is one double leaf gate and a single leaf gate, indicated as c.1.930m high. The gates are framed by two pillars shown as 2.1m high and the width of the combined entrance measured between the two pillars is c.4.39m. The vehicular gates open inwards into the rear garden. The combined entrance structure is c.34m from the junction with Summerhill Road (measured to the most southerly pillar). Martello Avenue is c.90m in length and there is a pedestrian link to the Metals at its northerly end. There is a continuous double yellow line along the length of Martello Avenue on its westerly side and there is a continuous parking bay on its easterly side for much of its length; this comes to within c.12m from the junction with Summerhill Road and there are double yellow lines between the bay and the junction. There is a utility pole adjacent to the more northerly pillar of the subject entrance.
- 1.3. The carriageway on Martello Avenue opposite the subject entrance gates is c.4.2m including the parking bay. The demarcated parking bay measures c2.1m in width. The footpath next to the south easterly site boundary is c.1m wide. There are footpaths on both sides of the Avenue.

2.0 Proposed Development

- 2.1. Retention of development consisting of the erection of a 2m high double leaf aluminium gate of 3.475m width with a single aluminium pedestrian gate of 0.74m width, hung on 2 pillars 2.148m high. Permission is sought to cut back the two pillars so as to provide clear and safe sightlines in each direction as required by DMURS. The gates provide continued vehicular and pedestrian access to the rear garden area of Mount Verona House.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to Refuse Permission for a single reason as follows:

It is considered that the proposed retention of development and development (i.e. cutting back two pillars) does not materially change the vehicular entrance previously refused retention permission by the Planning Authority (Reg. Ref. D25A/0769) and the vehicular entrance with the proposed amendments would not afford adequate visibility to both the carriageway and footpath on Martello Avenue for vehicles egressing the vehicular entrance, taking into account the restricted width and parallel parking on the opposite side of the road to the vehicular entrance. The proposed retention of the entrance and associated vehicular exiting movements would be considered to create a traffic hazard. Therefore due to the endangerment of Public Safety as a result of the lack of visibility onto the adjacent public footpath and carriageway and intensification of vehicular movements as a result the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and would be contrary to the proper planning of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Under the zoning, the proposed development is permissible in principle subject to compatibility with other policies and objectives of the plan and not having any undesirable effects. The width of the vehicular entrance is in line with the provisions of Section 12.4.8.1. The depth of the rear garden allows for 1 car parking space without overhanging on to the public realm. The gates do not have any significant impact on the visual or residential amenity of surrounding properties. The Planning Department concurs with the Transportation Planning recommendation to refuse. The proposed development and development to be retained would endanger public safety by reason of traffic hazard.

3.2.2. Other Technical Reports

- Transportation Planning report recommends refusal for reason of traffic hazard.
- Drainage Department report – no objection.

3.3. Third Party Observations

None on file relating to appeal.

4.0 Planning History

- 4.1. Reference ENF: 18624 – Live enforcement case regarding widening of the vehicular entrance to the rear and the increase in height of the boundaries to the rear garden of the property in excess of 2m.
- 4.2. ABP 321469-24 – Permission refused at subject premises for 2 reasons as follows:
 1. *It is considered that the traffic movements generated by the access proposed to be retained onto Martello Avenue, which has restricted width and parallel parking on the opposite side of the road to the vehicular entrance, and the restricted sightlines in both directions, would endanger public safety by reason of traffic hazard and would lead to conflict between road users. Furthermore, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, and with particular regard to the restricted width of the historic entrance to the rear garden, that vehicular parking is an established use in the rear garden of Mount Verona House. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.*
 2. *Having regard to the height and length of the timber privacy screening proposed to be retained on top of an existing wall, as illustrated in the planning application documentation, and the proximity to the boundary with 5 Summerhill Road, it is considered that the development proposed to be retained would seriously injure the residential amenities of property in the immediate vicinity by reason of overbearing impact and overshadowing. The development proposed to be retained would set an undesirable precedent for similar type development, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 4.3. Reference D25A/0769 – Refusal for retention of erection of a 2m high double leaf aluminium vehicular gateway of 3.475m width with a single leaf aluminium pedestrian gateway of 0.74m width providing access to the rear garden area from Martello Avenue. The original gateway in this location as shown on the 1920 lease and dishing in the public footpath was circa. 2.3m wide. The reason for refusal was as follows:

Due to the context of the site, including the restricted width of Martello Avenue and parallel parking on the opposite side of the road to the vehicular entrance, and the configuration of the vehicular gates proposed to be retained and resulting lack of visibility on to the adjacent public footpath and carriageway, the development to be retained endangers public safety by reason of traffic hazard or obstruction of road users and is contrary to the proper planning and sustainable development of the area.

Adjacent sites

- 4.4. Refence 20A/0729 – Permission for new 3m wide vehicular access to site, with remote controlled wrought iron gates and off-street parking for 2 cars at 5, Summerhill Road.
- 4.5. Reference 25A/0584 – Permission for widening existing pedestrian gate/wall to the front to provide 3.5m wide vehicular access, with wrought iron gates and off-street carparking in front garden with associated landscaping and works at 8, Summerhill Road.
- 4.6. Reference D24A/0386 – Permission to widen existing pedestrian gate/wall to the front to provide 3.5m wide vehicular access, with wrought iron gates and off-street carparking in front garden with associated landscaping and works at 10, Summerhill Road.
- 4.7. Reference D26A/004 – Permission to widen existing pedestrian gate/wall to the front boundary to form 3.5m wide vehicular access gate with wrought iron gates and off-street carparking along with all site development and facilitating works at 11, Summerhill Road.

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2-22-2028 is the statutory plan for the area.

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.*

The Metals, located at the end of Martello Avenue, is a Candidate Architectural Conservation Area (ACA).

Section 12.4.8.1. 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 3.5m. 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. In general, outward opening gates will not be considered acceptable.

Natural Heritage Designations

South Dublin Bay & River Tolka Estuary SPA – c1.5km to northwest.

South Dublin Bay SAC – c.1.9km to northwest.

Dalkey Island SPA & Rockabill to Dalkey Island SAC – c.2.4km to southeast.

6.0 EIA Screening

- 6.1. 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 (or Part V of the 1994 Roads

7.0 The Appeal

7.1. Grounds of Appeal

These may be summarised as follows:

- The Planning Authority decision is based on an assessment by the Transportation Planning Section which was inadequate and flawed. This modest proposal will in fact improve traffic safety. If permission is refused, the alternative is to revert to the previous narrower gateway which does not meet standards, creating greater traffic hazard and congestion.
- The Transportation Planning report contains no measurement, no sightline calculation, no survey data and no technical drawing demonstrating that the modified pillar configuration fails to meet DMURS standard.
- The 1st Party's transportation consultant identified the applicable DMURS standard as a Stopping Sight Distance (SSD) of 2.0m x 7.0m for a design speed of 10km/h for Martello Avenue which is a cul-de-sac with no through traffic and low vehicle speeds. The design drawings demonstrate that cutting back the pillars achieves the 2.0m x 7.0m SSD in the direction toward Summerhill Road and 6.570m in the other direction along Martello Avenue. This finding was not rebutted in the Transportation Planning report.
- The decision to refuse is inconsistent with permissions granted to neighbouring properties on Summerhill Road (Nos. 5, 8, 10 & 11) and these were granted without any Transport planning objection. Summerhill Road is a busy through Road with a 50km/h speed limit. A design speed of 10 km/h is appropriate for Martello Avenue.
- The difficulty with vehicular access at this location is compounded by the Local Authority decision to introduce permit parking.
- A 1920 Lease Map was submitted to the Planning Authority showing a long-standing access of approximately 2.3m width. This evidence was not previously before the Board. While the width of the current access exceeds the width of the historical access, this was necessitated by the provision of parking on the opposite side of Martello Avenue. The wider access is a response to changed conditions.
- The chance of traffic hazard is minimal.
- The 1st Party wishes to avail of the rear gate which in time will provide access to an EV charging point.
- The material used complements the Victorian character of Mount Verona House.

A Statement from the Appellants is included with the grounds of appeal and this repeats many of the matters addressed in the grounds of appeal. It states that the sole purpose of the development is to improve the safety, visibility and practical operation of the existing access arrangement. No new access is proposed and there would be no increase in traffic flows or intensity of use. The proposal demonstrably improves the existing situation. There would be no new conflict between road users. The sole issue is whether the cutting back of the pillars to improve visibility and to widen the vehicular access improves safety. The gate is now set back 580mm inside the property boundary. The site is unique and the site-specific problem needs a proportionate solution.

7.2. Planning Authority Response

The grounds of appeal do not raise any new matter which would justify a change of attitude.

7.3. Observations

None on file relating to appeal.

8.0 Assessment

- 8.1. The proposal is for retention of development consisting of the erection of a 2m high double leaf aluminium gate of 3.475m width with a single aluminium pedestrian gate of 0.74m width, hung on 2 pillars 2.148m high. The public notices state that permission is sought to cut back the two pillars so as to provide clear and safe sightlines in each direction as required by DMURS. The gates provide continued vehicular and pedestrian access to the rear garden area of Mount Verona House.
- 8.2. The planning authority has refused permission for reason (in summary) that the proposal, which includes cutting back the two framing pillars, does not materially change the entrance previously refused retention, the proposed amendments would not afford adequate visibility to both the carriageway and footpath for vehicles egressing the entrance because of the restricted width and parallel parking, and the development would endanger public safety by reason of traffic hazard and obstruction of road users.
- 8.3. The grounds of appeal contend (in summary) that the assessment of the application was flawed and inadequate, the proposal will improve traffic safety, the appropriate design speed for Martello Avenue is 10km/h and the Stopping Sight Distance of 2.0m x

7.0m can be met by cutting back the framing pillars either side of the vehicular entrance, the chance of traffic hazard is minimal, the entrance would facilitate EV charging in the future, and that a 1920 lease map for the property indicates a long standing access of approximately 2.3m wide at this location. The decision to refuse is inconsistent with other decisions for vehicular accesses on Summerhill Road.

8.4. I consider that the development should be assessed under the following headings:

- Policy
- Visual Amenities
- Planning History
- Traffic Issues
- Appropriate Assessment

Policy

8.5. The site is in an area zoned 'A' in the Dun Laoghaire Rathdown County Development Plan 2022-2028 with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development.* The proposal relating to a vehicular entrance to the rear of an existing residential property is permissible in principle, subject to compatibility with other policies and objectives of the Plan and having no undesirable effects.

Visual Amenities

8.6. The subject aluminium pedestrian and vehicular gates would not have any negative impact on the visual amenities of the area, or any negative impact on the Architectural Conservation Area at the adjoining Metals. The design of the entrance gates is consistent with the overall character of the area and is acceptable.

Planning History

8.7. There is a current live Enforcement case relating to the widening of the vehicular entrance to the rear of Mount Verona House and the increase in height of the boundaries to the rear garden of the property in excess of 2m. (ENF: 18624).

8.8. Under Ref: ABP 321469-24, An Bord Pleanála refused permission for similar development (excluding the cut back piers) for reasons of endangerment of public

safety by reason of traffic hazard and conflict between road users. The Board stated that, on the basis of submissions made and the restricted nature of the historic entrance to the rear garden, it was not satisfied that vehicular parking was an established use in the rear garden of the property. A second reason for refusal related to the retention of timber privacy screening which is not part of the current proposal.

- 8.9. The 1920 Lease map was before the Board in deciding the appeal.
- 8.10. The Inspector's report relating to ABP-321469-24 stated that the submitted drawings showed 1 car parking space served by the access but that there was evidence on file of 2 cars being parked on the site. The public notice did not refer to on-site car parking. The current proposal does not show or refer to on-site parking in the public notice but states that 'the gates provide continued vehicular and pedestrian access to the rear garden area of Mount Verona from Martello Avenue as per previous access'.
- 8.11. Under Reference D25A/0769, the Planning Authority refused permission for the retention of erection of a 2m high double leaf aluminium vehicular gateway of 3.475m width with a single leaf aluminium pedestrian gateway of 0.74m width providing access to the rear garden area from Martello Avenue. The reason for refusal refers to the restricted width of Martello Avenue and parallel parking on the opposite side of the road to the vehicular entrance with lack of visibility and concludes that the development to be retained endangers public safety by reason of traffic hazard or obstruction of road users.
- 8.12. I consider that there have been no material changes to the context of the site in the intervening period since the time of the issuing of these previous decisions. The current proposal under appeal proposes the removal of sections of both of the framing pillars in order to improve sightlines in both directions.

Traffic Issues

- 8.13. Dun Laoghaire Rathdown adopted revised speed limits which came into effect in November 2024. Martello Avenue has a speed limit of 30km/h. The appellants contend that, following advice from a transportation consultant, the appropriate benchmark for a short cul-de-sac such as Martello Avenue, with no through traffic and inherently low vehicle speeds, is 10km/h, and that the proposed cutting back of the pillars achieves the DMURS Stopping Sight Distance (SSD) for this speed limit. However, I note that the

decisions for ABP-321469-24 and 25A/0769 both post-date the revision of the speed limit for Martello Avenue and, while I consider that some flexibility in standards could be applied having regard to the unique circumstances relating to this site, I do not accept that there is any convincing case that the DMURS standard applying to a speed limit of 10km/h should apply.

- 8.14. I also note the pedestrian route along Martello Avenue to the Metals.
- 8.15. The Board concluded under Ref: ABP-321469-24 that it was not satisfied that vehicular parking was an established use in the rear garden of the property. While I consider that there is no new convincing evidence now submitted to indicate that vehicular parking was an established use, it is clear from the current proposal that it is intended to utilise the rear garden for car parking and provide an EV charging facility. However, the public notices do not refer to on-site parking but state that the gates provide continued vehicular and pedestrian access to the rear garden area as per previous access. I consider that any intensification of use of this access with cut back pillars but restricted sightlines, facilitated by the widening of the entrance, would endanger public safety by reason of traffic hazard and would lead to conflict with road users.
- 8.16. The appellants refer to permissions granted to neighbouring properties on Summerhill Road and contend that the Planning Authority decision in the current case is inconsistent with those decisions. I do not accept that the context Summerhill Road and Martello Avenue are comparable in context.

9.0 AA Screening

I have considered the proposed development for retention 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 in Dun Laoghaire, Co. Dublin.

The proposed development relates to the retention of vehicular and pedestrian gates, and permission to cut back the two pillars.

Having considered the nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature and small scale of the development
- The location in an established residential area,
- The separation distance and absence of any connectivity to any European sites

I conclude that 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 (stage 2) (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 in an established residential area in Dun Laoghaire, Co. Dublin. The proposed development relates to the retention of vehicular and pedestrian gates, and permission to cut back the two pillars. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

11.0 Recommendation

11.1. I recommend that permission be refused.

12.0 Reasons

It is considered that the traffic movements generated by the access proposed to be retained on to Martello Avenue, together with proposed cut back piers, at a point where there is restricted carriageway width and parallel parking on the opposite side of the road, and where sightlines are restricted in both directions, would endanger public safety by reason of traffic hazard and lead to a conflict between road users.

Furthermore, the Board is not satisfied, on the basis of submissions made with particular regard to the restricted width of the historic entrance to the rear garden, that vehicular parking is an established use in the rear garden of Mount Verona House. The

development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: In the event of the Commission not agreeing with this recommendation and deciding to grant permission, I recommend that conditions be attached restricting the number of on-site parking spaces to 1 to be agreed in writing with the Planning Authority, and SuDs is applied.

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.

Des Johnson
Planning Inspector

25th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501730-DR-26.
Proposed Development Summary	Relates to the retention of vehicular and pedestrian gates, and permission to cut back the two pillars.
Development Address	Mount Verona House, 6, Summerhill Road, Dun Laoghaire, Co. Dublin, A96K302.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, 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	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) 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.	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 (or Part V of the 1994 Roads
☐ 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)	
4. 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 ☐	
No ☒	

Inspector: _____

Date: 25.09.2026 _____