

An  
Bord  
Pleanála

**Board Direction**  
**BD-018779-25**  
**ABP-320801-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/01/2025.

The Board decided as follows:

**WHEREAS** a question has arisen as to whether a gated entrance (3m in width) will be opened, joining the rear garden of no. 9 Kilbarrack Road and the lane to facilitate access to the rear garden is or is not development or is or is not exempted development:

**AND WHEREAS** Stephanie Regan & Liam Scott requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 29th day of August, 2016 stating that the matter was development and was not exempted development:

**WHEREAS** referred this declaration for review to An Bord Pleanála on the 12th day of September, 2024:

**WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,

- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) Section 2(1) of the Roads Act 1993

**AND WHEREAS** An Bord Pleanála has concluded that a gated entrance (3m in width) joining the rear garden of no. 9 Kilbarrack Road and the lane to facilitate access to the rear garden is development and is not exempted development

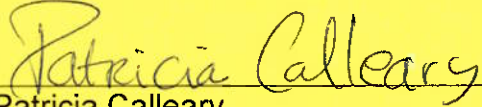
**THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that a gated entrance (3m in width), joining the rear garden of no. 9 Kilbarrack Road and the lane to facilitate access to the rear garden is development and is not exempted development.

**Note:**

In differing with the inspectors recommended finding of exempted development for the works described, the Board agreed firstly with the inspector that the development (comprising works) would fall within Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However, based on the information on file, the Board, on a majority 2:1 vote, considered the proposed development would endanger public safety because of conflicting movements of traffic and pedestrians and poor forward visibility arising when exiting from the rear of the property onto the lane. Accordingly, the Board decided that a gated entrance (3m

in width), joining the rear garden of no. 9 Kilbarrack Road and the lane to facilitate access to the rear garden, is development and is not exempted development.

**Board Member**

  
Patricia Calleary

**Date:** 29/01/2025