



An
Bord
Pleanála

Inspector's Report

ABP-321338-24

Development	Retention of pedestrian and vehicular gate assembly at front of house.
Location	49 Grange Manor Drive, Rathfarnham, Dublin 16, D16X4H1
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24B/0406W
Applicant(s)	Tristan Dunne
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Tristan Dunne
Observer(s)	None
Date of Site Inspection	19/02/2025
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located at the northern end of a residential cul-de-sac Grange Manor Drive, in the south Dublin suburb of Rathfarnham.
- 1.1.2. Currently on site, is a part single part two storey dwelling, with a car port in the front driveway. A wooden pedestrian gate, within a steel frame adjoins a vehicular gate providing access to the car port. None of the other dwellings in the cul-de-sac have gates, the pattern being an open boundary to driveways and very low boundary walls to front gardens.

2.0 Proposed Development

- 2.1.1. On the 13th September 2024, permission was sought to RETAIN a 6.4m wide pedestrian and vehicular gate to an existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 6th November 2024, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
 - 1 The boundary walls and gates at the vehicle access point exceeds the maximum heights of 0.9m for front boundary walls and 1.2m for boundary pillars. These maximum heights are for reasons of improving forward visibility for vehicles and therefore pedestrian safety. It is therefore considered that the development would endanger public safety by reason of traffic hazard and is not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Roads:** Refusal recommended as access point exceeds the maximum height of 0.9m. boundary pillars limited to a maximum of 1.2m, for reasons of pedestrian safety and visual amenity.
- 3.2.2. **Planning Report:** Design is acceptable. Notes comments of Roads report and recommends refusal on grounds of traffic hazard.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. None on file.

4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **SD22B/0464**: permission granted for 4.4mx6mx2.9m car port.
- 4.1.2. Planning Authority reg. ref. **SD20B/0234**: Permission granted for 5.8mx4.6m car port, vehicular access and driveway
- 4.1.3. Planning Authority reg. ref. **SD18B/0274**: permission granted for shed, steel garage, new vehicular access. Condition no. 1 required the omission of the proposed steel garage, vehicular access and 1.8m high timber fence and pedestrian gate.

5.0 **Policy Context**

5.1. **South Dublin Development Plan**

- 5.1.1. Subject site is zoned RES with the stated objective 'to protect and / or improve residential amenity'.
- 5.1.2. Section 12.7.6 of the plan refers to car parking design and layout.

5.2. **Natural Heritage Designations**

- 5.2.1. The South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) is 6km to the north-east and the Glenasmole Valley SAC (001209) is 7km to the south-west.

6.0 **EIA Screening**

- 6.1.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings as it refers to the retention of an existing vehicular access and gate. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The applicant has appealed the decision of the Planning Authority to refuse permission, the grounds of the appeal can be summarised as follows:
- Permission was refused on the grounds of visibility and pedestrian safety, however it is submitted that safety issues at the site are negligible.
 - The Planning Authority's reason for refusal refers to 'improving forward visibility for vehicles' however it is assumed this should refer to 'drivers'.
 - Video survey of the access shows that the footpath is rarely used by pedestrians, with only 1 pedestrian recorded over a seven-day period. Residents and visitors have no reason to use the path. The likelihood of a hazard occurring is at the extreme end of low and the speed of a vehicle is low, so the overall risk is low. Post-box delivery people cross the road rather than use the path (photos submitted). Concerns about pedestrian safety are ill-founded.
 - As the subject site is at the end of a cul-de-sac, pedestrians are clearly visible. Photos submitted. Driver emerging from the site has good visibility of the footpath and the cul-de-sac. The original driveway to the house was on a corner, with a brick pillar and a high hedge restricting visibility.
 - Similar style boundaries are common in urban streetscapes. Photos submitted.
 - Boundary planting against low walls negates visibility. Where hedging extends onto the footpath, visibility is further restricted. Photos submitted.
 - The Board is requested to refuse permission.

7.2. Planning Authority Response

- 7.2.1. The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executives Order.

8.0 Assessment

- 8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the

local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the single issue is that of Traffic.

8.2. Traffic

- 8.2.1. The Planning Authority's single reason for refusal refers to the maximum heights of 0.9m and 1.2m for reasons of improving forward visibility for vehicles and therefore pedestrian safety and that as the subject gate exceeds these heights, it will cause a traffic hazard. I note the report of the Roads department on which the reason is framed, however, I find no policy in the development plan on which these limits are set. Section 12.7.6. of the development plan refers to car parking design and layout, providing details on on-street parking, in-curtilage parking and the widening of driveways to accommodate in-curtilage parking. None of the guidance provides 'limits' on height other than stating that "a width of 3.5m between gate pillars shall not normally be exceeded".
- 8.2.2. The appellant submits that pedestrian use of the footpath is low, that forward visibility is high due to the location at the end of the cul-de-sac and that such boundary treatments are common in urban streetscapes. The cul-de-sac within which the subject site is located, is not such a streetscape however. The prevailing pattern along both sides of the cul-de-sac is low, open boundaries with no gates. While there is low uniformity in house design, the open-nature of the front of the dwellings is uniform and well-established. Even those dwellings with planting at the front retain a wide-open vista. The location, the height and the materials used in the subject gate to be retained stand in stark contrast. It is considered that the visual amenity of the cul-de-sac is disturbed, negatively.
- 8.2.3. I share the concern of the Roads Department of the Planning Authority that the safety of the footpath and the road are compromised. While the footpath may be infrequently used at the moment, that may not always be the case. The residents of the area could change, and the usage pattern of the footpath could change at any time. The existence of solid 2m high boundary for a distance of 6.4m is a significant barrier to visibility and therefore to public safety. I am satisfied that the pedestrian and driveway gates create a traffic hazard.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The subject site is located in an urban area, within the suburb of Rathfarnham. The South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) is 6km to the north-east and the Glenasmole Valley SAC (001209) is 7km to the south-west.
- 9.1.3. No nature conservation concerns were raised in the planning appeal. 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 European Site. The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Location-distance from nearest European site and lack of connections
 - Taking into account the determination by the Planning Authority
- 9.1.4. 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 Recommendation

I recommend permission be REFUSED for the following reason:

- 1 The subject gates of solid material 2m in height and 6.4m in width significantly detract from the residential amenity of the cul-de-sac where the prevailing pattern is open driveways with very low boundary walls. The solid boundary would significantly hinder driver visibility of pedestrians on the adjoining footpath and vehicles on the cul-de-sac. The development to be retained is therefore considered to create a traffic hazard. The proposed development is 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321338-24		
Case Reference			
Proposed Development	Retention of pedestrian and vehicular gate		
Summary			
Development Address	49 Grange Manor Drive, Rathfarnham, D16		
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)			
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No		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	X

Inspector: _____

Date: _____