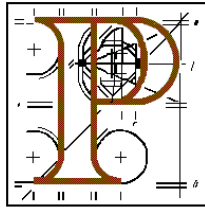


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Authority Reference Number: 0188/15

An Bord Pleanála Reference Number: 29S.RL3380

WHEREAS a question has arisen as to whether the opening of an opening in the rear wall of garden to provide pedestrian entrance from the public road/pavement and to provide 1.95 metres high pedestrian timber gate opening into the rear garden at number 67 The Cloisters, Terenure, Dublin is or is not development or is or is not exempted development:

AND WHEREAS The Cloisters and Maple Drive Residents Association care of Ailtireacht of 30 Mountjoy Square, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 27th day of July, 2015 stating that the said matter is exempted development:

AND WHEREAS the said Cloisters and Maple Drive Residents Association care of Sheridan Woods Architects and Urban Planners Limited of 10 Adelaide Road, Dublin referred the declaration for review to An Bord Pleanála on the 17th day of August, 2015:

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

- (a) sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,

- (b) Article 9 (1)(a)(ii) of the Planning and Development Regulations, 2001,
- (c) Class 5, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (d) the planning history of the site, and
- (e) the Roads Act, 1993:

AND WHEREAS the Board has concluded that the construction of a pedestrian gate along the rear boundary wall of a rear garden:

- (a) would constitute the carrying out of works which comes within the meaning of development in section 3(1) of the Planning and Development Act 2000,
- (b) would come within the scope of Class 5, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and
- (c) would not be exempted development by reason of Article 9 (1)(a)(ii) of the Planning and Development Regulations, 2001, because Maple Drive, including its footpath, is a public road within the meaning of the Roads Act, 1993 and its surfaced carriageway exceeds four metres in width:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said opening of an ope in the rear wall of garden to provide pedestrian entrance from the public road/pavement and to provide 1.95 metres high pedestrian timber gate opening into the rear garden at number 67 The Cloisters, Terenure, Dublin is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2015.