



An  
Bord  
Pleanála

**Board Direction**  
**ABP-304340-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on September 11<sup>th</sup>, 2019.

The Board decided, as set out in the following Order, that the proposed widening of a vehicular entrance from 3.6 metres to 4.2 metres, to the front of 14a Cremore Villas, Dublin 11, is development and is not exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the proposed widening of a vehicular entrance from 3.6 metres to 4.2 metres, to the front of 14a Cremore Villas, Dublin 11 is or is not development or is or is not exempted development.

**AND WHEREAS** Patrick Martin, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 24<sup>th</sup> day of April 2019 stating that the matter is development and is not exempted development.

**AND WHEREAS** Patrick Martin referred this declaration for review to An Bord Pleanála, on the 30<sup>th</sup> day of April 2019.

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

- (a) Sections 2 (1) and 3 (1) of the Planning and Development act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and Class 5 of part 1 of the Second Schedule to those Regulations,
- (c) The planning history of the site, and
- (d) The nature and width of the adjoining road to which the entrance gives access.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The proposed widening of the vehicular entrance would involve the carrying out of works and would, therefore, constitute development.;
- (b) The development, involving alterations to the existing wall and piers bounding the curtilage of the house on site, in order to widen the existing entrance, would come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended;
- (c) The proposed widening of the vehicular entrance onto Cremore Villas, which is a public road and the surfaced carriageway of which exceeds four metres in width, would be a material widening, and would, therefore, not be exempted development by reason of the restriction on exemption set out in Article 9 (1)(a)(ii) of the Planning and Development Regulations, 2001, as amended

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the proposed widening of a vehicular entrance from 3.6 metres to 4.2 metres, to the front of 14a Cremore Villas, Dublin 11, is development and is not exempted development.

**Board Member**

**Date:** 11<sup>th</sup> September 2019

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Philip Jones