



An  
Bord  
Pleanála

**Board Order**

**PL 29S.248938**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2572/17**

**Appeal** by Sorcha Quigley care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin and by John Paul Murphy of 5 Whitton Road, Terenure, Dublin against the decision made on the 3<sup>rd</sup> day of July, 2017 by Dublin City Council to grant subject to conditions a permission to Monica Flanagan care of Donal O'Connell of 3 Summerville Park, Rathmines, Dublin.

**Proposed Development:** The provision of a new vehicular access opening and gateway in existing boundary wall to rear laneway (Whitton Lane) at 4 Eagle Hill Avenue, Terenure, Dublin.

## **Decision**

**REFUSE permission for above proposed development in accordance with the reasons and considerations set out below.**

## **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.

## Reasons and Considerations

1. It is considered that the quantity of private open space retained to the rear of the dwellinghouse would be inadequate to provide for a sufficient level of residential amenity for the existing dwellinghouse and would be contrary to the standards for such development as set out in section 16.10.2 of the Dublin City Development Plan 2016-2022 and section 7.8 of the Sustainable Residential Development in Urban Areas 2009 which are statutory guidelines as per section 28 of the Planning and Development Act, 2000, as amended.
2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has sufficient legal estate or interest relative to the establishment of access/right of way to the proposed means of vehicular access to the site, which involves crossing a private laneway to the rear of properties 2-8 Whitton Road, or has the approval of the person(s) who has such sufficient legal estate or interest. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of planning permission for the development the subject of the application.

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

**Dated this      day of                                  2017**