



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0143/19

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 is or is not development or is or is not exempted development:

AND WHEREAS Patrick Martin of 14a Cremore Villas, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 26th 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 30th 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; and
- (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, 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.

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

Dated this day of 2019.