



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19B/0135

Appeal by Frank and Maura Martin care of Avison Young of Fourth Floor, 2-4 Merrion Row, Dublin against the decision made on the 28th day of May, 2019 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Replacement of an existing concrete rear garden wall with a 1.9-metre in height sand cement rendered and precast concrete capped concrete block wall and installation of a painted timber pass gate fronting onto Hyde Park at the rear at 239 Templeogue Road, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the provisions of the South Dublin County Development Plan 2016-2022,
- (b) the minor nature and scale of the development proposed, and
- (c) the pattern of development in the area,

the Board did not consider that particular circumstances arose that would necessitate the omission of the pedestrian gate.

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.

Paul Hyde

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

Dated this day of 2019.