

An
Bord
Pleanála

Board Order
ABP-309743-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0976

Appeal by Westminster Lawns and Torquay Wood Residents Association care of Grainne Gillen of 37 Westminster Lawns, Foxrock, Dublin and by David and Mildred Gorman and others care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 23rd day of February, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Emma and Eoin McDonald care of Michael B. Doyle of Shamrock Chambers, 1-2 Eustace Street, Temple Bar, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Removal of section of wall and fence at the interface of the boundary wall with the public footpath at Torquay Wood and construction of new timber pedestrian gate and over-panel, within steel frame, and concrete external steps, landing, walls and handrails, to provide private access to the public footpath in Torquay Wood and all associated works, All at 9 Fey Yerra Wood, Leopardstown Road, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard national policy on carbon reduction as set out in the Climate Action Plan, 2019 which relies in part on modal shift to cycling and walking as a critical element to achieving its targets and having regard to the nature of the proposed development and its potential to provide for more direct access to local facilities by means of walking and cycling and, thereby, reduce car use in the area, the Board is satisfied that the proposed linkage is acceptable in principle. Furthermore having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing development in the area, would not seriously injure

the residential amenity of adjacent properties, would not detract from the character or visual amenities of Torquay Wood and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details including samples of the materials, colours and textures of all the external finishes to the proposed entrance gate shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

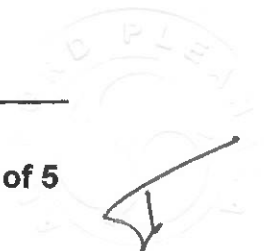
Reason: In the interest of public health.

4. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The gate shall open inwards onto the applicant's site and not outwards onto Torquay Wood, so as not to obstruct the public footpath.

Reason: In the interests of pedestrian and traffic safety.



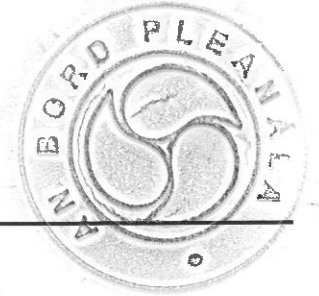
6. All necessary measures shall be taken by the developer and contractor to avoid conflict between construction activities and pedestrian/vehicular movements on Torquay Wood and on the surrounding public and private roads during construction works.

Reason: In the interests of pedestrian and traffic safety.



Terry Ó Niadh

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



Dated this 27th day of August 2021.