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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4029/21**

**Appeal** by Mairead Gallagher and John O'Reilly care of Architectural Drafting Services of 42 Saint Domhnach's Well, Burrow, Sutton, Dublin against the decision made on the 9<sup>th</sup> day of February, 2022 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Widen existing pedestrian access and to create a vehicular entrance, the application will also require permission to remove a street tree outside the property on the public footpath and for the path kerb to be dishd at 83 Ringsend 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.

## Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the vicinity of the site including the pattern of vehicular accesses serving the terrace of residential properties on Ringsend Road of which the appeal site forms part, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the amenities of the residential conservation area and would be acceptable in terms of traffic safety and convenience. 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. The development shall be amended as follows:
- (a) The vehicular entrance shall be a maximum width of three metres.
  - (b) A railing to match that which originally delineated the front boundary shall be erected along the remainder of the front boundary.
  - (c) Other than the area for the proposed parking space the front garden shall be maintained in soft landscaping.
  - (d) Entrance gates, if erected, shall be designed so as not to open outwards.

Revised plans with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interests of visual amenities of the residential conservation area.

3. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000, as amended, in respect of tree planting within the public domain to replace the tree to be removed as part of the development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development.

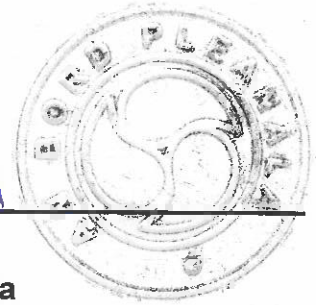


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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**



Dated this *14<sup>th</sup>* day of *JUNE* 2022