



An
Bord
Pleanála

Board Order
ABP-316182-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1011/23

Appeal by Helen Deegan 46 Saint Aidan's Road, Marino, Dublin against the decision made on the 7th day of March, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the existing vehicular access and timber bin enclosure to front of property at No 46 St. Aidan's Park Road, Marino, 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, as amended, to **AMEND** condition number 2 so that it shall be as follows for the reason set out.

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2. The developer shall comply with the following roads and traffic requirements.
- (a) Within six months of the date of the Order, the existing low wall and pier shall be reconstructed on the southeast side of the entrance to provide a vehicular entrance with a maximum width of three metres. The vehicular entrance shall not have an outward opening gate.
 - (b) The footpath and kerb shall be dished, and the entrance provided to the requirements of the Area Engineer, Roads Maintenance Division of the planning authority.
 - (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
 - (d) The developer shall be obliged to comply with the requirements set out in the code of practice.

Reason: In the interest of pedestrian and vehicular safety.

Reasons and Considerations

Having regard to the residential conservation zoning for the area, as set out in the Dublin City Development Plan 2022-2028, the pattern of front garden access arrangements in the area, and the necessity to avoid a traffic hazard, it is considered that the amended condition number 2 would allow a reasonable level of vehicular manoeuvrability between the public road and the on-site car parking space consistent with the development standards of the planning authority and the protection of pedestrian and traffic safety.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this *1st* day of *August* 2023.