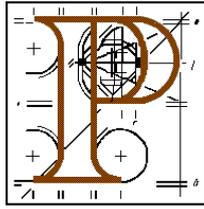


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Cork County**

**Planning Register Reference Number: 14/05760**

An Bord Pleanála Reference Number: PL 04.244098

**APPEAL** by Jessica Lynch and Denis Hurley care of Leahy Architectural Design Consultants of Beanhill, Lisavaird, Clonakilty, County Cork against the decision made on the 13<sup>th</sup> day of October, 2014 by Cork County Council to refuse permission.

**PROPOSED DEVELOPMENT:** A part-single and part-two-storey dwellinghouse, stand-alone garage, wastewater treatment unit and associated percolation area, new site entrance and associated site development works above and below ground at Garryhankard, Upton, County Cork.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations 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

1. Having regard to the rural pattern and character of development in the area, it is considered that the proposed development, by reason of its haphazard layout at the south-eastern end of a larger five acre holding, would adversely affect the rural character of the area and would create an undesirable precedent for proposals of a similar nature on other parts of this limited landholding.
2. Having regard to the location of the proposed site and its proximity to the existing dwellinghouse, it is considered that the proposed development would unduly impact on the residential amenity of the existing property and seriously injure the amenities of this property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the planning authority's analysis of the layout and circumstances of this case, and was of opinion that the imposition of a condition to sterilise the remainder of the landholding, as recommended by the Inspector, was not an appropriate means of dealing with the concerns raised by the planning authority in its refusal.

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

**Dated this            day of            2015.**