



An  
Bord  
Pleanála

**Board Direction**  
**BD-004101-19**  
**ABP-304679-19**

The submissions on this file were considered at a Board meeting held on 9/23/2019.

The Board decided to dismiss this appeal under section 138(1) (b) of the Planning and Development Act, 2000, based on the following reasons and considerations.

### **Reasons and Considerations**

Given the nature of the appeal, including the question raised by the appellant, the Board considered that the public notices submitted with the application, notwithstanding the revised public notices submitted to the planning authority on 24<sup>th</sup> April 2019, fail to meet the statutory requirements for such notices as set out in Articles 17 and 18 of the Planning and Development Regulations, 2001, as amended. In these circumstances, Board did not consider it appropriate to further consider the appeal made. The Board therefore decided to dismiss the appeal.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board generally concurred with the Inspector's analysis of the issues raised in the appeal but, in the circumstances, did not consider it appropriate to refuse permission. In addition, given the difference between the permitted and constructed siting of the dwelling houses and associated alterations to gardens, which are considered material, it was not of the view that further public notices as part of the appeal would be sufficient. In any new application, the Board considered that the public notices should refer to the 'retention of houses as constructed'.

**Board Member:**

**Date:** 24/09/2019

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Terry Prendergast