



An
Bord
Pleanála

**Board Direction
ABP-311356-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/03/2022.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the increase in height of a rear boundary wall by an additional 0.6 metres at No 8 An Rian is or is not development or is or is not exempted development:

AND WHEREAS Tadas Makauskas requested a declaration on this question from Louth County Council and the Council issued a declaration on the 12th day of August, 2021 stating that the matter was development and was not exempted development:

AND WHEREAS Tadas Makauskas referred this declaration for review to An Bord Pleanála on the 07th day of September 2021:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Article 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Parts 1 of Schedule 2, Class 5 of those Regulations,
- (d) the planning history of the site,
- (e) the location of the site and the boundary wall.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the additional wall would involve the carrying out of works and would, therefore, constitute development, and,
- (b) The proposed site layout plan and boundary treatments (Drawing Ref. 001-19-002) of the parent permission (Planning References: 10/510115 and 15/575)) permitted a Type C Wall of 2.4m in height along the boundary with the access road to Termonabbey residential estate, and
- (c) That the increase in the height of the wall by 0.60m would exceed 2.4m in height and would therefore contravene condition 1 of the planning permission (Planning References: 10/510115 and 15/575)) and would therefore not be exempted development with reference to Article 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the increase

in height of a rear boundary wall by an additional 0.6 metres at No 8 An
Rian is development and is not exempted development.

Board Member: Maria FitzGerald. Date: 07/03/2022
Maria FitzGerald

