



An  
Bord  
Pleanála

**Board Direction**  
**BD-016696-24**  
**ABP-318583-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/06/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

**Remove** conditions number 4 and 5 for the following reasons and considerations:

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development together with the pattern of development in the area and the provisions of the Cork City Development Plan, 2022-2028, including in particular the criteria outlined in section 11.145, it is considered that the modifications to the development as required by the planning authority in its imposition of condition number 4 and 5 in their notification to grant permission for the development permitted under P.A. Ref. No. 2241601 are not warranted, and that the proposed development, with the removal of both of these conditions would be in accordance with the provisions, would not significantly detract from the visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would be in accordance with the provisions of the current Development Plan and would, therefore, accord with the proper planning and sustainable development of the area.

In disagreeing with the Inspector the Board did not consider that the removal of the 7 metres proposed would seriously injure the visual amenities of the immediate area which effectively comprises a cul de sac or the character of Beaumont Avenue which has limited visual context within the wider area. The Board did not share the Inspectors view that the entrance as proposed would give rise to any undue traffic hazard in the form of obstruction arising from overspilling of parking and vehicle manoeuvres accessing and egressing onto Beaumont Avenue where sightlines are restricted having regard to the wider 7 metre entrance facilitating greater visibility and the availability of opportunities to turn adjacent to the site and the extremely slow speeds arising along this laneway. The Board also had regard to the patter of development adjoining the site and the extent of accesses provided to same. In particular regard was had to the criteria of Section 11.145 of the Development Plan, in particular to the provision that where the context and pattern of development in the area allows, not wider than 50% of the width of the front boundary which at 7m the subject proposal is approximately 50% of the boundary in question. While the wall in question is an attractive wall it is considered that retaining 50% of the wall facilitates a balance between providing appropriate access arrangements and retaining part of the wall.

**Board Member:**



**Date:** 19/06/2024

Una Crosse