



An
Bord
Pleanála

Board Direction
28.RL3603

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th June 2018.

The Board decided, generally in accordance with the inspector's recommendation, that the erection of the fence in question is development and is not exempted development.

WHEREAS a question has arisen as to whether the removal of a 4.5 metre high hedge and the construction of a post and wooden panel fence not exceeding 2 metres high within and bounding the curtilage of a dwelling at No.1 Allendale Drive, Bishopstown, Cork is or is not development or is or is not exempted development:

AND WHEREAS Diarmuid and Derval Kelleher of 1 Allendale Drive, Bishopstown, Cork requested a declaration on this question from Cork City Council on the 7th day of April, 2017

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 7th day of July, 2017:

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, as amended
- (c) Section 4(1)(i) of the Planning and Development Act, 2000, as amended, as well as to previous An Bord Pleanála referral decisions under reference RL2056 and RL2166 relating to removal of hedges,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and class 5 of Part 1, Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the report of the Board's inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The removal of the hedge does not constitute works and is not development.
- (b) The erection of a 2 metre high post and wooden panel fence constitutes the carrying out of works which come within the meaning of development as set out in section 3(1) of the Planning and Development Act, 2000.
- (c) The 2 metre high post and wooden panel fence bounds a garden in front of the house.
- (d) the fence cannot avail of the exemption under Class 5 of Part 1 of Schedule of the Planning and Development Regulations, 2001, as amended, as it exceeds 1.2 metres in height.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred

on it by section 5 (4) of the Planning 2000 Act, as amended hereby decides that the construction of a post and wooden panel fence not exceeding 2 metres high within and bounding the curtilage of a dwelling at No.1 Allendale Drive, Bishopstown, Cork is development and is not exempted development.

Board Member

Date: 14th June 2018

Conall Boland