

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Offaly County**

**Planning Register Reference Number: PL2/15/312**

An Bord Pleanála Reference Number: PL 19.246451

**APPEAL** by Michael O'Sullivan care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 21<sup>st</sup> day of March, 2016 by Offaly County Council to grant subject to conditions a permission to John O'Halloran care of Murray Architectural Services of Four Winds, Pallas Park, Blueball, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of raised boundary wall to the North West of site at Srah, Rahan Road, Tullamore, County Offaly.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the residential land use zoning for the area, the objective for which is to protect and provide for residential uses, to the pattern of development in the area and to the scale, nature and design of the structure to be retained, it is considered that, subject to compliance with the conditions set out below, including a reduction in the height of section B of the fence, the development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of February, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars

**Reason:** In the interest of clarity.

2. The fence proposed to be retained shall be amended as follows:

The section marked 'Boundary B' shall be reduced in height so that it measures no more the two metres above ground level (drawing 'Elevation and Section' received by the planning authority on the 3<sup>rd</sup> day of November 2015, refers). The alterations shall be carried out within three months of the date of this Order.

**Reason:** It is considered that this section of the fence is excessive in height and would be injurious to the amenities of neighbouring property as constructed, but that subject to a reduction in height the fence would be acceptable in terms of the proper planning and sustainable development of the area.

3. The recommendations contained within the Chartered Engineer's report regarding strengthening of the support of the fence as submitted to the planning authority on the 26<sup>th</sup> day of February, 2016, shall be carried out in full. Full details of the works shall be submitted to the planning authority for agreement in writing prior to the commencement of development.

**Reason:** In the interests of visual and residential amenities.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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

**Dated this            day of            2016.**