

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/04788

An Bord Pleanála Reference Number: PL 04.246821

APPEAL by Joseph Peter Donnelly care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 7th day of June, 2016 by Cork County Council to grant subject to conditions a permission to Donal O'Shea care of Sean R. McCarthy of The Orchard, Cork Road, Fermoy, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Permission for reduction in height of a panel fence and retention of same panel fence and landscaping ground works at Ballynafarsid Townland, Rostellan, Midleton, County Cork.

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 scale and nature of the development to be retained and the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development to be retained and the proposed development would not seriously injure the amenities of the area or of property in the vicinity by reason of overlooking or overshadowing and would, therefore, be accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, completed and retained in accordance with the plans and particular lodged with the application, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this order, revised plans and details incorporating the following amendments, including a timescale for their implementation and any landscaping to be undertaken shall be submitted to the planning authority for written agreement:
- (a) The removal of the panel fence erected along the northern site boundary of the rear garden where it adjoins the adjoining property.
 - (b) The erection of a screen fence no greater than one metre in height above garden level at a distance of no less than two metres from the said northern boundary.
 - (c) Details of planting to be carried out in the area between the one metre high screen fence and the boundary.

Reason: In the interest of protecting the amenities of the adjoining residential property.

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

Dated this day of 2016.