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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 18/38129**

**Appeal** by Donncha Daly care of Tom Downes of Cawdot Consulting of Mackey's Cross, Clogheen, County Cork against the decision made on the 17<sup>th</sup> day of January, 2019 by Cork City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of alterations to an extension previously granted planning permission (Planning Register Reference Number 16/36852) to an existing dwelling including modifications to fenestration to the rear of the extension, realignment of the wall to the west, modifications to the ground floor layout, an overall reduction in area and reductions in heights of parapets at 24 Slieve Mish Park, Kinsale Road, Cork.

**Decision**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the

**Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the form, height and scale of the single storey element of the extension proposed to be retained, and the area and south facing aspect of the rear gardens, it is considered that the retention of the single storey element of the extension is acceptable in terms of residential and visual amenity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In not agreeing with the Inspector's recommendation to retain condition number 2, the Board is satisfied that the increased height and depth of the single storey extension is not material and does not seriously injure the residential amenity of the area.

## **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.

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

**Dated this            day of            2019.**