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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/06865**

**Appeal** by Daniel Buckley and Patricia Ryan care of Payne Planning and Associates of Gort Meirbh, Durrus, Bantry, County Cork against the decision made on the 4<sup>th</sup> day of February, 2019 by Cork County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of the construction of a steel frame garden structure with retractable PVC fabric awning/roof used to shelter a trampoline located in the rear garden of dwelling at 43 Woodberry, Greenfields, Ballincollig, County 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 reasons therefor.

## **Reasons and Considerations**

Having regard to -

- (a) the justification and clear need for the structure,
- (b) the scale, height and design of the structure, and
- (c) measures proposed to paint and screen the structure further,

it is considered that the structure would not have a negative impact upon residential amenity of the adjoining 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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**Dave Walsh**

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

**Dated this            day of            2019.**