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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P20/28**

**Appeal** by Clodagh and David O'Mahoney of Behybaun, Ballina, County Mayo against the decision made on the 7<sup>th</sup> day of August, 2020 by Mayo County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Construct two-storey dwellinghouse and single storey domestic garage. (2) Connect to all services and public utilities. (3) Carry out all ancillary site works on site located to the north-east of Protected Monument Register Number 31303016 at Behybaun, Ballina, County Mayo.

**Decision**

Having regard to the nature of the conditions 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 conditions numbers 2, 3 and 4 and the reasons therefor.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development within a R1 'existing residential' (Low Density) zoning, to the existing pattern of development in the area, to the existing public footpath to the front of the site and the established boundary wall in line with the adjoining property to the east, it is considered that, the removal of conditions 2, 3 and 4 would not seriously injure the visual amenities of the area or property in the vicinity, would not result in any significant negative impact on the character of the area, would not pose a risk to pedestrian safety and would, therefore, be in accordance with the proper planning and sustainable development 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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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**

**Dated this            day of            2020**