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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/05844**

**APPEAL** by Mary and Victor McCaffrey of 3 Athenian Terrace, Cobh, County Cork against the decision made on the 21<sup>st</sup> day of October, 2020 by Cork County Council to grant subject to conditions a permission to Tom Kelly care of Alplan Project Management Limited of Berry Hill, Cobh, County Cork.

**Proposed Development:** Retention for the six metre high fibreglass external flagpole erected within the boundaries of his lands, (incorporating the dwellinghouse and garden) at 4, Athenian Terrace, Glasson's Avenue, Cobh, County Cork.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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 location of the flagpole within the curtilage of a dwelling within a built-up area, it is considered that the retention of the proposed structure would be incompatible with the residential function of the property, would significantly impact on the visual and residential amenity of adjoining residential properties and would be likely to create a noise nuisance for residents in the vicinity. The proposed development to be retained would, therefore, not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that permitting the retention of the flagpole within a residential area would not be appropriate and such structures were more suited to public or amenity buildings. Furthermore, the Board considered that, notwithstanding the proposed conditions to limit the days on which flags would be flown and on which the pole would remain in situ, there would still be a noise nuisance and visual impact in the immediate vicinity of the site, which would erode the character and amenity of the area.

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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2021**