



An  
Bord  
Pleanála

Board Order  
ABP-311356-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: S5 2021/17**

**WHEREAS** a question has arisen as to whether the increase in height of a rear boundary wall by an additional 0.6 metres at number 8 An Rian, Termonfeckin Road, Drogheda, County Louth is or is not development or is or is not exempted development:

**AND WHEREAS** Tadas Makauskas care of John Dineen of Castle View, Cordoogan, Monasterboisce, County Louth requested a declaration on this question from Louth County Council and the Council issued a declaration on the 12<sup>th</sup> day of August, 2021 stating that the matter is development and is not exempted development:

**AND WHEREAS** Tadas Makauskas referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of September, 2021:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Class 5 of Part 1 of Schedule 2 to those Regulations,
- (c) the planning history of the site, and
- (d) the location of the site and the boundary wall:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the construction of the additional wall would involve the carrying out of works and would, therefore, constitute development,
- (b) the proposed site layout plan and boundary treatments (drawing number 001-19-002 of the parent permission (planning register reference numbers: 10/510115 and 15/575)) permitted a Type C Wall of 2.4 metres in height along the boundary with the access road to Termonabbey residential estate, and
- (c) the increase in the height of the wall by 0.60 metres would exceed 2.4 metres in height and would therefore contravene condition number 1 of the planning permission (planning register reference numbers: 10/510115 and 15/575) and would, therefore, not be exempted development with reference to Article 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the increase in height of a rear boundary wall by an additional 0.6 metres at number 8 An Rian, Termonfeckin Road, Drogheda, County Louth is development and is not exempted development.

### **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.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *11<sup>th</sup>* day of *March* 2022.

