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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 22/41601**

**Appeal** by Albert Walsh care of MRA Architecture Limited of 10 Dundanion Court, Blackrock Road, Cork against the decision made on the 6<sup>th</sup> day of November, 2023 by Cork City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing shed and greenhouse and for the new development consisting of the construction of a new part single-storey, part two-storey detached dwelling house to the rear of 23 Temple Vale, Beaumont, Cork, with new vehicular access from Beaumont Avenue, together with all ancillary development works including connection to services at 23 Temple Vale, Beaumont, Cork.

## **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 4 and 5 and the reasons therefor.**

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development together with the pattern of development in the area and the provisions of the Cork City Development Plan, 2022-2028, including in particular the criteria outlined in section 11.145, it is considered that the modifications to the development as required by the planning authority in its imposition of conditions numbers 4 and 5 in their notification to grant permission for the development permitted under P.A. Reference Number 22/41601 are not warranted, and that the proposed development, with the removal of both of these conditions would be in accordance with the provisions, would not significantly detract from the visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would be in accordance with the provisions of the current Development Plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In disagreeing with the Inspector, the Board did not consider that the removal of the seven metres proposed would seriously injure the visual amenities of the immediate area which effectively comprises a cul de sac or the character of Beaumont Avenue which has limited visual context within the wider area. The Board did not share the Inspectors view that the entrance as proposed would give rise to any undue traffic hazard in the form of obstruction arising from overspilling of parking and vehicle manoeuvres accessing and egressing onto Beaumont Avenue where sightlines are restricted having regard to the wider seven metre entrance facilitating greater visibility and the availability of opportunities to turn adjacent to the site and the extremely slow speeds arising along this laneway. The Board also had regard to the pattern of development adjoining the site and the extent of accesses provided to same. In particular, regard was had to the criteria of Section 11.145 of the Development Plan, in particular to the provision that where the context and pattern of development in the area allows, not wider than 50% of the width of the front boundary which at seven metres, the subject proposal is approximately 50% of the boundary in question. While the wall in question is an attractive wall it is considered that retaining 50% of the wall facilitates a balance between providing appropriate access arrangements and retaining part of the wall.



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**Una Crosse**

**Member of An Bord Pleanála**

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

**Dated this**

*26<sup>th</sup>*

**day of**

*June*

**2024**