



An  
Bord  
Pleanála

## Board Order 28.RL.3603

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: R447/17**

**WHEREAS** a question has arisen as to whether the removal of a 4.5-metre high hedge and the construction of a post and wooden panel fence not exceeding two metres high within and bounding the curtilage of a dwelling at number 1 Allendale Drive, Bishopstown, Cork is or is not development or is or is not exempted development:

**AND WHEREAS** the question was referred to An Bord Pleanála by Cork City Council on the 7<sup>th</sup> day of July, 2017:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,

- (c) Section 4(1)(i) of the Planning and Development Act, 2000, as amended, as well as to previous An Bord Pleanála referral decisions under reference numbers RL.09.2056 and RL. 24.2166 relating to removal of hedges,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the report of the Board's Inspector:

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

- (a) the removal of the hedge does not constitute works and is not development,
- (b) the erection of a two-metre high post and wooden panel fence constitutes the carrying out of works which come within the meaning of development as set out in Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) the two-metre high post and wooden panel fence bounds a garden in front of the house, and
- (d) the fence cannot avail of the exemption under Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, as it exceeds 1.2 metres in height:

