

Board Order 28.RL.3603

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 7th 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:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that 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 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.

> Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2018