

An
Coimisiún
Pleanála

Commission Direction
CD-000912
LV-501657-KE-26

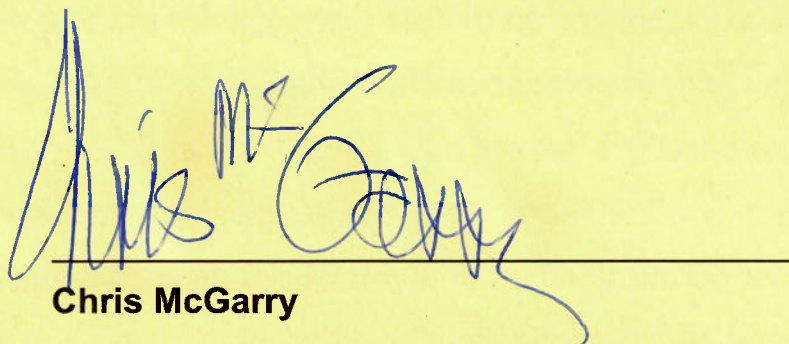
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The Commission decided to refuse leave to appeal based on the reasons and considerations set out below. Reasons and Considerations It is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject. In reaching this determination, the Commission considered the totality of the documentation on file. The Commission acknowledged the expressed concerns of the applicant for leave. In particular the Commission noted the (understandable) concern of the applicant for leave with regard to an argued overlap between its existing planning consent (ABP Ref: 316372-23) and the subject site for this current residential application. However, while such expressed concerns are noted, Section 37(6) is not the appropriate legislative provision within which to determine these concerns. Section 37(6) is confined to a context wherein a decision to grant permission has changed materially from the development as set out in the application for permission, by reasons of condition/s imposed LV-501659-KE-26 An Coimisiún Pleanála Page 1 of 2 and that the material difference within the condition/s is the cause of a material affect on the enjoyment of the land or a reduction of the land of

the applicant for leave. Options to ensure no practical conflict, (and noting also for example the provisions of Section 34(13) of the Planning and Development Act, as amended), may separately be considered; nevertheless they do not alter the narrow meaning of Section 37(6). In this current case, the development as granted by the planning authority is not materially different as a consequence of any condition imposed, from that as originally proposed and in this context, the Commission must refuse leave to appeal for the current case.

Planning Commissioner:



Chris McGarry

Date:

17th day of July 2026