

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Waterford City and County**

**Planning Register Reference Number: 16/99**

An Bord Pleanála Reference Number: PL 93.246487

**APPEAL** by Dermot Power of Derrinlaur Lower, County Waterford against the decision made on the 7<sup>th</sup> day of April, 2016 by Waterford City and County Council to grant subject to conditions a permission to John Maber care of Will McGarry and Associates of 15 Mary Street, Clonmel, County Tipperary.

**PROPOSED DEVELOPMENT:** Retention indefinitely of the as constructed detached domestic garage at Derrinlaur Lower, Clonmel, County Waterford.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **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.

## REASONS AND CONSIDERATIONS

1. It is considered that the development proposed to be retained by reason of its height, design and use, would contravene materially a condition attached to the original permission for the development, namely condition number 8 of the permission granted under planning register reference number PD 04/1494, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the underlying regionally important fissured aquifer where the groundwater is deemed to be extremely vulnerable to contamination and the T-value calculated on the site relating to the original permission granted under planning register reference number, PD 04/1494, which indicated rapid percolation rates, the Board is not satisfied the effluent from existing development on the site can be treated satisfactorily. The development would, therefore be, prejudicial to public health.

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

**Dated this                    day of                    2016.**