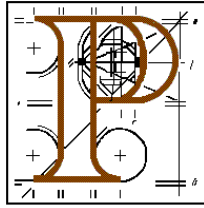


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County

Planning Register Reference Number: 17/747

An Bord Pleanála Reference Number: ABP-300426-17

APPLICATION FOR LEAVE TO APPEAL against the decision of the planning authority by Ken and Nuala Ryan of 1 Elm Drive, Caherdavin Lawn, County Limerick, having an interest in land adjoining the land in respect of which Limerick City and County Council decided on the 15th day of November, 2017 to grant subject to conditions permission to Eamon and Elizabeth Radcliffe care of Gilleece McDonnell O'Shaughnessy of Cyprus House, Cyprus Avenue, Dooradoyle Road, County Limerick.

PROPOSED DEVELOPMENT: Construction of a detached dwelling and associated site works to the rear of number 3 Elm Drive, Caherdavin Lawn, Limerick.

DECISION

GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, 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

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) 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 condition numbered 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1, which affects the ridge height of the proposed development and, therefore, the potential for shading and loss of natural light, will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

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

Dated this day of 2018.