An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Kildare County

Planning Register Reference Number: 17/972

An Bord Pleanála Reference Number: ABP-301142-18

APPLICATION FOR LEAVE TO APPEAL against the decision of the planning authority by Elizabeth Kelly of Shirebrook House, Tipper East, Naas, County Kildare having an interest in land adjoining the land in respect of which Kildare County Council decided on the 13th day of February, 2018 to grant subject to conditions permission to Ciara Morley care of Murphy Design and Build Solutions of Glenree, Knockbounce, Kilcullen, County Kildare.

PROPOSED DEVELOPMENT: Construction of a single storey dwelling and single storey domestic garage, internal driveway, Oakstown sewage treatment system and percolation area along with all associated site development and facilitating works at Tipper East, Naas, County Kildare.

DECISION

REFUSE 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 -

- while it has 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 condition number 1 imposed by the planning authority to which the grant is subject,
- (ii) it has not been shown that the imposition of this condition 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.