



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: South Dublin County Council.**

**Planning Register Reference Number: SD18A/0363**

**Application for Leave to Appeal** against the decision of the planning authority by Frank Kerins care of James McInerney of 8 Rockford Park, Kill, Naas, County Kildare having an interest in land adjoining the land in respect of which South Dublin County Council decided on the 15<sup>th</sup> day of May, 2019 to grant subject to conditions permission to Pavement Homes Limited care of William Donoghue and Associates of Woodlands, Rathangan, County Kildare.

**Proposed Development:** (1) Construction of 22 number three bedroom dwellinghouses, (2) construction of access road and footpaths, (3) provision of car parking facilities to serve the development, (4) construction of a foul sewer network to serve the development which shall connect into adjoining foul sewer network, (5) construction of a surface water sewer network to serve the development including the provision of the necessary attenuation elements and the connection of the surface water network to the existing adjoining surface water network, (6) provision of a watermain to serve the proposed development and connection to adjoining watermain, (7) demolition of the garden sheds, (8) provision of all necessary utility services and (9) all ancillary site works at Main Street, Newcastle, County Dublin.

## **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 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.

---

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

**Dated this            day of            2019.**