

Board Order ABP-308933-20

Planning and Development Acts 2000 to 2020 Planning Authority: Kilkenny County Council Planning Register Reference Number: 20/467

Application for Leave to Appeal against the decision of the planning authority by Anne O'Neill care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kildare having an interest in land adjoining the land in respect of which Kilkenny County Council decided on the 26th day of November, 2020 to grant subject to conditions permission to Sean Mahony and Ciara Mullins care of Byrne and McCabe Design Limited of Upper Main Street, Graiguenamanagh, County Kilkenny.

Proposed Development: Erect a dwelling house, domestic garage/store, entrance and all associated site works at Sion Hermitage, Kilkenny, County Kilkenny.

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

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 10 (c) 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.

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

Dated this day of 2021.