

Planning and Development Acts 2000 to 2021

Planning Authority:Kilkenny County Council

Planning Register Reference Number: 22/344

Application for Leave to Appeal against the decision of the planning authority by John Dalton and Yvonne Dalton care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny, having an interest in land adjoining the land in respect of which Kilkenny County Council decided on the 20th day of July, 2022 to grant subject to conditions a permission to John Ryan care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny.

Proposed Development: 1. Alterations to the previously permitted fourth floor (Kilkenny County Council register reference 18/845 and Kilkenny County Council register reference 17/560/An Bord Pleanála appeal reference number ABP-300633-18) to replace six number permitted suites and lounge areas with 11 number suites including associated internal reconfiguration of stairs and plant rooms and minor elevational alterations. 2. Provision of a new landscaped roof garden, including a garden pavilion, at fifth floor level. The pavilion (circa 224 square metres) will provide restaurant facilities, with external dining areas on terraces set well back from the building edges. The pavilion includes toilets, ancillary staff areas and stair/lift cores. All associated site development works, services provision and landscaping works, all on a site of circa 0.18 hectares at The Pembroke Hotel, 11 Patrick Street, Kilkenny.

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.

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 -

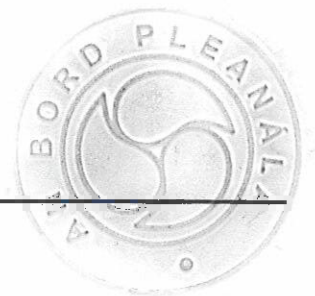
- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 9 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition number 9 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 5th day of September 2022.