

An
Bord
Pleanála

Board Order
ABP-321504-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 2443181

Application for Leave to Appeal against the decision of the planning authority by Mark Newenham of Coolmore, Carrigaline, County Cork having an interest in land adjoining the land in respect of which Cork City Council decided on the 27th day of November 2024 to grant, subject to conditions, a permission to Dildar Limited care of James Bourke Architects, Attiquin, Castlemartyr, County Cork, in accordance with the plans and particulars submitted to the said Council:

Proposed Development: Permission for retention of two-storey extension to the rear of existing two-storey dormer terrace house, new entrance gate and rebuilt wall to existing pedestrian footpath and all other ancillary site works, at 7 Eldred Terrace, Douglas Road, Cork.

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.


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 not 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 conditions imposed by the planning authority to which the grant is subject.

In reaching this decision, the Board considered the totality of the documentation on file. With respect to the development in respect of which a decision to grant planning permission has been made, this does not differ materially from that as set out in the original application. The Board also noted that the further information submitted to the planning authority did not introduce any element of the development which differed materially from that originally submitted. Specifically, by reference to the expressed concerns of the applicant for leave, the original development included a proposed pedestrian gate along the northeastern boundary. The further information did not materially differ, save that the proposed gate opening was reduced slightly in width.



Furthermore, the Board considered the arguments as presented by the applicant for leave and determined that on the issue of the gate, the applicant for leave's principal concern is the fact that it adjoins lands stated by him to be in his ownership. This reasonable expressed concern was noted by the Board but considered not to be relevant to the provisions of Section 37(6) of the Planning and Development Act 2000, as amended. (It may be relevant to the provisions of Section 34(13) of the Act, but any such scenario is not a material consideration under the current application for leave). In addition, the comments of the applicant for leave related to the accuracy, or otherwise, of the description of the development – retention and/or proposed development – while noted, are not relevant to the provisions of Section 37(6) of the Act.


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

Dated this 22nd day of January 2025.