

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Kerry County

Planning Register Reference Number: 427/10

An Bord Pleanála Reference Number: PL 08.237146

APPEAL by Michael Coyle and Mary Coyle care of Michael C. Ahern Solicitor of Iveragh Road, Killorglin, County Kerry against the decision made on the 29th day of June, 2010 by Kerry County Council to grant subject to conditions a permission to Stephen and Sinead O'Sullivan care of Damian Murphy, Iveleary Consulting of Ballygambon, Castlemaine, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention and completion of the dwelling and domestic storage shed, at Dunmaniheen, Killorglin, County Kerry.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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 site planning history and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development proposed for retention and completion shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The floor to ceiling height at ground floor level shall be reduced by 200 millimetres.
 - (b) The roof ridge shall be reduced by 300 millimetres and the eaves shall also be lowered by 300 millimetres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the recommencement of any further works on site.

Reason: In the interest of adjoining residential amenity.

3. (a) The dwelling proposed for retention and completion, when completed, shall be first occupied as a place of permanent residence and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the occupant.

- (b) Prior to first occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.
- (c) The proposed development shall not be used as a holiday home or a second home.

Reason: To secure compliance with the requirements of the development plan for the area, in an area of urban generated development pressure.

- 4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within 4.5 metres of the divisional boundary (centre line) with adjoining property on either side of the dwellinghouse permitted herein.

Reason: In the interest of the amenities of the area.

- 5. (a) The roof colour of the proposed house shall be blue-black, black or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colour, tone and texture.

Reason: In the interest of visual amenity.

- 6. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.
- (b) Surface water from the site shall not be permitted to drain or seep onto neighbouring property or onto the public road.

Reason: To ensure adequate servicing of the development, to safeguard the amenities of the area and in the interest of traffic safety.

- 7. All waste management and disposal arrangements shall be in accordance with the prevailing requirements of the planning authority.

Reason: To safeguard the amenities of the area, and secure the objectives of the development plan for the area.

8. The entrance gates to the house shall be set back five metres from the centre of the new front boundary fence. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees to the line of the front boundary fence, shall be constructed in sod and stone or native stone and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

9. Any external lighting shall be properly cowled and directed away from the public roadway, and shall not be visible from any point more than 100 metres from the light(s).

Reason: In the interest of traffic safety, and to minimise light pollution in the rural environment.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with the planning authority prior to further development of the site. The scheme shall include the following:

- (a) retention of all existing boundary screening at the side and rear of the houses,
- (b) strengthening of existing hedges/ditches, in particular any gaps in the hedge along the western site boundary shall be planted to match the existing hedge,
- (c) a minimum of 25 number heavy standard saplings/semi-mature native trees of different varieties shall be planted in clusters and maintained within the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

12. The proposed garage shall be used only for storage and such purposes incidental to the enjoyment of the house proposed for retention and completion, and shall not be used for any commercial or agricultural purpose.

Reason: In the interest of clarity, in the interest of residential amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2010.