



An
Bord
Pleanála

Board Direction
BD-005606-20
ABP-305959-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/04/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the location of the site on a prominent, elevated site on the established Ring of Kerry Tourist Route and within a rural area designated as a Secondary Special Amenity Area in the current Kerry County Development Plan 2015-2021, wherein it is required that development is designed to be sympathetic and sensitive to the landscape, the development proposed to be retained, by reason of the excessive scale, bulk, design, fenestration pattern and materials used in the alterations to the front façade would result in an obtrusive feature in the landscape at this location, which would seriously injure the visual amenities of the area and would fail to be adequately absorbed and integrated into the landscape. The development proposed to be retained would, therefore, fail to comply with the provisions of the County Development Plan, would set an undesirable precedent for other such development in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has:

(a) Sufficient legal estate or interest in the land the subject of the application to enable the person to continue the existing use of, or carry out the proposed works on the land, or

(b) the approval of the person who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of planning permission for the development the subject of the application.

Board Member

Date: 20/04/2020

Dave Walsh

Note:

The Board also noted, on the basis of the submissions made in connection with the planning application and the appeal, that there is a question regarding the planning status and authorised nature of the existing structure the subject of the development proposed to be retained and that the retention proposal may comprise the extension and alteration of such an unauthorised property. In such circumstances and without clarity regarding the authorised nature of previous modifications to the original structure, the Board considered that it would be inappropriate to grant retention permission.