

An  
Bord  
Pleanála

**Board Direction**  
**BD-019961-25**  
**ABP-322035-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/06/2025.

The Board decided, in a 2:1 majority decision, to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature, design and scale of the proposed development relative to the existing vernacular two storey dwelling on site, the pre-established use of the site for use as a dwelling house, the Rural General landscape site classification, the provisions of Kerry County Development Plan 2022-2028 including inter alia KCDP 5-22 (extensions) 5-25, 5-26 and 5-27, 8-46 (vernacular buildings) 11-77 and 11-78 (landscape), Building a House in Rural Kerry Design Guidance 2009, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area and would not result in traffic hazard issues or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered and acknowledged the detailed assessment of the proposed development within the Inspector's report, however the Board disagreed with the Inspector's view that the proposed extension is not subsidiary to the main house or that it does not adhere to KCDP5-22 of the County Development Plan in relation to compliance with the Kerry Rural Design Guidelines 2009. The Board considered that the extension is subservient to the existing house by virtue of the lower ridge height and stepped plan, the narrow plan and roof pitch of the proposed two-storey element which matches the existing house and the single storey link which visually separates the new extension from the existing house thus allowing the form of the original to take prominence. In addition, the proposed material palette with muted colours and slate and zinc roofing for the new extension will harmonise with the main house. The Board does not consider that the design is suburban or fussy and considers that the design of the proposed extension has due regard for the vernacular traditional form of the existing dwelling house and the topography of the land and agrees with the views of the planning authority that the proposal integrates satisfactorily into the receiving landscape.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> December 2024, 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than 1:500 showing –
    - (i) Existing trees, hedgerows, ditches specifying which are proposed for retention as features of the site landscaping
    - (ii) The measures to be put in place for the protection of existing landscape features during the construction period
    - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
    - (iv) Details of boundary treatments, planting, tree and vegetation retention
    - (v) Hard landscaping works, specifying surfacing materials and finished levels
3. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 24<sup>th</sup> May 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) ” – Environmental Protection Agency, 2021.
  - (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of, and be agreed in writing with, the planning authority for such works and services, prior to the commencement of development.

**Reason:** In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice



for the development, including hours of working, management measures for noise, dust and dirt and off-site disposal of construction / demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

9. The use of the extended dwelling shall be as a private permanent all year-round private residence and shall not be used as a holiday or second home.

**Reason:** In the interests of proper planning and sustainable development of the area.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

11. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

12. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining

properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

13. External lighting shall be properly cowled and directed away from the public roadway and shall not be visible from any point more than 100m from the light


**Reason:** In the interests of traffic safety and to control light pollution in the rural environment.



14. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

Board Member

  
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Emer Maughan

Date: 16/06/2025