

An
Coimisiún
Pleanála

Direction
CD-020401-25
ABP-322401-25

The submissions on this file and the Inspector's report were considered at a meeting held on 01/08/2025.

The Commission decided, generally in accordance with the recommendation of the inspector, as follows;

- (1) grant permission (subject to conditions) for the retention of the existing dwelling and the revised boundaries

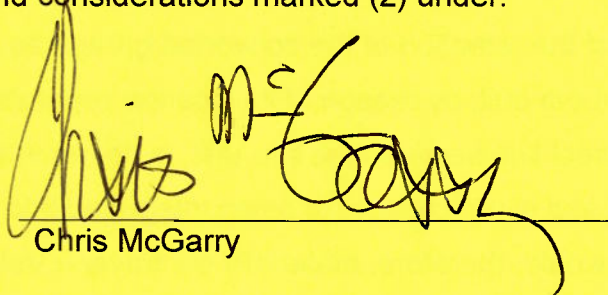
for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for the retention of the workshop and for retention for the converted domestic garage to a self-contained private single bedroom unit

for the reasons and considerations marked (2) under.

Planning

Commissioner:


Chris McGarry

Date: 01/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

(1)

Having regard to the planning history of the site, and to the nature and extent of the house for which retention permission is sought, it is considered subject to the following condition, that the development for which retention permission is sought, would not seriously injure the amenities of the area and would constitute an acceptable form of residential development at this location. This element of the development for which retention permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition

1. The retention development of the existing dwelling and revised site boundaries shall be retained 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 12th day of February 2025.

Reason: In the interest of clarity.

(2)

1. It is considered that the retention of the converted garage as a self-contained private single bedroom unit, by reason of its location separate to the existing dwelling with no direct link between the two unit, is not an integral part of the main dwelling unit and is not capable of being integrated into the existing dwelling unit, and would, therefore, materially contravene Volume 6, Development Management Standards & Guidelines section 1.5.6.4 of the Kerry County Development Plan 2022-2028. This element of the development

for which retention permission is sought would constitute overdevelopment of the site and would set a precedent for similar type development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the retention of the existing workshop, would result in overdevelopment of the rural site when take in conjunction with existing such structures on site and would, therefore, materially contravene Section 1.5.10.9 of the Kerry County Development Plan 2022-2028 which states that the cumulative area of all structures on site shall not exceed 70m² for private domestic use and storage only. This element of the development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: the Commission noted recommended reason number 3 of the inspector (related to effluent arising). While the Commission shared the concern of the inspector that there may be insufficiency of information, that did not mean an absolute certainty that the existing treatment system did not work. In this regard the Commission considered that this issue might ordinarily be addressed by means of further information. However given the substantive reasons for refusal as set out above, it was decided not to pursue this issue in the context of the current appeal.