



An
Coimisiún
Pleanála

Direction
CD-021728-26
ACP-323645-25

The submissions on this file and the Inspector's report were considered at a meeting held on 14/01/2026.

The Commission decided to refuse permission for the following reasons and considerations.

Planning

Commissioner:

Date: 19/01/2026

Mary Gurrie
Mary Gurrie

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the design and scale of the proposed development and the separation distances to adjoining properties, it is considered that the proposed development would adversely affect the residential amenity of properties adjoining the site, and of dwelling number 4 within the site, by reason of overlooking and loss of privacy. The proposed development would not accord with Section 1.5.4.7 of the Kerry County Development Plan 2022-2028 which aims to ensure that residential development is designed to protect privacy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered that the changes in the footprint of the proposed dwellings to that granted in the outline permission was significant and that there was insufficient separation distance to the rear boundaries of sites 1, 2 and 3 to prevent overlooking of the appellant's property as well as the proposed dwelling on site number 4 which would interfere the privacy and residential amenity of these properties. The Commission further considered that the mitigation measures recommended by the Inspector to prevent overlooking, in particular the incorporation of permanent frosted/opaque glass to the second-floor bedroom windows on site numbers 1-3 and the first-floor kitchen window on site number 2, would result in a poor standard of residential amenity for future occupants. Having regard to the overall size of the site, the scale of the proposed dwellings and the large setback from the main road the Commission considered that this level of mitigation and the diminution of residential amenity for future occupants should not be necessary and could not be resolved by condition.