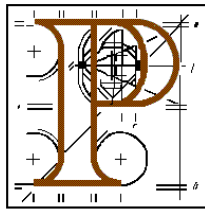


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 15/638**

An Bord Pleanála Reference Number: PL 08.245559

**APPEAL** by Lake Castle Developments Limited care of LC Lonergan Consultancy of 51 New Street, Killarney, County Kerry against the decision made on the 10<sup>th</sup> day of September, 2015 by Kerry County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of two number semi-detached dwellings on sites 13 and 14 with all associated site works at Meadow Drive, Steeple Meadows, Ballyoughtra North, Milltown, 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 particular circumstances of this case, including the nature and scale of the development proposed within an existing residential estate and to the extent of remaining public open space to be maintained to serve this estate, 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 the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development 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 external finishes of the dwellings shall be the same as the finishes of the dwellings constructed immediately to the southeast (houses numbered 11 and 12).

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) 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 interest of visual and residential amenity.

5.
  - (1) The screen wall along the side of site number 14, bounding the adjoining open space area shall be 1.4 metres in height forward of the front building line of house number 14 and shall be two metres in height for its remaining length. It shall be composed throughout of concrete block construction (and not post and panel fencing, as proposed), and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.
  - (2) The wall between sites numbered 13 and 11 shall be 1.4 metres in height forward of the front building line of house number 11, and shall be two metres in height for its remaining length. It shall be composed throughout of concrete block construction (and not post and panel fencing, as proposed), and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.
  - (3) The boundary between the rear gardens of houses numbered 13 and 14 shall consist either of a concrete block wall, capped, and rendered on both sides in a finish that matches the external finish of the dwellings, or a timber panel fence with concrete posts (not timber posts), in each case two metres in height.

**Reason:** In the interest of residential and visual amenity, and to ensure the provision of a durable boundary treatment.

6. 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.

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

**Dated this            day of            2016.**