

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 15/702**

An Bord Pleanála Reference Number: PL 08.245953

**APPEAL** by Sean O'Brien of Knockcullen House, New Road, Killarney, County Kerry against the decision made on the 11<sup>th</sup> day of December, 2015 by Kerry County Council to grant permission to John Paul Coghlan of Coughlan Consulting Engineers, 81 New Street, Killarney, County Kerry for development comprising (A) make elevation changes to dwellinghouse, (B) demolish rear extension (apartment 2), (C) construct new rear extension to dwellinghouse and (D) construction of an apartment block with four number apartments to the rear of the site and all associated site works at Silverspruce, New Road, Killarney, County Kerry, as amended by the revised public notice received by the planning authority on the 16<sup>th</sup> day of November, 2015 as follows: (A) make elevation changes to dwellinghouse, (B) demolish rear extension (apartment 2), (C) construct new rear extension to dwellinghouse, (D) removal of apartment 1 and 2 to convert Silverspruce House back to one dwellinghouse and (E) construction of an apartment block with four number apartments to the rear of the site and all associated site works in accordance with the plans and particulars lodged with the said Council.

## **DECISION**

**GRANT permission for elevational changes to dwellinghouse, demolition of rear extension (apartment 2), construct new rear extension to dwellinghouse and removal of apartments 1 and 2 to convert Silverspruce House back to one dwellinghouse in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for construction of an apartment block with four number apartments to the rear of the site and all associated site works based on the reasons and considerations marked (2) under.**

## 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 (1)

Having regard to the pattern of development in the area and the zoning provisions for this part of the overall subject site in the current Development Plan for the area, it is considered that the proposed development, involving demolition and reconstruction of Silverspruce House from its former use as a Bed and Breakfast into a single dwellinghouse, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area, would not interfere with the visual character of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development in the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as modified. By the further plans and particulars submitted on the 16<sup>th</sup> day of November 2015, 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 proposed development shall be amended as follows:-
  - (a) the proposed apartment block and associated car parking spaces, bin store and cycle parking shall be omitted, and

- (b) The proposed rear open space area for the dwelling to the rear of Silverspruce House shall be expanded to provide for the provision of one number car parking space within an enlarged garden area, which shall be accessed through the passageway between this dwelling and the adjoining dwelling (Gleanntan House).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity, and to conform to the associated refusal decision in respect of the apartment block and associated site development works.

3. Water supply and drainage arrangements, including the attenuation and 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. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof shall be blue-black or dark-grey in colour, with the ridge tiles being the same colour as the roof. All external finishes shall be neutral in colour, tone and texture.

**Reason:** In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

5. 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

## **REASONS AND CONSIDERATIONS (2)**

Having regard to the restricted and poorly laid out private open space provision for the proposed ground floor apartments, the complete lack of communal open space for the proposed apartment development, the inadequate provision of storage space for the apartments, the substandard floor to ceiling heights of the ground floor apartments, and the general layout of the apartments, it is considered that the proposed apartment development would be contrary to the provisions of "Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015", issued by the Department of the Environment, Community and Local Government, would represent overdevelopment of this restricted site and would seriously injure the residential amenities of future occupants of the proposed apartments. Furthermore, having regard to the size of this restricted site and the proximity of the proposed apartment block to adjoining site boundaries, it is considered that the proposed development would adversely affect the development potential of adjoining lands, which are zoned for town centre uses in the current Development Plan for the area, and thereby seriously injure the amenities, and depreciate the value, of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2016.**