

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 16/132

An Bord Pleanála Reference Number: PL 08.247044

APPEAL by Michael J. Horgan of Lakes and Rivers of Kerry, Salmon and Trout Conservation and Protection Association, 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 13th day of July, 2016 by Kerry County Council to grant subject to conditions a permission to Deirdre Buckley and John Hannon care of Patrick Collins of Hillards Lane, High Street, Killarney, County Kerry.

PROPOSED DEVELOPMENT: Construction of dormer dwelling house, domestic garage, treatment unit and polishing filter unit and all site development works at Coolies, Muckross, Killarney, County Kerry.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character in the vicinity, result in an inappropriate extension of ribbon development along the public road and would conflict with Section 3.1 of the Kerry County Development Plan 2015-2021, which states that “urban sprawl on the edge and environs of the Hub towns...should be discouraged.” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development site is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape, would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the said Development Plan, which seeks to protect the amenity value of the landscape of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the documentation submitted with the application and the appeal, the Board is not satisfied that the applicants comply with the requirements of the “Sustainable Rural Housing Guidelines for

Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2005 within an area designated as an ‘Area Under Strong Urban Influence’ in these Guidelines. It is considered, therefore, that the proposed development would be contrary to the guidelines and to the proper planning and sustainable development of the area.

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

Dated this day of 2016.