

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 16/521**

An Bord Pleanála Reference Number: PL 08.247117

**APPEAL** by Ann Courtney of Cois Loca, Waterville, County Kerry, against the decision made on the 22<sup>nd</sup> day of July, 2016 by Kerry County Council to grant subject to conditions a permission to Clonford Property Limited care of Albert Walsh of Lakelands House, Waterville, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Erection of two dwellinghouses at Waterville, 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 provisions of the Kerry County Development Plan 2015-2021, and the Caherciveen, Waterville and Sneem Functional Areas Local Area Plan 2013-2019, the location of the subject site within the established development boundaries of Waterville and the existing established use of the lands immediately adjacent to the subject site, the pattern of existing and permitted development in the vicinity and having regard to the submissions made in connection with the planning application and the appeal, it is considered that the proposed development for the construction of two houses, subject to compliance with the conditions set out below, would be in accordance with the provisions of the Development Plan and Local Area Plan. It is further considered that the proposed development, by reason of the design, scale and finish of the proposed works, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience 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 houses shall be occupied as permanent, year round residences only and shall not be used as holiday homes or second homes.

**Reason:** In the interest of compliance with the policy objectives of the Local Area Plan and the proper planning and sustainable development of the area.

3. The external finishes, including roofs, shall match those of the existing residential development to the west.

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

4. 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.

5. Finished floor levels shall not be more than 300 millimetres above the existing ground level, as measured from the existing lowest point. Full details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on site.

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

6. The site shall be landscaped and planted in accordance with a comprehensive scheme to comprise predominantly native species and varieties and to include proposals for boundary and plot dividing hedges consisting of a variety of native plants. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the scheme shall be completed to the satisfaction of the planning authority within six months of the first occupation of the dwellings.

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

7. Rear garden boundaries shall consist of concrete block walls 1.8 metres high, rendered and capped.

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

8. Public lighting and footpath shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority before development commences.

**Reason:** In the interest of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

10. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed houses shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In order to prevent overdevelopment of the site in the interest of residential amenity.

11. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

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

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

13. 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.**