

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/1093

An Bord Pleanála Reference Number: PL 08.247930

APPEAL by Jane Dennehy care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 3rd day of January, 2017 by Kerry County Council to refuse permission.

PROPOSED DEVELOPMENT: Change of use of the ground floor of detached shed/garage from private domestic storage to bedroom, ancillary to existing permitted house. The shed/garage is located within the curtilage of the house at Glor na Gaoithe, Rath, Caherdaniel, 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. Having regard to the pattern of development in the area, it is considered that the proposed development would represent overdevelopment of the site and would be inconsistent with Section 13.7 'Family/Granny Flat Extensions' of the Kerry County Development Plan 2015 – 2021, which sets out provisions for the extension to family homes. The proposed development would seriously injure the amenities of adjoining properties, would be out of character with, and fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would materially contravene condition number 3 of An Bord Pleanála appeal reference number PL 08.233209. Condition number 3 of this permission requires that the ground floor area of the garage is retained as a storage area and not converted into a habitable space. The proposed development, if permitted, would, therefore, conflict with the terms of a previous permission and would set an undesirable precedent for further such development elsewhere in the County. The proposed development would, therefore, be contrary 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 2017.