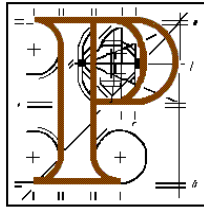


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Kerry County**

**Planning Register Reference Number: 16/1138**

An Bord Pleanála Reference Number: PL 08.248007

**APPEAL** by Denis and Gail O'Sullivan of 2 Millfield, Gortamullen, Kenmare, County Kerry and by Bernadette Goldrick of Druid Cottage, Sneem Road, Gortamullen, Kenmare, County Kerry against the decision made on the 19<sup>th</sup> day of January, 2017 by Kerry County Council to grant subject to conditions a permission to Matthew Merrick care of B. and J. Rochford Architectural, Engineering and Planning Consultants of 19 Henry Street, Kenmare, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The construction of a new dwelling with connection to mains services and all associated site works at Gortamullin, Kenmare, 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 residential zoning of the site in the Kenmare Functional Area Local Area Plan 2010-2016, to the pattern of development in the area and to the planning history, 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 of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development 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. 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 and to ensure a proper standard of development.

3. Details of the foundations, finished floor and finished ground levels on site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The road works associated with the proposed development including access, paving, surface finishes and parking area shall be carried out and completed in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic safety.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority.

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing -
    - (i) any existing trees, hedgerows, shrubs, rock outcroppings, stone walls, specifying which are proposed for retention as features of the site landscaping,
    - (ii) the measures to be put in place for the protection of these landscape features during the construction period,
    - (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, which shall not include prunus species,
    - (iv) details of screen planting which shall not include cupressocyparis x leylandii,
    - (v) details of roadside/street planting which shall not include prunus species, and
    - (vi) hard landscaping works, specifying surfacing materials, furniture and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
  - (c) A timescale for implementation.

Details of boundary treatment and screen walling which shall be implemented prior to commencement of development shall be submitted to, and agreed in writing with, the planning authority.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

8. 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 the proposed dwellinghouse without a prior grant of planning permission.

**Reason:** In the interest of the visual amenities of the area.

9. The proposed house shall be used as a single dwelling unit only.

**Reason:** To prevent unauthorised development.

10. 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 the 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            2017.**