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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 16/959**

**Appeal** by Adrian Hegarty and Timmy Joe Fleming care of Teicniúil-priory of The Courtyard, Fair Hill, Killarney, County Kerry against the decision made on the 20<sup>th</sup> day of February, 2017 by Kerry County Council to refuse permission.

**Proposed Development:** Construction of three number dwellinghouses with all ancillary site works at Scrahane, Killarney, County Kerry.

**Decision**

**REFUSE permission for the above proposed development in accordance with 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 constrained and restricted nature of the site, to the scale, bulk and height of the proposed development, notwithstanding extant permissions, it is considered that the proposed development would represent significant overdevelopment of this site, would give rise to an overbearing appearance and would be visually obtrusive, when viewed from April Avenue and adjoining properties, in particular, from the east of the site. The proposed development would seriously injure the residential amenities of adjoining properties and would be contrary to the zoning objective of the Killarney Town Development Plan 2009-2015, which is - 'To provide and improve residential amenities'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
2. Having regard to its overall layout and design, it is considered that the proposed development would provide a limited quality of residential amenity for future residents by reason of the short depth of rear garden space, its northerly aspect and concerns of overshadowing. 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    2017**