



An  
Bord  
Pleanála

**Board Order**  
**PL 08.248783**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 16/867**

**Appeal** by Suaimhneas Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 2<sup>nd</sup> day of June, 2017 by Kerry County Council to grant subject to conditions a permission to Emer O'Sullivan care of B. and J. Rochford of 19 Henry Street, Kenmare, County Kerry.

**Proposed Development:** Retention and completion of dwelling as constructed as amended by the revised public notice received by the planning authority on the 9<sup>th</sup> day of May, 2017 to include (a) retention of demolition of the original dwellinghouse, (b) retention and completion of existing dwellinghouse and all site works as constructed and (c) permission for proprietary treatment unit and sand polishing filter, and all associated site works to facilitate the development; all at Derreenamucklagh, Tahilla, 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. The proposed development is located on an elevated and exposed site which overlooks the Kenmare River and which is in an area designated in the Kerry County Development Plan 2015-2021 as an Area of Secondary Special Amenity, where it is the policy of the planning authority to ensure that development is designed to have minimal landscape impact. The dwelling proposed to be retained and completed, by reason of its height, mass and scale, would be obtrusive in its landscape setting on this open and exposed coastal site and would seriously injure the amenities of the area. The proposed development would contravene Objectives T-37, ZL-1 and ZL-4 as set out in the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the difficult ground conditions on this site, including failed percolation tests, shallow water table and shallow bedrock, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

