



An
Bord
Pleanála

Board Order
PL 08.249335

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/241

Appeal by Michael and Grace Cronin care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 7th day of September, 2017 by Kerry County Council to grant subject to conditions a permission to Seamus O’Shea care of Davide Mosca Design of 95 New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Construction of a one and a half storey family flat extension to existing dwelling, (b) replace existing septic tank with wastewater treatment unit and soil polishing percolation area and (c) retention of conservatory and extension to rear of dwelling and all associated site works at Gortacolla, Fossa, Killarney, 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 stated housing need of the applicant, the family flat nature of the proposed development, the limited nature of the extension to the existing house for which retention permission is sought, the proposals to upgrade the effluent treatment provisions for the existing house and proposed family flat, 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, would not be prejudicial to public health 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 retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 5th day of May, the 26th day of July and the 11th day of August 2017, 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 external finishes of the proposed extension (including roof tiles and slates) shall be the same as those of the existing dwelling-house in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The existing dwellinghouse and the proposed family flat extension shall be jointly occupied as a single residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the one dwelling-house unit.

Reason: To meet the stated housing need of the applicant and to restrict the use of the extension in the interest of residential amenity and traffic safety.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. All surface water generated within the site boundaries shall be collected and disposed of to soakaways within the curtilage of the site.

Reason: In the interest of public health.

6. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application, and in accordance with the requirements of the Environmental Protection Agency document "Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10)". Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the family flat, the developer shall submit a report from a suitably-qualified person with professional indemnity insurance, certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details, and is working in a satisfactory manner in accordance with the standards set out in the above-referenced EPA document.

Reason: In the interest of public health.

7. The extended site area shall be fenced off from the remainder of the field in which it is located, to prevent trespass by farm animals or machinery onto the effluent treatment plant and soil polishing filters.

Reason: In the interest of public health.

8. The existing septic tank on site shall be decommissioned on completion of the new effluent treatment system, and shall be emptied and back-filled.

Reason: In the interest of public health.

