



Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/555

Appeal by Martin Walsh care of Griffin Project Management of 51 New Street, Killarney, County Kerry against the decision made on the 22nd day of September, 2017 by Kerry County Council to grant subject to conditions a permission to Anne Govan care of Paddy O'Donoghue of Gortahoonig, Muckross, Killarney, County Kerry.

Proposed Development: Change of use of the first floor from office accommodation to apartment accommodation at 38 New Street, 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

Having regard to the planning history of the site, to the site configuration and to the pattern of development in the vicinity, it is considered that the proposed development, by reason of the lack of provision of private or communal open space, would constitute overdevelopment on a restricted site which would set a precedent for similar development in the area, would result in a substandard level of residential amenity for prospective occupants and would, therefore, seriously injure the residential amenities of future occupants. Furthermore, the proposed development would be contrary to Ministerial Guidelines in relation to apartment development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the lack of provision of private or communal open space resulted in a substandard proposal which would not accord with Ministerial Guidelines and 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 2018