

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Kerry County

Planning Register Reference Number: 17/937

An Bord Pleanála Reference Number: ABP-300281-17

APPEAL by Danielle Mannix care of Reeks Consulting Engineers of Rock Road, Killarney, County Kerry against the decision made on the 14th day of November, 2017 by Kerry County Council to refuse permission to the said Danielle Mannix.

PROPOSED DEVELOPMENT: Retention of change of use of existing extension to a one bedroom townhouse with a new entrance and permission for proposed development to the front of the dwellings including new boundary walls and the creation of two separate driveways, all at 37 Dalton's Avenue, Killarney, County Kerry.

DECISION

REFUSE permission for the above proposed development based on 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. Number 37 Dalton's Avenue is located within an area designated as a Housing Protection Area in the Killarney Town Development Plan 2009-2015, a designation which acknowledges the proximity of the town centre area to this established residential area and the pressure that results for infill development that is not in keeping with the traditional settlement pattern of the area. It is the policy of the planning authority to preserve the residential distinctiveness and character of the established residential community in this area and, in general, the planning authority is not in favour of, except in exceptional circumstances, the sub-division of existing dwelling houses located in areas zoned for residential use into two or more separate dwelling units. This policy is considered reasonable. Having regard to the lack of any exceptional circumstances, it is considered that the development proposed to be retained and the proposed development would conflict with the policy and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development, by itself and by the precedent which the grant of permission for it would set for other such development of a similar nature in the area, would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the development proposed to be retained and the proposed development would constitute overdevelopment of a restricted site, would be substandard in terms of residential amenity and private open space, would generate problems of access and parking, and would be out of character with the pattern of development in the area. The development proposed to be retained and the proposed development would, therefore, seriously injure the amenities of the area and 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.