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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/504**

**Appeal** by Tom McNamara care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 2<sup>nd</sup> day of November, 2017 by Kerry County Council to refuse permission in accordance with plans and particulars lodged with the said Council:

**Proposed Development: ...**

Retention and completion of domestic garage/utility store as constructed at the rear of dwelling house, at 18 Ashfield, Greenville, Listowel, 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 character and established pattern of development in the vicinity of the site, orientation of the site and amendments proposed by the first party to height and design, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not seriously injure the amenities of the area or of property in the vicinity. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 within three months from the date of this order and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development proposed to be retained and completed shall be amended as follows:

- (a) reduction in the apex height to a maximum height of 5 metres in line with that permitted under planning register reference number 07/404059,
- (b) southern elevation – removal of window at first floor,
- (c) southern elevation – replacement of glazed entrance doors with roller shutter door,
- (d) western elevation – removal of window at first floor and replacement with two number velux windows, and
- (e) eastern elevation – removal of two number rooflights.

Precise drawings and plans indicating the amendments shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

**Reason:** In the interest of visual and residential amenity.

3. The proposed garage and shed shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose and shall not be used for the carrying out of any trade, business or commercial activity.

**Reason:** In the interests of amenity and the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure a proper standard of development.

5. External finishes to the proposed structure shall harmonise in colour and texture with those of the existing dwelling.

**Reason:** In the interest of visual amenity.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**