



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/968

Appeal by James and Peggy Knightly care of T. B. Kennedy and Company of 43 Ashe Street, Tralee, County Kerry against the decision made on the 6th day of March, 2018 by Kerry County Council to grant subject to conditions a permission to Noel and Moira Spillane care of Moriarty Design and Construction, An Nead, Ardrinane, Annascaul, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct an extension to the rear of the house (for domestic/family use only) and carryout all necessary site works at Brackloon, Main Street, Annascaul, County Kerry, as revised by the further public notice received by the planning authority on the 8th day of February, 2018.

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 provisions of the Kerry County Development Plan 2015-2021, to the existing pattern of development in this central village location, and to the design, layout and limited scale of the proposed development, 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 be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th day of January, 2018 and the 16th day of February, 2018, and by the further plans and particulars received by An Bord Pleanála on the 23rd day of April, 2018, 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. No access shall be permitted to the flat roof save for maintenance.

Reason: In the interest of protection of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision amending or replacing them:-

- (a) The use of the extension shall be restricted to private residential accommodation ancillary to the main dwelling and shall not be used as part of the existing commercial guesthouse accommodation.

- (b) The use of the garage/shed shall be restricted to ancillary domestic storage purposes only and shall not be used as habitable accommodation or as part of the commercial guesthouse accommodation.

Reason: In the interest of residential amenity.

4. The existing dwelling, existing garage and proposed extension shall be jointly occupied as a single planning unit and no part of the overall development shall be sold, let or otherwise transferred or conveyed as part of the dwelling.

Reason: To restrict the use of the site in the interest of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.