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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/1055**

**Appeal** by Moya Farrelly and Brian Galvin care of Macro Design Consultants of 22 Denny Street, Tralee, County Kerry against the decision made on the 22<sup>nd</sup> day of March, 2018 by Kerry County Council to grant subject to conditions a permission to Thomas and Maria O'Mahony care of Moriarty Design and Construction of An Nead, Adrinane, Annascaul, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construct a garage/shed at the rear of the house, including all necessary site works, all at 4 Gortonora, Dingle, County Kerry, as revised by the further public notice received by the planning authority on the 23<sup>rd</sup> 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 compatible design and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed garage/shed would not adversely impact on the residential amenities of adjoining properties and would otherwise be in accordance with the provisions of the current Dingle Functional Area Local Area Plan. The proposed development 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 drawings and details submitted to the planning authority on the 16<sup>th</sup> day of February, 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. The roof height of the structure shall be reduced to 5.785 metres over the finished floor level of the building. Prior to the commencement of development, revised drawings complying with this requirement shall be submitted to the planning authority for written agreement.

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

3. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

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

4. The external finishes of the proposed structure shall harmonise in colour and texture with the existing finishes on the house.

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

5. 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 and to ensure a proper standard of development.

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**Eugene Nixon**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**