



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/159

Appeal by Neil and Marie Burke and Ted Kiely care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 10th day of August, 2018 by Kerry County Council to grant subject to conditions a permission to Brendan Cleary care of Griffith Project Management of 51 New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change use of the existing store to private living accommodation/apartment and the carrying out of elevational changes at Scrahane, Muckross Road, Killarney, County Kerry. Further public notices were received by the planning authority on the 17th day of July, 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 Killarney Town Development Plan 2009-2015 (as extended and varied), to the nature and scale of the development and to the existing pattern of development in this suburban location, 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 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 25th day of May, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the existing guest house and the proposed apartment shall be occupied as a single integral unit, in single ownership and shall not be sold, let or otherwise transferred or conveyed, save as part of the existing guesthouse/dwelling on the site, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provisions replacing them, no room in the proposed apartment shall be used for the purposes of providing overnight paying guest accommodation unless authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. The external finishes of the proposed apartment (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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 the 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.

Paul Hyde

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

Dated this day of 2019.