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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19/97**

**Appeal** by Joe Styles of Caherulla, 2 Saval Park Crescent, Dalkey, County Dublin against the decision made on the 15<sup>th</sup> day of May, 2019 by Kerry County Council in relation to an application for permission for: (A) Retention of separate domestic storage shed, (B) permission for creation of new entrance adjacent to existing entrance to serve existing dwellinghouse and (C) retention of existing dwellinghouse and domestic storage shed within revised site boundaries. All at Caherulla, Ballyheigue, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of separate domestic storage shed and retention of existing dwellinghouse and domestic storage shed within revised site boundaries and to refuse permission for creation of new entrance adjacent to existing entrance to serve existing dwellinghouse).

**Decision**

**GRANT permission for retention of separate domestic storage shed and retention of existing dwellinghouse and domestic storage shed within revised site boundaries in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for creation of new entrance adjacent to existing entrance to serve existing dwellinghouse based on the reasons and considerations marked (2) under.**

## **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)**

Having regard to the planning history of the site and the nature and scale of the development for which retention is sought and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and 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 retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 18<sup>th</sup> day of April, 2019, 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 retained and completed in accordance with the agreed particulars.

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

2. The proposed boundary treatment shall be in accordance with the plans and particulars submitted to the planning authority on the 18<sup>th</sup> day of April, 2019 and shall be backed by indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

## **Reasons and Considerations (2)**

It is considered that the proposed vehicular entrance, adjacent to an existing access, would endanger public safety by reason of traffic hazard and conflicting vehicular movements at a point on the Regional Road, R551, where sightlines are restricted in both an easterly and westerly direction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

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

**Dated this            day of            2019.**