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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19/168**

**APPEAL** by Eileen Cahill of Rossbeigh Beach Holiday Cottages, Rossbeigh, Glenbeigh, County Kerry and by Dermot Ivo and Kay O'Sullivan care of Mackey O'Sullivan Binchy Solicitors of 10 Merrion Square, Dublin against the decision made on the 13<sup>th</sup> day of August, 2019 by Kerry County Council to grant subject to conditions a permission to Con O'Sullivan and Dan Tim O'Sullivan care of Rory McGillicuddy and Associates of 3 Annadale Road, Killorglin, County Kerry.

**Proposed Development:** (a) Demolish existing dwelling house on site, (b) construct six number detached dwelling houses, and (c) all associated site works including separate entrances, parking and boundary treatments at Rossbeigh, Rossbeigh, Glenbeigh, County Kerry.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations 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**

1. Having regard to the application as submitted and subsequently augmented and revised under further information, it is considered that the applicant has failed to submit sufficient information to enable the Board to fully assess and determine the proposed development. Specifically, the following gaps in the application have been identified:
  - No site survey of ground conditions,
  - No quantification of and commentary upon the lowering and raising of levels on the site and insufficient details of associated retaining measures,
  - No contextual visual depiction of the proposed development from the north of the site, and
  - No information on how surface water would be handled during the construction phase and insufficient information on how it would be handled during the operational phase, including details of the drain to which the proposed network would discharge to.

In these circumstances, it would be premature to grant planning permission and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the first reason for refusal and on the basis of the information submitted, it is considered that the proposed development would, due to its siting, size, and design, be unduly dominant and visually obtrusive with respect to surrounding properties, some of which are holiday cottages. Furthermore, the said dominance would lead to a loss of daylight to the properties denoted as houses 1 and 2, and the proposed house type C, while not dominating house 1, would lead to overlooking and a consequent loss of privacy at the same. The proposed development would seriously injure the amenities of properties in the vicinity of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Notwithstanding the first reason for refusal, it is considered that the net increase in traffic movements generated by the proposed development would warrant improvement to (a) the north-eastern sightline across the western boundary of the site with the adjoining local road, (b) pedestrian facilities along the northern and western boundaries of the site, and (c) public lighting within the vicinity of the site. Furthermore, the proposed ramps to each of the house plots from the public road should be designed to have a gradient of no more than 10% in the interests of their ready usability. In the absence of these improvements, it would be premature to grant permission and at variance with good road safety measures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2019**