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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19/664**

**APPEAL** by Daniel and Tracey Sexton of Upper Park Road, Killarney, County Kerry against the decision made on the 20<sup>th</sup> day of August, 2019 by Kerry County Council to refuse permission to the said Daniel and Tracey Sexton.

**Proposed Development:** Retention of the change of use of part of the existing dwellinghouse and garage to an art studio and all ancillary site works, all at Upper Park Road, Ballycasheen, Killarney, 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**

Having regard to the significant number of traffic movements generated by the art studio and the tendency for these movements to be concentrated in time, it is considered that the predominantly residential western and eastern cul-de-sacs that serve the subject site are, due to the position of their access points off the public road network in close proximity to other access points, single lane width, and the effective absence of turning heads and footpaths, are inherently unsuited to accommodating such movements. In these circumstances, to accede to the retention of the art studio would perpetuate a situation wherein, the legibility of access off the public road network is poor, traffic congestion arises on the said cul-de-sacs leading to obstruction for other road users, complicated turning movements of necessity occur which risk collision, and where vulnerable road users are not provided for. It is, therefore, considered that the additional traffic associated with the development proposed to be retained would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. Accordingly, the development proposed to be retained would 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                      2020.**