



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/43

Appeal by Larry and Louise Murphy care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 11th day of October, 2019 by Kerry County Council to grant subject to conditions a permission to Maurice and Joan Foley care of Patrick Collins of Hillards Lane, High Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: As revised by further public notices received by the planning authority on the 16th day of September, 2019, the development now consists of (a) retention of concrete block boundary wall as constructed on southern boundary of site, (b) permission to carry out modifications to the southern site boundary wall, and (c) retention of garden equipment storage enclosure on southern side of dwellinghouse all at Deerpark, Killarney, County Kerry.

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 scale, nature and extent of the enclosed storage area and boundary wall to be retained and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and altered would not seriously injure the amenities of the area or of property in the vicinity. The proposed development 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 the 28th day of August, 2019, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The section of boundary from the roadside boundary wall to the front face of the storage enclosure, indicated as part of Elevation E on drawing number 20835-Sk01 Rev. A, received by the planning authority on the 28th day of August, 2019, shall be reduced in height to 1200 millimetres, otherwise, all other alterations and modifications to the boundary wall shall be as delineated on drawing number 20835-Sk01 Rev. A. The works shall be carried out within three months from the date of this Order.

Reason: To protect the amenities of the adjoining residential property.

3. The enclosed storage area shall be used for purposes ancillary to the main dwellinghouse only, and shall not be used for commercial or agricultural purposes.

Reason: In the interest of clarity to protect the amenities of the adjoining residential property.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.