



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/560

Appeal by Aisling O'Shea and Máirtín O'Shea care of Ger O'Keeffe Consulting Engineers Limited of Friary Land/4 Day Lane, Tralee, County Kerry against the decision made on the 24th day of October, 2019 by Kerry County Council to grant subject to conditions a permission to Noel Russell care of Moriarty and Bambury of Dyke Gate Lane, Dingle, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain (A)(1) first floor gable window and two number rooflights to rear elevation of existing dwellinghouse, (2) detached single storey shed/utility, (3) detached vehicle maintenance shed, (own use only), and (B) retain all buildings and structures within revised site boundaries at Kilcooly, Ballydavid, Dingle, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 27th day of September, 2019.

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 'Rural General' landscape zoning designation of the site, the separation distances to neighbouring dwellings, the pattern of development in the vicinity, and the existing screening and planting on the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area, or of property in the vicinity, and would not, therefore, be contrary to 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 further plans and particulars submitted on the 5th day of July, 2019 and the 5th day of September, 2019, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Within three months of the date of this Order, the existing hardstanding area to the north of the septic tank shall be removed, the land levelled to the same level as the adjoining farmland and grassed. The levels shall be referenced to a clearly identifiable and easily located benchmark on the public roadway. Once these works have been completed, the developer shall notify the planning authority in writing, with photographic evidence of their completion. No vehicles, or plant or machinery shall be parked or stored in the area concerned in the future.

Reason: In the interest of visual amenity, and to prevent unauthorised development.

3. The use of the vehicle maintenance shed shall be strictly limited to use for the maintenance of the applicant's truck only and shall not be used for any commercial, industrial, habitable or agricultural purposes.

Reason: In order to limit the use to that for permission has been made, and to prevent unauthorised development.

4. No signage of any kind whatsoever shall be erected on the vehicle maintenance shed or elsewhere within the site.

Reason: In the interest of visual amenity.

5.
 - (i) The developer shall ensure that no oil, grease or other objectionable matter is discharged from the site into any drain, sewer or watercourse.
 - (ii) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site.
 - (iii) Any liquids (other than waters) which are to be stored on-site shall be stored within specified, impermeable, bunded and secure areas within the site. Bunds shall provide for retention of, at minimum, 110% of the volume being stored.

Reason: In the interest of environmental protection and public health.

6. The existing on-site mature planting shall be retained.

Reason: In the interest of visual amenity.

7. Within one year of the date of this Order, the site shall be landscaped, using only indigenous deciduous trees and hedging species, details of which shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. This shall include the following:
- (a) the establishment of a hedgerow along the entire southern and north-eastern boundaries of the site, as outlined in red on drawings submitted to the planning authority on the 5th day of September, 2019 and
 - (b) the planting of semi-mature trees along the north-eastern boundary of the site, for a distance of 30 metres commencing at the roadside end of this boundary and running northwestwards along this boundary.

The developer shall notify the planning authority, in writing, when this planting has been carried out.

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 vehicle maintenance, shed and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. Any external lighting shall be properly cowled and directed away from the public roadway. It shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

Philip Jones

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

Dated this day of 2020