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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19931**

**APPEAL** by Diana Dicks of 1 Dromore Cottage, Greenane, Templenoe, Killarney, County Kerry and by John O'Shea of 8 Brian Close, Hornchurch, Essex, England against the decision made on the 29<sup>th</sup> day of October, 2019 by Kerry County Council to grant subject to conditions a permission to Andrew Holmes care of Diarmuid Twomey of Annagloor, Millstreet, County Cork.

**Proposed Development:** Retention of alterations made to the existing dwellinghouse including the construction of an enclosure to an existing balcony and all associated works, all at Capparoo, Kenmare, 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 location of the site on a prominent, elevated site on the established Ring of Kerry Tourist Route and within a rural area designated as a Secondary Special Amenity Area in the Kerry County Development Plan 2015-2021, wherein it is required that development is designed to be sympathetic and sensitive to the landscape, the development proposed to be retained, by reason of the excessive scale, bulk, design, fenestration pattern and materials used in the alterations to the front façade, would result in an obtrusive feature in the landscape at this location, which would seriously injure the visual amenities of the area and would fail to be adequately absorbed and integrated into the landscape. The development proposed to be retained would, therefore, fail to comply with the provisions of the Development Plan, would set an undesirable precedent for other such development in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has:

- (a) sufficient legal estate or interest in the land the subject of the application to enable the person to continue the existing use of, or carry out the proposed works on the land, or
- (b) the approval of the person who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of planning permission for the development proposed to be retained the subject of the application.

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**Dave Walsh**

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

**Dated this            day of            2020.**