



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/974

APPEAL by Pat Culloty of The Motor Shop, Saint Mary's Terrace, Killarney, County Kerry against the decision made on the 12th day of November, 2019 by Kerry County Council to grant subject to conditions a permission to John Quill care of Sandra McSherry of Ardsalla, Muckcross Road, Killarney, County Kerry.

Proposed Development: (a) Demolition of existing boundary wall and extension of three number units to boundary with elevational changes and (b) construction of one number industrial unit and all associated site works and ancillary services at Inch (Saint Mary's Road), 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

1. Having regard to the location of the site which is zoned Town Centre Existing Developed/Residential Area, and to the northern part of the site to the rear of Saint Mary's Terrace which is designated as a Housing Protection Area, to the distinctive character and pattern of development of this established residential area, which is characterised by narrow laneways which separate the terraced houses from their rear gardens, and to the objectives of the Killarney Town Development Plan 2009-2015, (as extended), to resist the subdivision and development of such residential sites and to preserve their distinctive character, it is considered that, the proposed development of a new industrial unit with associated car parking on this restricted site comprising the rear gardens of several terraced houses, would result in a congested layout, and would constitute overdevelopment of the site and contribute to piecemeal development of the area. The proposed development would, therefore, conflict with the provisions of the Town Development Plan, would create an undesirable precedent which would compromise any future comprehensive planning of the lands to the rear of Saint Mary's Terrace, would seriously injure the amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed industrial unit and associated enclosed car parking area would result in the separation and loss of amenity space associated with the terraced houses fronting Saint Mary's Terrace and would introduce a commercial use of the space which would be likely to give rise to noise and disturbance and in a loss of privacy and outlook. The proposed development would, therefore, seriously injure the residential amenity of these properties and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the designation of numbers 3 and 5 Saint Mary's Terrace as Protected Structures, it is considered that the construction of a large industrial unit in the rear garden of number 3 and directly adjoining the garden of number 5 Saint Mary's Terrace, by reason of its excessive scale, height, mass and bulk and use of materials, together with the change of use of the remainder of the garden area to a commercial car park enclosed by a fence, would permanently separate the Protected Structures from their associated attendant grounds, would adversely affect the character and setting of the Protected Structures and would be contrary to Policy BH-04 of the Killarney Town Development Plan 2009 (as extended).

4. Adequate car parking spaces, loading and turning spaces have not been provided within the curtilage of the existing Enterprise Centre. The proposed development, notwithstanding the proposed car parking area in the northern part of the site, would, therefore, result in haphazard parking within the estate and in on-street parking on the adjoining streets which would give rise to conflict between pedestrians and vehicles and result in congestion on the adjoining roads, both of which would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2020.