



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/258

APPEAL by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry and by Bethan Finucane and Sean Finucane of 11 Murphy's Terrace, Ballymullen, Tralee, County Kerry against the decision made on the 20th day of November, 2019 by Kerry County Council to grant subject to conditions a permission to Michael Healy-Rae care of Patrick Murphy of Alder House, Ahane, Beaufort, Killarney, County Kerry.

Proposed Development: (1) Change of use of the premises known as Nancy Myles Public House to four number residential units including the provision of new windows to the north-east and new windows and doors to the south-west and south-east elevations and (2) the removal of existing rear boundary wall to allow for provision of car park spaces, all at 14 Ballymullen, Tralee, County Kerry. Further public notices were received by the planning authority on the 25th day of October, 2019.

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 layout of the proposed residential units, their limited level of natural light and the arrangements for private open space to serve the residential units, it is considered that the proposed development would fail to provide a satisfactory standard of amenity to meet the needs of future occupants. The proposed development would, therefore, seriously injure the residential amenities of future residents, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the proposed development was appropriate in terms of the provision of necessary private open space, and in particular considered that the proposal, involving fenced off enclosures for each of the ground floor bedroom residential units, was unacceptable in terms of the necessary amenities for future residents. The Board did not agree with the Inspector, or the planning authority, that the current proposal overcame the reasons for refusal as outlined in the Board's previous refusal for development on this site, under file reference number ABP-301583-18.

Philip Jones

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

Dated this day of 2020.