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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19/1244**

**Appeal** by Jennifer Leane of 25 Pairc Chuimin, Kilcummin, Killarney, County Kerry against the decision made on the 5<sup>th</sup> day of February, 2020 by Kerry County Council to grant subject to conditions a permission to Henry Bartlett care of Michael McSweeney of Rathoonagh West, Ballymakeera, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of works carried out at dwelling consisting of removing old roofs and replacing them with a new roof at the rear, alterations to the rear boundary wall and side boundary walls consisting of replacing/repairs/improvements to existing walls in general to extend the walls to the new roof and to improve the structure, internal alterations and repairs to improve the fabric and BER rating of the dwelling, providing a small extension at the rear to connect the existing kitchen with the existing utility area, renovations to the existing utility area to incorporate a new wet room wc and new bedroom, and returning the front elevation to it's former state by removing an unauthorised annex and associated site works at 30 O'Kelly's Villas, Kilcoolaght, 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 long existing structures on the site (in excess of 20 years) and the minor modifications to these structures as envisaged in this application, it is considered that the design, scale, height and depth would not be over dominant or would constitute over development, and would not cause serious injury to property in the vicinity. Notwithstanding the amount of private open space proposed, it is not considered that it will seriously injure the residential amenity of the property. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not concur that the development for which retention is sought would be overly dominant, visually obtrusive, or out of character with the established pattern of the area.

## **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Surface water drainage arrangements for the development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

3. No part of the development shall overhang the adjoining properties.

**Reason:** To protect adjoining properties.

4. The extension and converted shed for which retention is sought shall be occupied together with the main house as a single dwelling unit and shall not be let, sold or otherwise transferred or conveyed separate from the house.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

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**Stephen Bohan**

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

**Dated this            day of            2020**