



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/155

APPEAL by Tricia O'Connor care of Brian Sweeney of Tralee Road, Ardfert, County Kerry against the decision made on the 16th day of April, 2020 by Kerry County Council to refuse permission.

Proposed Development: Construction of a bungalow complete with a mechanical waste water treatment unit followed by Sandcel sand filter and a soil polishing filter and all associated site works at Kerries East, Tralee, 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 in a rural area beyond the zoned area of the town of Tralee, its siting within an Area Under Strong Urban Influence, as designated in the Kerry County Development Plan 2015-2021, and having regard to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and National Policy Objective 19 of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Rural Housing Guidelines for a house at this rural location and does not comply with National Policy Objective 19. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, thus, be contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities and rural policy provisions of the National Planning Framework, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the pattern of existing residential development in the immediate vicinity of the site, to the siting of the proposed house to the rear of established residential property, to the lack of any comprehensive plan for the orderly development of lands at this location, and to the lack of public sewerage facilities to serve the proposed dwelling, it is considered that the proposed development would constitute a piecemeal, disorderly, haphazard form of backland development in an unserviced area that would be likely to seriously injure the amenities and depreciate the value of adjoining residential property and would create an undesirable precedent for development of a similar nature in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the restricted road frontage associated with the site, the lack of control over the provision, form and maintenance of the adjoining road frontages, and to the poor horizontal alignment of the adjoining local road, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on this poorly aligned public road at a point where available sightlines are severely restricted.

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

Dated this day of 2020