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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/220**

**APPEAL** by Zinbar Grove Developments care of Derek Daly of Ballygarron, The Spa, Tralee, County Kerry against the decision made on the 25<sup>th</sup> day of June, 2020 by Kerry County Council to refuse permission.

**Proposed Development:** Construct a corner terraced building forming a streetscape fronting onto the upper end of the new Dingle Relief Road/Goat Street. This corner terraced building will consist of nine number terraced dwelling houses and two number apartments, all connected to public services and also to include associated site works at Farranakilla, Dingle, 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 character of the housing estate, of which the centrally located public open space forms an integral part, to the zoning of the site as Existing Residential in the Dingle Functional Area Local Area Plan 2012 (as extended), wherein the zoning objective is to protect and improve such residential areas and there is a presumption against the development of such green spaces, and to the planning history of the site, in particular the quantum of accommodation within the estate and the use of this site as open space serving the overall development as granted under PL08.120324, it is considered that the proposed development would result in the loss of a significant amount of open space which would detract from the character of the estate and would seriously injure the residential and visual amenities of existing residents. Furthermore, the Board considered that the proposed development would provide a substandard amenity for future occupants by reason of the irregularly shaped gardens. The proposed development would, therefore, result in a substandard form of development, which would materially contravene the zoning objective for the site and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would by reason of:
- (a) the development of residential units on an area of public open space, contravene materially a condition attached to an existing permission for development namely condition number 1 attached to permission granted by An Bord Pleanála on the 11<sup>th</sup> day of January 2001 under Appeal Reference Number PL08.120324 and
  - (b) the location of parking space numbers 75-77, contravene materially a condition attached to an existing permission for development namely condition number 1(b) attached to permission granted by An Bord Pleanála on the 26<sup>th</sup> day of November 2009 under Appeal Reference Number PL08.233381.
3. It is considered that car parking provision for the proposed development, in particular the lack of sufficient on-site parking spaces, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity of the site.

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

**Dated this            day of            2021**