



An
Bord
Pleanála

Board Order
ABP-307842-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/315.

Appeal by Rory Lemass care of R.D.F. Architects and Planning Limited of Unit 19, Charleville Town Centre, Charleville, County Cork against the decision made on the 16th day of July, 2020 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: (a) Alterations and widening of existing vehicular entrance including splayed walls, pedestrian access gate, boundary footpath and setbacks, (b) reduction in height and setting back of front boundary wall, (c) the demolition/removal of a front garden shed and (d) the construction of two single storey timber holiday cabins for short term holiday rental use with pedestrian access and associated private pathways and all associated site works at River Lodge House, Ballycasheen, 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 nature, scale, design, layout and location of the proposed development, the pattern of development in the vicinity and the existing development on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not lead to a risk of flooding of lands outside the subject site, and would not set an undesirable precedent. Furthermore, the proposed development would be acceptable in terms of pedestrian and traffic safety. The proposed development 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 had regard to the provisions of the Killarney Town Development Plan 2009-2021 as extended and varied, and the R2-Existing Residential zoning of the site, which allows commercial guest accommodation in residentially zoned lands, and to the strategic aim within the development plan to promote Killarney as a premier tourist destination. Furthermore, notwithstanding the intensification of a substandard existing entrance, the Board considered the proposed improvements to the existing vehicular entrance would be acceptable in terms of pedestrian and traffic safety, and that adequate measures are proposed to ensure no displacement of flood plain storage and avoid the risk of flooding of lands outside the subject site. The Board further considered that the proposed location of the timber cabins, to the rear of the existing house, screened by existing mature hedegrow/treeline to the south and south-west boundaries would not seriously injure the amenities of the area or of property in the vicinity.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 6th day of August, 2020, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed development without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2020.