



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/335

APPEAL by Tulfarris CG Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry against the decision made on the 17th day of July, 2020 by Kerry County Council to refuse permission to the said Tulfarris CG Limited.

Proposed Development: (a) Demolition of two number dwellinghouses and associated outhouses and sheds, (b) form new vehicular and pedestrian access, (c) construction of six number one and a half storey three bedroom semi-detached dwellings, six number two-storey three bedroom and six number two-storey two bedroom dwellings, seven number one bedroom ground floor apartments and seven number three bedroom maisonettes in duplex format, and (d) estate road, footpaths, boundary walls, services and all associated site works, all at Cloon More, Boherbee, 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 overall conditions of the proposed site access including, substandard visibility at the junction with R875, to the proximity to Boherbee (Austin Stacks) Roundabout and to existing pedestrian crossing facilities, it is considered that the proposed development would give rise to traffic conflict and congestion and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the proposed development, by reason of its design and layout, and the nature of provision of private amenity space, would be contrary to the urban design policy objectives of the Tralee Town Plan 2009-2015 (as extended and varied) and the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government and the companion Urban Design Manual: A best practice guide, published in May, 2009. It is considered that the proposed development would result in a

substandard form of development for future residents by reason of the poor quality public realm, and substandard quality of open space, and in the context of overall development of the wider undeveloped lands, of which the site forms part, would not achieve an appropriate standard in terms of the creation of place and a long term sustainable neighbourhood. The proposed development would set an undesirable precedent for similar such development and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location and configuration of the appeal site in the context of the adjoining undeveloped lands to the east, and within the Mitchells Boherbee Regeneration Area and to the layout and design of the proposed development, the Board is not satisfied that the proposed development responds appropriately to the unique characteristics of the site context, and considered that the proposal would lead to a disjointed and piecemeal form of development. The proposed development would, therefore, seriously injure the amenities of the area and would not be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development would be contrary to the provisions of the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government by reason of its density. The site of the proposed development is on serviced land zoned for residential development within the development boundary of Tralee. Having regard to the proximity of the site to the transport infrastructure and established social and community services in the immediate vicinity, it is considered that the proposed development is not at a sufficiently high density. It is considered that, by reason of the the density proposed, the

proposed development would be contrary to these aforementioned Ministerial Guidelines, which indicate that net densities less than 50 dwellings per hectare should generally be discouraged in the interest of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Hyde

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

Dated this day of 2020.