



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/603

Appeal by Jimmy Delaney of Cahirdown, Listowel, County Kerry and by Joe and Angela Kearney care of 17 Golf View, Gurtinard, Listowel, County Kerry against the decision made on the 1st day of September, 2020 by Kerry County Council in relation to the application by Joe and Angela Kearney care of Paul O'Dowd of Old Mill Lane, Charles Street, Listowel, County Kerry for permission for development comprising retention of two first floor gable windows in house PL19/637 at Ballygowloge, Listowel, County Kerry. In accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of the first-floor gable window to the east and to refuse permission for the first-floor gable window to the west).

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 pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the adjacent houses or detract from the character of the area and the streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed 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 retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The gable windows to the western and eastern elevation shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

Paul Hyde

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

Dated this day of 2021