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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/706**

**APPEAL** by Sheila O’Sullivan of Ros Villa Guesthouse, Park Road, Killarney, County Kerry and by Crimmins Hotel and Leisure Limited care of O’Donoghues Solicitors of Langford Street, Killorglin, County Kerry against the decision made on the 29<sup>th</sup> day of September, 2020 by Kerry County Council to grant subject to conditions a permission to Octavius Property Company Unlimited care of Genesis Planning Consultants of The Lodge, Clownings, Straffan, Naas, County Kildare.

**Proposed Development:** Change of use of 18 number apartments in block A, 15 number apartments in block B and 15 number apartments in block D from existing use as holiday apartments to use as residential apartments, all at Blocks A, B and D, located adjacent to Hotel Killarney, Park Road and Cork Road, Killarney, 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**

Having regard to the extent of the application site as delineated by the red line on the drawings accompanying the application, which does not include lands accommodating the integral ancillary facilities for the proposed residential use, such as car parking, bin storage and open space provision and, on the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicant has sufficient legal interest in the lands on which the ancillary facilities necessary for and incidental to the occupation of the proposed dwellings are located, or has the approval of the person who has such sufficient legal estate or interest to enable the use of these facilities by prospective occupants.

Furthermore and by reference to the plans and particulars submitted with the application, it is considered that the lack of identified internal storage within the proposed dwellings and the lack of allocated private amenity space for the ground floor units would adversely impact on the residential amenity for prospective occupants. On this basis, the Board is not satisfied that the proposed development would not constitute a substandard form of development or that it would provide adequate amenities for prospective occupants.

In this regard, the proposed development would seriously injure the residential amenities of prospective occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**