

An
Bord
Pleanála

Board Order
ABP-308445-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/698

Appeal by Denis Kearney care of Albert Walsh of Lakelands House, Waterville, County Kerry against the decision made on the 29th day of September, 2020 by Kerry County Council in relation to the application for permission to retain changes to mid-terrace dwelling, including adaption to entrance porch planning reference 98/2581 to a glazed porch and to retain improvements to dwelling curtilage including garden boundary walls and new access gate arrangement at protected structure reference RPS KY 098/003 at Main Street, Waterville, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission to retain improvements to dwelling curtilage including garden boundary walls and new access gate arrangement at protected structure reference RPS KY 098/003 and to refuse permission to retain changes to mid-terrace dwelling (adaption of entrance porch to glazed porch).

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 provisions of the Kerry County Development Plan 2015-2021, the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2004, the pattern of development in the area and the scale and nature of the development for which retention permission is sought, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would be in accordance with the objectives of the county development plan and with the guidelines, would not have a negative impact on the character of the terrace and would not seriously injure the residential or visual amenities of the protected structures. The development for which retention permission is sought 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 considered that the use of materials serves to appropriately differentiate the new from the old, and notwithstanding the scale of the zinc roof, that the form and design of the porch is not overly dominant or visually obtrusive, due to the transparency of the glazed enclosure which allows a reading of the continuity of the terrace of protected structures. The development would not, therefore, materially and adversely affect the character of the protected structure and would not seriously injure the visual amenities of the area.

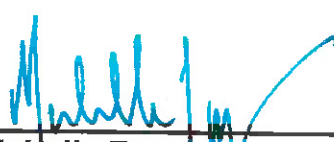
Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as my 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.

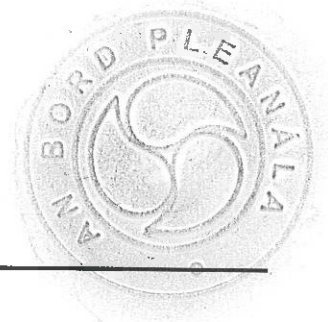
Reason: In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.



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



Dated this **23rd** day of **June** 2021.