



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/812.

Appeal by Conor Cremin of Coolclough, Kanturk, County Cork against the decision made on the 30th day of October, 2020 by Kerry County Council in relation to the application for permission for development comprising construction of two number semi-detached, two-storey dwellinghouses and also to include all associated site works, all at Fairfield Close, Goat Street, Dingle, 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 one number semi-detached, two-storey dwellinghouse and also to include all associated site works on site number 1 and to refuse permission for one number semi-detached, two-storey dwellinghouse and also to include all associated site works on site number 2).

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 planning history of the site and to the design, character and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would be acceptable in terms of traffic safety and convenience, and would otherwise be in accordance with the provisions of the Dingle Functional Area Local Area Plan as they relate to the town of Dingle. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 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. The proposed dwellings shall be occupied as places of permanent residence and shall not be used as holiday home development without the prior grant of planning permission.

Reason: To ensure compliance with the provisions of the Dingle Functional Area Local Area Plan as they relate to Dingle and in the interest of providing for local permanent housing need within the town.

3. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Two off-street communal parking spaces in total shall be provided to the front of the houses with access onto the internal Fairfield Close estate road. The provision of vehicular access directly onto Goat Street shall be prohibited. Details of the form and layout of the on-site parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and traffic safety.

5. Prior to the commencement of development, a comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority, setting out details of all proposed treatment bounding the site and between the two houses, including wall/fence heights, materials and finishes. The boundary treatment shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including 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.

7. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. 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 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.

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

Dated this day of 2021.