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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/975**

**Appeal** by Mary and Billy Galvin of 35 Monalee, Monavalley, Tralee, County Kerry against the decision made on the 9<sup>th</sup> day of December, 2020 by Kerry County Council to grant subject to conditions a permission to Brian Duncan care of John G. Sheehan of 14 Glenard, Monavalley, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Construction of an extension to the rear of house, (b) retention and completion of a shed, for domestic purposes, to the rear of the property at 36 Monalee, Monavalley, Tralee, County Kerry.

**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 siting of the proposed development, and its design, character and layout, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be consistent with the provisions of Tralee Town Development Plan, and would otherwise 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 external finishes of the proposed extension and shed shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. The shed shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used for human habitation or for the carrying on of any trade or business.

**Reason:** In the interest of orderly development.

4. Additional boundary treatment shall be provided along the eastern flank boundary between the area adjoining the rear of the new extension and the rear site boundary and shall comprise additional fencing/capped wall up to a height of 2 metres. Details of the form, scale and finish of the additional boundary treatment shall be submitted to, and agreed in writing with, the planning authority within one month from the date of this Order.

**Reason:** In the interest of residential amenity.

5. 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 and to ensure a proper standard of development.

6. 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.

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

**Dated this            day of            2021**