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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

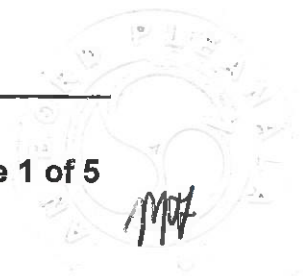
**Planning Register Reference Number: 20/1258**

**Appeal** by Sheila Kelly of Spraymount Road, Ballybunion, County Kerry, and by Aidan Walsh of Lios na Rí, Spraymount Road, Ballybunion, County Kerry against the decision made on the 24<sup>th</sup> day of February, 2021 by Kerry County Council to grant subject to conditions a permission to Sarah Quille care of Kenneally Murphy Limited of Main Street, Abbeyfeale, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a single-storey detached family residence incorporating part mezzanine floor inclusive of connections to public infrastructure, boundary walls, all associated site works and landscaping with two number on-site parking spaces at Spraymount Road, Ballybunion, 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 residential zoning provisions for the site, to the planning history of the site, to the pattern of established development in the area, to the design of the proposed development on an infill serviced site, and to the nature, scale and layout of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely impact on the residential amenities of area, would be acceptable in terms of traffic safety, and would otherwise be in accordance with the orderly development of the town of Ballybunion. 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 and by the further plans and particulars received by An Bord Pleanála on the 13<sup>th</sup> day of April 2021, 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 gable windows at first floor level shall be omitted.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. (a) Screen walls shall be provided along the side boundaries of the site. The walls shall be 0.9 metres over road level towards the front of the site and increase to a height of 1.8 metres above ground level adjacent to the proposed dwellinghouse along both side boundaries.

- (b) Details of the layout, the materials, and external finishes of the roadside boundary (not exceeding 0.9 metres above road level) and the side screen walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwelling.

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

5. 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.

6. 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.

7. All service cables associated with the proposed development shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenity of the area.

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.

*Dr. Maria Fitzgerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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

Dated this *21<sup>st</sup>* day of *July* 2021.

