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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/766**

**Appeal** by Mike Hegarty of Park Road, Killarney, County Kerry against the decision made on the 18<sup>th</sup> day of March, 2021 by Kerry County Council to grant subject to conditions a permission to Pauline Lyne care of Patrick Collins of Hilliards Lane, High Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a family flat extension onto an existing guesthouse and all site development works at Ardshanavooley, Park Road, Killarney, County Kerry, as amended by the revised public notices received by the planning authority on the 22<sup>nd</sup> day of February 2021, the proposed development now comprises (A) Construct a family flat extension onto an existing guesthouse. (B) permission to retain two private bedrooms in the attic space of the guesthouse and all site development works.

## **Decision**

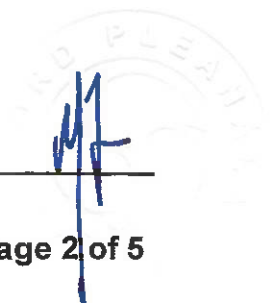
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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 Killarney Town Development Plan 2009-2015 (as extended and varied), to the nature and scale of the development and to the existing pattern of development in this suburban location, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.



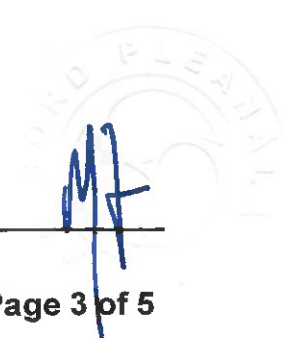
## Conditions

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5<sup>th</sup> day of February 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, retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the existing guest house and the proposed apartment shall be occupied as a single integral unit, in single ownership and shall not be sold, let or otherwise transferred or conveyed, save as part of the existing guesthouse/dwelling on the site, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

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



3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provisions replacing them, the attic rooms that are proposed to be retained and no room in the proposed apartment shall be used for the purposes of providing overnight paying guest accommodation unless authorised by a prior grant of planning permission.

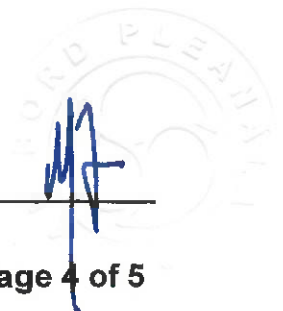
**Reason:** In the interest of residential amenity.

4. The external finishes of the proposed apartment (including stone cladding, roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The front boundary of the site shall be set back by two metres for the provision of a cycleway along Park Road. The front boundary shall be set back to the satisfaction of the planning authority prior to the occupation of the family flat extension hereby permitted.

**Reason:** In order to comply with the provisions of Policy INFRA-04 of the Killarney Town Development Plan 2009-2015 (as extended).



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.



**Michelle Fagan**

**Member of An Bord Pleanála**

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

Dated this 4<sup>th</sup> day of August 2021

