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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/53**

**Appeal** by Steven O'Donovan care of Ger O'Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 22<sup>nd</sup> day of March, 2021 by Kerry County Council in relation to an application for permission for retention of (a) ground floor extension to rear of existing dwelling house, (b) workshop to rear of number 6, (c) ground floor extension to garage, (d) first floor residential unit above garage, all at number 4 and number 6 Upper William Street, Listowel, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of ground floor extension to rear of existing dwelling house at number 4 Upper William Street and to refuse permission for retention of workshop to rear of number 6, ground floor extension to garage and first floor residential unit above garage).

## **Decision**

**GRANT permission for retention of ground floor extension to rear of existing dwelling house at number 4 Upper William Street in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention workshop to rear of number 6 Upper William Street and for ground floor extension to garage and first floor residential unit above garage based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the scale of the extension proposed for retention and its relationship with the existing house at number 4 Upper William Street, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention 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 ground floor extension shall be retained, 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 condition requires 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 existing dwelling house, number 4 Upper William Street and proposed ground floor extension to rear of this dwelling shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

**Reason:** To regulate and control the density of development on this site in the interest of orderly development.

## Reasons and Considerations (2)

1. The development proposed for retention provides no designated private open space for the residential unit over the garage and would, therefore, seriously detract from the amenity of occupants of this unit. The development would constitute substandard development, would give rise to a poor standard of residential amenity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed retention of the workshop constructed to the rear of number 6 Upper William Street, a protected structure (Ref RPS Ref Number 44) of architectural and historical importance, would disrupt the relationship between the building and its rear amenity space, would negatively impact on the character of the building and would potentially prejudice its re-occupation and use. The development proposed for retention would, therefore, seriously injure the setting and character of a protected structure in a manner that would be contrary to the advice given in section 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment Heritage and Local Government in December, 2004, would be contrary to Objective H-38 of the Kerry County Development Plan 2015-2021, and BHUD 27 of the Listowel Town Plan 2009-2015, as extended and varied, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the ground floor extension to the rear of the existing dwelling house, the Board considered that the extension to be retained was acceptable in terms of the amenities of adjoining properties and was in accordance with the Kerry County Development Plan 2015-2021.

*Terry Prendergast*

**Terry Prendergast**

**Member of An Bord Pleanála**

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



Dated this *27<sup>th</sup>* day of *July* 2021.