

An  
Bord  
Pleanála

Board Order  
ABP-310394-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20849**

**APPEAL** by Joe and Lucy O'Keeffe care of Terence F. Casey and Company of 99 College Street, Killarney, County Kerry against the decision made on the 6<sup>th</sup> day of May, 2021 by Kerry County Council to grant subject to conditions a permission to the Old Road Partnership care of Brendan Williams of Design Studio, The Orchard, Ballydunlea, Tralee, County Kerry.

**Proposed Development:** As revised by further public notices received by the planning authority on the 5<sup>th</sup> day of February, 2021, the proposed development now consists of (a) demolition of one number derelict dwellinghouse, (b) form vehicular and pedestrian access, (c) construction of the following dwellings in thermohouse construction system: six number one bedroom single storey units, nine number two bedroom single storey units, 27 number three bedroom two-storey terraced units, 12 number three bedroom two-storey semi-detached units, six number four bedroom detached units, and (d) estate road, footpaths, boundary walls, services and all associated site works at site south of Main Street and north of Old Road, Rathmore, Shinnagh, County Kerry.

## Decision

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The site is located in an area zoned Town Centre M2 and Strategic Reserve 01 in the Killarney Municipal District Local Area Plan 2018-2024. It is an objective of the development plan (KY-Res-01) to facilitate the development of residential units within each settlement boundary in accordance with the Core Strategy and objective KY- Res-03 to prohibit development on lands zoned as strategic residential reserve R4 until 80% of all other residential zoned lands have been developed to the satisfaction of the planning authority. These objectives are considered reasonable. It is considered that the proposed development would be contrary to the development plan objectives, and contrary to the Core Strategy, which sets an allowance of 28 units over the lifetime of the development plan, would set an undesirable precedent for similar such development in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design, layout and configuration including the piecemeal provision of open space and excessive car parking, it is considered that the proposed development would fail to respond to the unique characteristics of the site, would achieve poor connection with the established town centre and would not contribute to a sense of place making. Furthermore, it is considered that the proposed development would not provide a satisfactory standard of residential amenity for future occupants. The proposed development would, therefore, be contrary to the provisions of the Kerry County Development Plan 2015-2021 and Killarney Municipal District Local Area Plan 2018-2024, would seriously injure the visual and residential amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

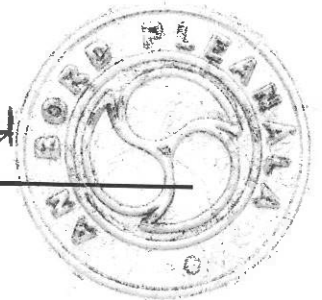
*Dr Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this *24<sup>th</sup>* day of *Dec.* 2021.