



Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/943

APPEAL by Jeremiah Locke of Kilquane, Ballymacelligott, Tralee, County Kerry against the decision made on the 11th day of May, 2021 by Kerry County Council to grant subject to conditions a permission to John O'Neill and Nicole Moriarty care of Michael Slattery of Unit 3D Davcon Business Centre, Monavalley, Tralee, County Kerry.

Proposed Development: Renovate and extend existing dwelling and install a mechanical treatment unit and polishing filter and all associated works at Kilquane, Ballymacelligott, Tralee, 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 a Stronger Rural Area which has experienced intense pressure for urban generated housing development and is within easy commuting distance of several urban centres including Tralee and Killarney Hub towns, where it is the policy of the planning authority as set out in the settlement strategy of the Kerry County Development Plan 2015-2021 to facilitate the rural housing needs of people who are intrinsic to the local area while directing urban generated housing into towns and villages, and where it is Government policy under National Policy Objective 19 of the National Planning Framework to avoid over-development of rural areas and to have regard to the viability of smaller towns and villages in facilitating the provision of single houses in the countryside. Having regard to these national and local policies, it is considered that the applicants do not come within the housing need criteria as set out in the guidelines and in the Development Plan for a house at this location, notwithstanding the proposal to renovate and extend an existing cottage, which is very small in size and in a derelict and uninhabitable state, the Board is not satisfied that the housing need could not be satisfactorily met in an established settlement. The proposed development would, therefore, be contrary to national and local policy and to the proper planning and sustainable development of the area.

2. The proposed renovation and extension of the existing traditional cottage would, by reason of its excessive scale and inappropriate architectural treatment and design, result in a structure which would overwhelm the original cottage and fail to integrate with the character of the original vernacular rural dwelling. The proposed development would, therefore, seriously injure the visual amenities of the rural area and would be contrary to the proper planning and sustainable development of the area.

3. The site is located in a karstified area which includes an extensive network of caves and associated geological features which are listed for protection in the current Kerry County Development Plan 2015-2021 (Table 10.6). Having regard to the complex geology of the area, to the Regionally Important Aquifer of Extreme Vulnerability which underlies the site and to the lack of information regarding the hydrogeology of the site, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a private waste water treatment system, notwithstanding the proposal to use a proprietary treatment system and polishing filter. The proposed development would, therefore, be prejudicial to public health.

4. The site is accessed by means of a local road which is substandard in width and alignment and serves several large clusters of residential development along the route. The entrance to the site is substandard in respect of the sightlines available, particularly in a southerly direction, where there is a sharp bend and by the presence of an existing agricultural and residential entrance immediately to the north. Notwithstanding the proposal to improve the sightlines at the entrance through the significant modification of existing hedgerow boundaries, the Board is not satisfied that the proposed development would not endanger public safety by reason of a traffic hazard by reason of the additional traffic that would be generated along the route and by the additional turning movements at the site entrance.

DR. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *7th* day of *March* 2022

