

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/508

APPEAL by Elaine O'Shea of 6 Flesk Grove, Killarney, County Kerry and by Others against the decision made on the 10th day of June, 2021 by Kerry County Council to grant subject to conditions a permission to Flesk Grove Developments Limited care of Dwellspace Architectural of Killaha East, Kenmare, County Kerry.

Proposed Development: (a) Demolish existing dwelling house (formerly a B&B) and (b) to construct 34 number two-storey dwelling houses to consist of twelve number two bedroom terraced houses, eight number two bedroom semi-detached houses and fourteen number three bedroom semi-detached houses including modified site entrance, access road, footpaths, private refuse storage structures, landscaping, all necessary connections to public services, public water supply and all necessary ancillary services works and site works all at Ballycasheen, Killarney, County Kerry. The proposed development was amended by further public notices received by the planning authority on the 16th day of April, 2021 and now consisting of (a) demolition existing dwelling house (formerly a B&B) and (b) to construct 31 number two-storey dwelling houses to consist of eleven number two bedroom terraced houses, six number two bedroom semi-detached houses and fourteen number three bedroom semi-detached houses including modified site entrance,

access road, footpaths, private refuse storage structures, landscaping, all necessary connections to public services, public water supply and all necessary ancillary services works and site work including submitted Natura Impact Statement.

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. On the basis of the information provided with the application and the appeal, and particularly having regard to the dearth of information with regard to historic infilling of the site, the level of detail provided with regard to surface water management during the operational phase, and the limited survey data with regard to the significance of the site for the lesser horseshoe bat, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from considering a grant of permission for the proposed development.

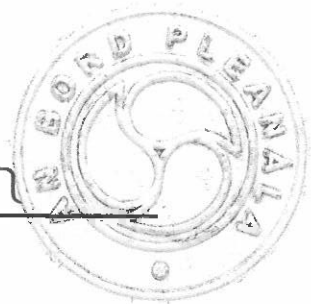
2. Having regard to the configuration of the appeal site, and based on submissions in relation to the appeal, the Board is not satisfied that the applicant has demonstrated sufficient legal interest to carry out the necessary road improvement measures to provide adequate access the site or has the approval of the person who has sufficient legal estate or interest to enable such works.
3. Having regard to the location and configuration of the appeal site in the context of the adjoining undeveloped lands to the east, the riparian corridor within the northern part of the site and the layout and design of the proposed development, the Board is not satisfied that the proposed development responds appropriately to the unique characteristics of the site context, and considers that the proposal would lead to a disjointed and piecemeal form of development which would be detrimental to residential and environmental amenity. The proposed development would seriously injure amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.



John Connolly

Member of An Bord Pleanála

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



Dated this 4th day of MARCH 2022