

An
Bord
Pleanála

Board Order
ABP-310733-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/1176 Killarney

Appeal by Jean-Claude Balleur and Elizabeth McCluskey-Balleur of “Sliabh Allain”, Lissyconnor, Rathmore, County Kerry against the decision made on the 10th day of June, 2021 by Kerry County Council to grant subject to conditions a permission to Michael O’Donovan care of Denis Quinn Associates of Knockeenacurrig, Kiskeam, Mallow, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: As revised by further public notices received by the planning authority on the 17th day of May, 2021 the development now comprises, permission for retention of domestic garage and garden shed and permission to upgrade the existing foul water treatment system at Lissyconnor, Rathmore, County Kerry.

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

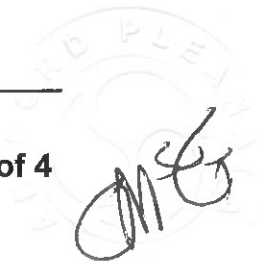
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the pattern of development in the area, and the design, scale and nature of the garage and shed structures, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought and the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development for which retention permission is sought and the proposed development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted to the planning authority on the 5th day of May 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 and the development shall be carried out, retained and completed in accordance with the agreed particulars.



Reason: In the interest of clarity.

2. The garage and garden shed shall be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any other purpose or for human habitation.

Reason: In the interest of clarity and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of public health and to ensure a proper standard of development.

4. The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of May 2021 and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses" Environmental Protection Agency 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority.

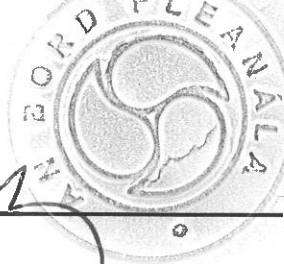
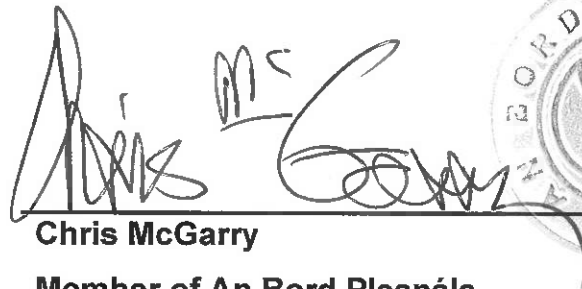
Within three months of the date of this Order, the developer shall submit to the planning authority a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA Document.

Reason: In the interest of public health.

5. The landscaping scheme shown on drawing number 2076-004-A as submitted to the planning authority on the 5th day of May 2021 shall be carried out within the first planting season following the date of this Order.

All planting shall be adequately protected until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *2nd* day of *November* 2021.