

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/639

Appeal by Nessa Keogh care of Healycornelius Design Limited of Studio 15 KTI Centre, Deerpark, Killarney, County Kerry against the decision made on the 6th day of July, 2021 by Kerry County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached two-storey dwelling house to form (a) part residential accommodation and (b) part self-contained unit to the front for short term letting, complete with connection to public sewer together with all associated site works on site number 1 at Saint Margaret's Road, Killarney, County Kerry. The further public notice was received from the planning authority on the 9th day of June, 2021.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 4

and to AMEND condition number 8 so that they shall be as follows for the reasons set out.

8. 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.

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

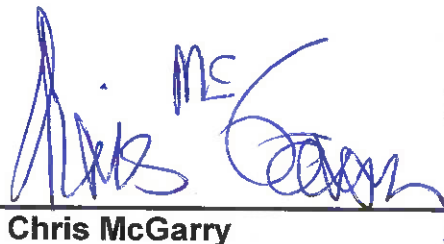
Reasons and Considerations

Having regard to the nature and extent of the proposed development, including the site layout and boundary treatment, it is considered that the addition of condition number 4 is not warranted to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area and that the amended wording of condition number 8 is warranted to ensure clarity.

In deciding not to accept the recommendation of the Inspector to retain condition number 4, the Board considered the totality of the documentation on the application and appeal file, including the reports of the planning authority. On the basis of the information on file, the Board determined that there is no current statutory road improvement project in place, nor is such a project formally proposed, for Saint Margaret's Road at present, and that the imposition of condition number 4 is therefore not warranted at this time. Furthermore, the Board considered that given the form and nature of the boundary treatment and open space/parking area to the front of the proposed new building, as set out in the proposed development, that any future project subject to a statutory consent and acquisition process, to deliver a change to the corridor of Saint Margaret's Road would not be compromised by the proposed development in its permitted form.

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.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this ^{18th} day of ^{November} 2021.