

An  
Bord  
Pleanála

Board Order  
ABP-311007-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/513**

**APPEAL** by Tulfarris CG Limited care of John Phelan Architects of 26 CastleCountess, Tralee, County Kerry against the decision made on the 7<sup>th</sup> day of July, 2021 by Kerry County Council to refuse permission to Tulfarris CG Limited.

**Proposed Development** (a) Demolish two dwelling houses and ancillary works, (b) Construct new vehicular access to the site via two new road connections to the new school shared public access road accessed off the new Ballymullen-Marion Park Relief Road, (c) Construct 85 residential units comprising two apartment buildings (containing 47 number one or two-bedroom apartments) four triplex buildings each containing six one-bedroom apartments, 12 two-bedroom townhouses and two three-bedroom townhouses, and including all associated works, roads, pavements and services, all at Cloon More, Tralee, County Kerry.

## Decision

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Matters Considered

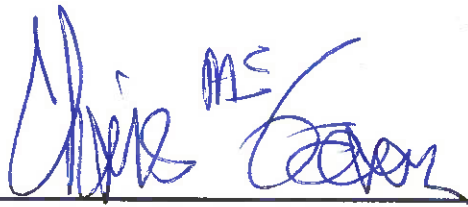
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. On the basis of the submissions made in connection with the application and the appeal, the Board is not satisfied that the applicant has sufficient legal estate or interest in the land on which the proposed access road is to be constructed to serve the proposed development or has the consent of the person/body who has such sufficient legal estate or interest. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the proposed development.



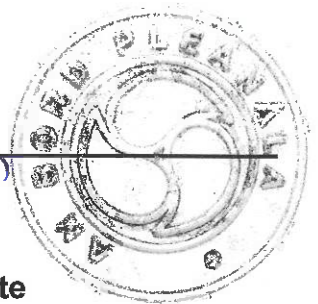
2. Having regard to the location and configuration of the appeal site in the context of the adjoining undeveloped lands to the east and to the layout and design of the proposed development, including the disposition of buildings abutting the separate adjoining lands, and the layout of open space, the Board is not satisfied that the proposed development responds appropriately to the unique characteristics and context of the site and considers that the proposed development would lead to a disjointed and piecemeal form of development. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.



**Chris McGarry**

**Member of An Bord Pleanála**

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



Dated this <sup>3<sup>rd</sup></sup> day of <sup>December</sup> 2021.