



Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/530

APPEAL by Evelyn McCarthy care of JOAM Consulting Limited of Harbour View, Cromane Lower, Killorglin, County Kerry against the decision made on the 15th day of July, 2021 by Kerry County Council to refuse permission.

Proposed Development: Retention of dwelling house, connection to existing septic tank and soakway, and all associated site works at Cromane Lower, Killorglin, 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. Having regard to the appeal site configuration and pattern of development in the area the proposal to retain the dwelling would constitute haphazard backland development that would detract from the character and appearance of the area and seriously injure the amenities of nearby properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard the nature of the site as a subdivision of a dwelling site and to the density of houses served by individual wastewater treatment systems in the immediate vicinity, the Board is not satisfied, based on the details provided, that all the required minimum separation distances from domestic waste water treatment systems can be met in accordance with the requirements of the Environmental Protection Agency | Code of Practice : Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), March 2021, and that the site can be adequately drained. It is considered that the proposed development would result in a proliferation of wastewater treatment systems in close proximity which would be prejudicial to public health. The proposed development 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 28th day of JANUARY 2022

