

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/750

APPEAL by Edward Leahy of Beenbawn, Dingle, County Kerry and by Others against the decision made on the 4th day of November, 2021 by Kerry County Council to grant subject to conditions a permission to Darragh O'Sullivan and Karen Murphy care of Moriarty and Bambury Limited of Dyke Gate Lane, Dingle, County Kerry.

Proposed Development: Construction of a dwellinghouse served by a tricol wastewater treatment unit with a sandcel polishing filter and all associated ancillary services/site works, all at Beenbane, Dingle, Co Kerry, as revised by the further public notices received by the planning authority on the 8th day of October, 2021.

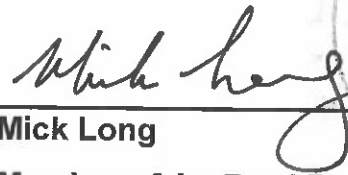
Decision

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

Reasons and Considerations

1. It is considered that, by reason of massing, scale and design relative to the indigenous character of adjacent clachan/housing cluster, and its location in a visually sensitive landscape area, the proposed development would be visually obtrusive and overbearing in nature and would seriously injure the visual amenities of the area. The proposed development would detract from the distinctive character of the established housing cluster and would conflict with objective D-DC-1 to 'protect the unique layout and architectural merits of clochan settlements' as contained in the current Corca Dhuibhne Electoral Area Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development and associated earthworks are partly located within and adjacent to the Dingle Peninsula Special Protection Area (Site Code: 004153). On the basis of the information provided with the planning application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, both during construction and operation, by itself and/or in combination with other plans or projects, would not result in adverse effects on the integrity of the Special Protection Area in view of the sites' Conservation Objectives.

The development could have the potential to result in disturbance and loss, temporary or otherwise of foraging habitats for bird species that are qualifying interests for this Special Protection Area, most notably the Chough species. In such circumstances, the Board is precluded from granting permission.



Mick Long

Member of An Bord Pleanála

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

Dated this 2 day of May, 2023.