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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 22/144 (Tralee)**

**Appeal** by Ann and John Walsh care of Sugrue Design of Ballinvasherig West, Tralee, County Kerry against the decision made on the 7th day of April, 2022 by Kerry County Council in relation to an application for permission for extension and renovation of the existing dwelling and retention of the existing ancillary accommodation at 2 Pinewood Drive, Blennerville, Tralee, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for extension and renovation of the existing dwelling and to refuse permission for retention of the existing ancillary accommodation).

**Decision**

**GRANT permission for extension and renovation of the existing dwelling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention of the existing ancillary accommodation based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the nature, extent and location of the proposed development comprising the extension and renovation of an existing dwelling, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not be visually intrusive, would not seriously injure the amenities of the area and would, otherwise, be supported by the provisions of the Kerry County Development Plan 2022-2028 that incorporates the Tralee Town Development Plan 2009-2015 (as extended and varied) in respect of support for extensions, alterations and renovations of existing dwellings. Accordingly, this element of the proposed development would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of the development (extension and renovation of the existing dwelling) shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## Reasons and Considerations (2)

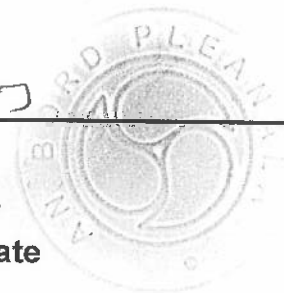
The development of the standalone residential unit that is proposed to be retained would not be supported by Objective KCDP 4-40 of the Kerry County Development Plan 2022-2028 incorporating the Tralee Town Development Plan 2009-2015 (as extended and varied). Specifically, under this objective, such developments are required to have regard to the Ministerial Guidelines, Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities issued by the Department of Housing Planning and Local Government in December 2020. Based on the drawings and documents on file, the development proposed to be retained does not meet the minimum residential amenity requirements set out in the guidelines in terms of overall floor area, aggregate floor area for living/dining/kitchen rooms, storage provision, private amenity space or floor to ceiling heights. The quality of the residential amenity afforded to future residents of the residential unit would, therefore, be substandard and the development proposed to be retained would be contrary to the provisions of the applicable development plan and would be contrary to the proper planning and sustainable development of the area.



**Patricia Calleary**

**Member of An Bord Pleanála**

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



Dated this 17 day of July 2023.