



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/615

APPEAL by Michael Cunningham and others care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 11th day of May, 2022 by Kerry County Council to grant subject to conditions a permission to O'Siochan Holdings Limited care of Annie Sheehan, Ards, Fossa, Killarney, County Kerry.

Proposed Development: Construction of a multi-residential complex consisting of 12 apartments and six number dwelling houses served by the mains foul and surface water drainage systems together with all associated site works at Fossa, Killarney, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 14th day of April 2022.

Decision

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

Reasons and Considerations

1. The proposed development, because of its design, scale and bulk, on the edge of a small village would constitute inappropriate development that would be inconsistent and out of character with the prevailing residential density in the area. This would result in overdevelopment of the site which would be overbearing and would seriously injure the residential amenities in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development on the edge of the development boundary of Fossa village, it is considered that the pedestrian linkage to local services, on a road with a speed limit of 60 kilometres per hour without footpaths and public lighting, would result in a road layout which would be hazardous to pedestrian safety. The proposed development would, therefore, constitute a substandard form of development which would give rise to a traffic hazard for pedestrians, would not be in compliance with FA-GO-O2 of the Killarney Municipal District Area Plan 2018-2024 as it relates to improvement of approaches into the village and improvement to the footpath network, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not share the view that the development was located in the centre of the village of Fossa and was on the edge of a small town/village within the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May, 2009. Having regard to the proposed site layout and house/apartment design, it is considered that the density of the development would conflict with Section 6.11 of the guidelines and would constitute an inappropriate housing scheme, which would not accord with the prevailing character of the village. The Board also considered the Circular Letter NRUP 02/21 issued by the Department of Housing, Local Government and Heritage on the 21st day of April 2021 and considered that the development at the edge of a village did not represent a graduated approach to residential density.


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



Dated this 21st day of December, 2023.