



An
Bord
Pleanála

Board Order
ABP-313733-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/1439

Appeal by Maureen O'Shea and Mary Houlihan care of Moriarty and Bambury of Sraid an Dá Gheata, Daingean Uí Chuis, County Kerry against the decision made on the 19th day of May, 2022 by Kerry County Council to grant subject to conditions a permission to Denis Moriarty care of Sean MacGillicuddy Architects of Hill House, Tiernaboul, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a pair of one-and-a-half-storey semi-detached houses and carry out all associated site works to facilitate the proposed development, all at Spa Road, Dingle, County Kerry.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential zoning objective for the site, the provision for infill development in the Corca Dhuibhne Electoral Local Area Plan 2021-2027, the pattern of development along Spa Road, and the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of infill development at this location, would be acceptable in terms of scale and design, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22nd day of April, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) Screen walls shall be provided along the side boundaries of the site with existing properties, unless otherwise agreed with the owners of the respective dwellings (for example timber post fencing and landscaping may be permitted to screen the rear gardens). Such walls shall be less than a height of one metre to the front building line and 1.8 metres in height between the existing and proposed dwellings and extending to the rear boundary.
- (b) Details of the layout, materials, and external finishes of the screen walls and front boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority cross-sections through the site indicating existing and proposed ground levels and finished floor levels.

Reason: In the interest of residential and visual amenity.

5. All of the in-curtilage car parking spaces serving the proposed development shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. The site shall be landscaped using only indigenous deciduous trees and hedging species and in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Existing boundary screening shall be suitably strengthened. Any plants which die, are removed or become seriously damaged or diseased, within a period of four years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. The kerb fronting the proposed development shall be dished in accordance with the requirements of the planning authority. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian and traffic safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

9. Prior to commencement of any works on site, the existing ESB pole on the site shall be relocated to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

12. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

14. 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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 13th day of September 2023.