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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/1118**

**APPEAL** by Jimmy Sugrue care of Andrew Hersey of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 27<sup>th</sup> day of June, 2022 by Kerry County Council to grant subject to conditions a permission to Caraf Property Developments Limited care of Frank Curran Consulting Engineers Limited of 16 Main Street, Cahersiveen, County Kerry.

**Proposed Development:** Demolish old building containing shop, supermarket, stores and private accommodation. Construct a new building containing health and medical centre, shop/retail unit and restaurant/offices all with associated site development works, all at Main Street, Cahersiveen, County Kerry, as revised by the further public notices received by the planning authority on the 31<sup>st</sup> day of May, 2022 which omitted the proposed restaurant use.

**Decision**

**REFUSE** permission for the above proposed development for the reasons and considerations set out below.

## Reasons and Considerations

1. Having regard to the location of the subject site within the Cahersiveen Architectural Conservation Area, it is considered that the proposed works, by virtue of their extent, nature and level of intervention, which includes the demolition and removal of the majority of the subject building, and in the absence of any clear conservation assessment, would not have a positive impact on the intrinsic character of the area, would not respect the existing streetscape and layout, and would not be compatible in terms of design, materials, views, and intensity of site use. It is further considered that the proposed development, by reason of its overall layout, and its scale, height, massing and design to the rear, would be out of scale with its surroundings, and would seriously detract from the architectural character of the Architectural Conservation Area and adjacent protected structures. The proposed development would be contrary to policy objectives KCDP 8-44 and KCDP 8-45 of the Kerry County Development Plan 2022-2028 and with the guidance contained in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by reason of its layout, height, proximity to existing properties and orientation, and in the absence of any data or assessment by the developer, would overlook and overshadow the residential amenities of adjacent properties, would be visually obtrusive and would seriously injure the residential amenities of adjoining properties. The proposed development would detract from the amenities of adjoining properties, would be out of character with, and fail to respect, the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area. The proposed development would seriously injure the residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.



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Liam Bergin

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

Dated this 23<sup>rd</sup> day of November 2023.