

An
Bord
Pleanála

Board Order
ABP-314276-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/212

Appeal by Gerard MacSweeney of 25 Saint Mary's Terrace, Killarney, County Kerry against the decision made on the 12th day of July, 2022 by Kerry County Council to grant subject to conditions an outline permission to Aidan and Ann Ryan care of Donal Moynihan Chartered Engineer of Boolacullane, Farranfore, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construct a detached dwelling house, along with ancillary site works at the rear of Saint Mary's Terrace and Saint Mary's Road, Townland of Inch, Killarney, County Kerry.

Decision

GRANT outline 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 policies and objectives as set out in the Kerry County Development Plan 2022-2028, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This outline permission relates solely to the principle of the development of a single residential dwelling on site as outlined in the documentation submitted with the planning application, including the further information received by the planning authority on the 15th day of June, 2022.

Reason: In the interest of clarity.

2. The development to which the application for permission, consequent on this grant of outline permission, may be made shall be limited to a single storey dwelling, with no attic accommodation.

Reason: In the interest of protecting the residential amenity of adjoining properties and the residential amenities of future occupants of the proposed dwelling.

3. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:-:
- (i) Detailed plans and elevations of the proposed dwelling, which shall conform to the requirements of condition number 2.
 - (ii) Details of external finishes.
 - (iii) Details of surface water attenuation, so as to ensure that no surface water from the site and the laneway discharges onto the public road or adjoining properties.
 - (iv) Proposals to protect the privacy and amenity of existing adjacent properties.
 - (v) Design proposals which have regard to the design and character of the built environment in the vicinity.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

5. 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.

6. The existing unauthorised vehicular entrance along the northern boundary of the site shall be permanently closed and replaced by a concrete block wall prior to any development of a dwellinghouse on the site. The new section of wall shall be capped and plastered on both sides to match the existing wall along the northern boundary. Precise details shall be agreed with the planning authority at planning consequent on grant of outline permission.

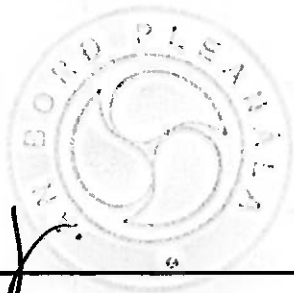

Reason: To ensure effective planning control of the development.

7. All service lines to the proposed development (such as electrical, communal television, telephone and public lighting cables etc.) shall be laid underground.

Reason: In the interests of visual amenity and orderly development.

8. At permission consequent stage, 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.



Mary Cregg

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

Dated this 11th day of December 2023