



An
Bord
Pleanála

Board Order
ABP-314304-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/274

Appeal by Maria Maher care of J.J. O'Connor, Civil and Architectural Design of Clogher, Ballymacelligott, Tralee, County Kerry and by Eamonn and Mary Burke care of J.J. O'Connor, Civil and Architectural Design of Clogher, Ballymacelligott, Tralee, County Kerry against the decision made on the 12th day of July, 2022 by Kerry County Council to grant subject to conditions a permission to Emma Fitzgibbon care of SJK Engineering and Surveying Limited of Dun Mara, Schoolfield, The Spa, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Demolish existing single storey section at rear of existing dwelling house, (b) Modify and re-roof existing two-storey annex at rear of existing dwelling house and extend ground floor footprint of this existing two-storey extension, (c) Construct proposed two-storey section onto the existing annex with single storey element at northeastern end of the proposed two-storey extension, (d) Elevation changes to the front elevation whereby the existing front door is moved to the south-eastern side of the front elevation and associated changes to the internal layout of the existing dwelling house all with ancillary and associated site works at Main Street, Castlegregory, 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 provisions of the Kerry County Development Plan 2022-2028 and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 submitted on the 15th day of June 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.
- (b) The proposed new front door shall be of hardwood timber construction. The use of aluminium or uPVC is not permitted.

Reason: In the interest of visual amenity.

3. 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 to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. 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.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *1st* day of *November* 2023