



An
Bord
Pleanála

Board Order ABP-314560-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/101

Appeal by Sinéad Flynn of Barleymount West, Killarney, County Kerry against the decision made on the 18th day of August, 2022 by Kerry County Council to grant subject to conditions a permission to Michael O'Neill and Teresa Foley care of C. Lonergan Consultancy Limited of Shanara, Kilgobnet, Beaufort, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain dwellinghouse as constructed within revised site boundaries (previously granted planning permission under planning register reference number 16/1189). Retain detached domestic garage. Retain vehicular entrance as constructed and all associated site works in accordance with all plans and particulars submitted, all at Barleymount West, Killarney, County Kerry, as revised by the further public notices received by the planning authority on the 22nd day of July, 2022.

Decision

GRANT permission for the above 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 nature and scale of the development proposed to be retained, the provisions of the Kerry County Development Plan 2022-2028, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or general amenities of the area or of property in the vicinity, would not be detrimental to the character of the area, and would be acceptable in terms of pedestrian and traffic safety. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 6th day of July, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. All relevant conditions attached to the parent permission granted under planning register reference number 16/1189 shall be strictly adhered to.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of the regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. The front boundary shall be reinstated to a maximum height of one metre and shall consist of sod and stone or native stone. The constructed wing walls and piers shall be clad in native stone. Full details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and all works to the roadside boundary shall be carried out within six months of the date of this permission.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with condition number 14 of the planning permission granted under planning register reference number 16/1189 and the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any new planting shall be carried out in accordance with the agreed scheme and shall be completed within six months of the date of this permission. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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 order to screen the development, in the interest of visual amenity.



Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *04* day of *November* 2023.