

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/833

Appeal by Donal Daly care of B and J Rochford of 19 Henry Street, Kenmare, County Kerry, against the decision made on the 27th Day of September, 2022 by Kerry County Council in relation to an application for permission for (A) retain existing ancillary domestic structures (workshop/hobbies and storage building, glasshouse and garden room), and (b) permission to demolish existing storage building and replace with new garden/sunroom, hobbies/music studio and utility building including reduction in size of existing workshop/hobbies and storage building and all associated site works (protected structure) at 'Scart House', Scart, Castlecove, County Kerry, in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of existing ancillary domestic structures (workshop/hobbies and storage building, glasshouse and garden room) and to refuse permission for demolition of existing storage building and replace with new garden/sunroom, hobbies/music studio and utility building including reduction in size of existing workshop/hobbies and storage building.



Decision

GRANT permission for retention of existing ancillary domestic structures (workshop/hobbies and storage building, glasshouse and garden room) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for demolition of existing storage building and replace with new garden/sunroom, hobbies/music studio and utility building including reduction in size of existing workshop/hobbies and storage building based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the established use of the site for residential purposes, it is considered that the retention of the glasshouse, garden room and workshop, having regard to their location and position relative to Scart House, subject to compliance with the conditions set out below, would not detract from the character or setting of the Protected Structure and would, otherwise, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The element of 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 An Bord Pleanála on the 24th day of October 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

3. Any external lighting shall be suitably cowled to prevent spillage outside the site.

Reason: In order to control light pollution in the rural environment.



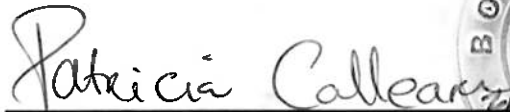
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order 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 the Board 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.



Reasons and Considerations (2)

It is considered that the demolition of the existing storage building and its replacement with a new garden/sunroom, hobbies/ music studio and utility building including a reduction in the size of the existing workshop/hobbies and storage building would, by reason of its overall scale and design, and the level of intervention proposed, which would result in the loss of the original outbuilding and its relationship with Scart House (a Protected Structure), would adversely impact on the character and setting of the Protected Structure and would be contrary to Objectives KCDP 8-40 and KCDP 8-42 of the Kerry County Development Plan, 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 2 day of February 2024.