

An
Bord
Pleanála

Board Order ABP-314997-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/108

Appeal by Mary Walsh of Ballinahulla, Ballydesmond, County Kerry against the decision made on the 11th day of October, 2022 by Kerry County Council to grant subject to conditions a permission to Charles McGann 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: Retention of extension to rear of existing dwellinghouse and renewal and renovation works to existing dwellinghouse all as constructed. Retention of mechanical treatment system and polishing filter, as constructed, to serve the existing dwelling and permission to complete works to the dwelling, create new entrance with all associated works, all at Ballinahulla, Ballydesmond, County Kerry, as revised by the further public notices received by the planning authority on the 2nd day of August, 2022.

Decision

GRANT permission for the above development in accordance with the said plans and particulars for the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, extent and location of the development proposed to be retained and the proposed development, and the relevant provisions of the Kerry County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out 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 23rd day of June, 2022, the 2nd day of August, 2022, and the 14th day of September, 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, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the extension shall be the same as those of the dwellinghouse in respect of colours, materials and texture. All external finishes shall be neutral in tone, colours and texture.

Reason: In the interest of visual amenity.

3. (a) The entrance gates to the proposed dwellinghouse shall be set back not less than five metres from the centre of the existing front boundary fence. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees to the line of the front fence and shall not exceed one metre in height.
- (b) The proposed roadside boundary fence and wing walls shall consist of sod and stone or of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The new vehicular entrance, new roadside boundary and changes to the existing roadside boundary shall be carried out within three months of this grant of planning permission.

Reason: In the interest of traffic safety and visual amenity.


4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

5. Prior to occupation of the dwelling, detailed design proposals regarding surface water drainage arrangements shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety and to prevent pollution.



Mary Oregg

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

Dated this 18th day of January 2024.