

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/669

Appeal by Breda Crowley Brosnan care of Purtil Consulting Engineers of Listellick South, Tralee, County Kerry against the decision made on the 24th day of October, 2022 by Kerry County Council to grant permission, subject to conditions set out below, to Gerard Reidy of Chef Gerard Limited care of Oliver Daly Architects, 6 Church Street, Castleisland, County Kerry for development comprising retention of (a) additional area of external walkway (5.6 square metres) within the building, (b) two number first floor windows on the side eastern elevation, (c) one number ground floor window on the rear southern elevation, to use as a café/delicatessen, restaurant on ground floor with guest accommodation on first and second floor at 75-79 Main Street, Castleisland, County Kerry in accordance with the plans and particulars lodged with the said Council. The proposed development to be retained was revised by further public notices received by the planning authority on the 22nd day of September 2022.

Decision

GRANT permission for two number first floor windows on the eastern elevation and one number ground floor window on the rear southern elevation 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 the retention of, the additional area of external walkway (5.6 square metres) within the building based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the planning history relating to the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the windows proposed to be retained would not significantly detract from the amenities of adjoining property, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The windows shall be retained in accordance with the plans and particulars lodged with the application as revised by the further plans and particulars submitted on the 9th 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The windows in the eastern elevation proposed to be retained serving the storage area and bedroom number four shall be permanently fitted with obscure glazing with no openable section.

Reason: In order to protect the amenity of neighbouring property.

3. The developer shall control odour emissions from the premises. Drawings and full details of the extraction system including arrangements for the maintenance of the system shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

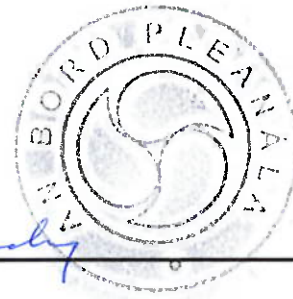
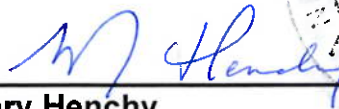
Reason: In the interest of public health and to protect the amenities of the area.

4. 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.

Reason and Consideration (2)

In deciding not to accept the Inspector's recommendation the Board considered for the purpose of clarity a split decision is appropriate, refusing retention of the additional area of external walkway within the building rather than omitting it by way of condition as recommended by the Inspector. The Board concurred with the Inspector's assessment that the covered walkway impacted on the amenity of the adjoining property and, therefore, does not accord with the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

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

Dated this *3rd* day of *January* 2024.