

An  
Bord  
Pleanála

Board Order  
ABP-317987-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 22927**

**Appeal** by Brian Looney and Stella Maloney of Valinor, Mill Road, Poulnamuck, Killarney, County Kerry, against the decision made on the 17<sup>th</sup> day of August, 2023 by Kerry County Council to grant, subject to conditions, a permission to Breda Hickey care of Hickey Design and Associates of 10 Priory Paddocks, Muckcross Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construct a dwelling house, ancillary services and area at Cloverfield, Muckcross Road, Killarney County Kerry. The proposed development was revised by further public notices received by the planning authority on the 21<sup>st</sup> day of July 2023.

## **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 Kerry County Development Plan 2022-2028, the site location in the settlement of Killarney, the planning history of the site, the scale and design of the proposed development and the surrounding pattern of existing and permitted development, it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to unacceptable impacts on visual amenity or residential amenity of surrounding neighbouring properties/occupiers or give rise to the creation of a traffic hazard. The proposed development is in keeping with the existing and permitted pattern of development, and 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 received by the planning authority on the 12<sup>th</sup> day of July 2023, 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. The proposed dwelling house shall be in accordance with the revised plans and particulars received on 12<sup>th</sup> day of July 2023. The roof shall be covered with slates or tiles which shall be either black, dark grey or blue

black. The colour of the ridge tile shall match the colour of the roof. All external finishes shall be neutral in tone, colour and texture. The use of white uPVC shall be prohibited on all windows, doors, soffits and gutters.

**Reason:** In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, the use of the proposed development shall be restricted to a dwellinghouse, and, no part of the proposed dwellinghouse shall be used for the provision of overnight commercial guest accommodation, unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity.

4. The proposed development shall not commence until site development works including the access road and footpath connection and associated lighting from the N71 Muckcross Road to the west of the site, the subject of planning permission granted under planning authority register reference number 22/883 number has been completed to the written satisfaction of the planning authority.

**Reason:** In the interests of proper planning and orderly development.

5. The proposed front (western) boundary wall shall consist of local natural stone as per surrounding properties, the exact, location and material of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to integrate effectively with development in surrounding area in the interest of visual amenity.

6. The rear boundary wall and northern flank boundary shall consist of concrete block wall capped and rendered. The exact dimensions, location and material of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to integrate effectively with development in surrounding area in the interest of visual amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of planting and landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to screen the development and assimilate it into the surrounding area, in the interest of visual amenity.

8. The water supply and drainage arrangements, including the alleviation and disposal of surface water shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of public health.

9. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

10. The in-curtilage parking spaces serving the residential unit shall be provided with an electric connection to the exterior of the house to allow for the provision of future electric vehicle charging point. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

11. All service lines to the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be laid underground.

**Reason:** In the interests of visual amenity and orderly development.

12. If, during the course of excavation works, any hazardous waste/material is encountered, the developer shall immediately notify the planning authority of same. Any and all hazardous waste/material (that is, asbestos, fluorescent tubes, et cetera) encountered during the course of demolition or excavation works shall be disposed of in an environmentally safe and appropriate manner and in accordance with the requirements of the appropriate legislation. All construction and demolition waste shall be disposed of in an environmentally safe and appropriate manner. Burning of shrink wrapping, cut-off material or other waste building material is strictly prohibited.

**Reason:** In the interest of orderly development and environmental protection.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

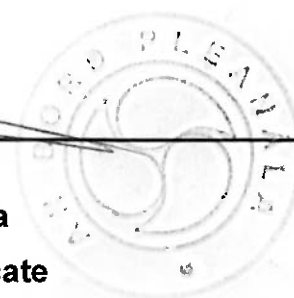
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

15. 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.

  
**Liam Bergin**

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



**Dated this 23<sup>rd</sup> day of *dean* 2024.**