



An
Bord
Pleanála

**Board Order
ABP-318021-23**

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23409

Appeal by Virginia Keogh of Newton Hill, Clarina, County Limerick and by Others against the decision made on the 25th day of August, 2023 by Kerry County Council to grant permission, subject to conditions, to Alia Greaney care of Sugrue Design of Ballinvosherrig West, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for (a) extend and renovate the existing dwelling, (b) provide first floor attic accommodation and (c) construct all associated site works at 19 Wine Strand Cottages, Ballinrannig, Ballyferriter, County Kerry as revised by further public notices received by the planning authority on the 31st 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, and the location, layout, scale and design, and wastewater arrangements, it is considered that the proposed development, subject to compliance with the conditions set out below, would not give rise to unacceptable visual or residential amenity, or environmental impacts, would be acceptable in terms of traffic safety and would be in keeping with the existing pattern of development. The proposed development 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 18th 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The proposed dormer protrusion to the roof space (north-east elevation) shall be omitted. A rooflight type window shall be installed in lieu of this. Details of the rooflight type window shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a dwellinghouse, unless otherwise authorised by a prior grant of planning permission.

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

5. 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.



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

Reason: In the interest of visual amenity and orderly development.

7. 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 which shall include, but not be limited to, construction vehicle access and routes, the parking of construction vehicles and storage of materials within the site, noise management and mitigation measures and off-site disposal of construction/demolition waste.

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

8. 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.

9. 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.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this 27th day of May 2024.