



An
Bord
Pleanála

Board Order ABP-318129-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/504

Appeal by Kathleen Clifford and Gary O'Mahony of 20 The Lodges, Killowen, Kenmare, County Kerry and by Paul and Joanne O'Connor of 21 The Lodges, Killowen Road, Kenmare, County Kerry against the decision made on the 6th day of September, 2023 by Kerry County Council to grant subject to conditions a permission to Des Casey care of Dwellspace Architectural of Killaha East, Kenmare, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of domestic shed and permission to construct a single storey domestic extension to the rear of dwellinghouse, including all necessary modifications to the existing dwellinghouse needed to facilitate the construction of the new extension and all necessary ancillary services works and site works, all at 15 The Lodges, Killowen, Kenmare, County Kerry, as revised by the further public notices received by the planning authority on the 16th day of August, 2023.

Decision

GRANT permission for the above 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 location, layout, scale and design of the proposed development and the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not give rise to unacceptable impacts on visual and residential amenity or the creation of a traffic hazard, would be in keeping with the existing 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 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 8th day of May, 2023 and on the 9th day of August, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The domestic shed proposed to be retained shall be used solely for that purpose only and not for any other purposes.

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

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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.



Joe Boland

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

Dated this 12TH day of April 2024.