



An  
Bord  
Pleanála

Board Order  
ABP-318982-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 23/756**

**Appeal** by Eileen Butler of 34 Fairway Heights, Tralee, County Kerry against the decision made on the 11<sup>th</sup> day of January, 2024 by Kerry County Council to grant subject to conditions a permission to Eamon and Sharon Reilly care of Brendan O'Connell and Associates of 11 Market Place, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolish existing dwellinghouse and build a private two-storey dwellinghouse and all associated site works at Sandhill Road, Ballybunion, County Kerry as amended by the revised public notice received by the planning authority on the 16<sup>th</sup> day of October, 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 nature, scale and location of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate with the existing streetscape, would not seriously injure the residential or visual amenities of the area, and would be in accordance with the relevant provisions of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Board had regard to the existing presence of a single storey dwelling on this constrained site between adjacent two-storey dwellings. The Board considered that the application achieved a balance between maintaining the existing building line and retaining the character of the streetscape while ensuring sufficient design features and mitigation measures to ensure the proposed development would not be overbearing and would not result in overlooking and loss of privacy.

## 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 27<sup>th</sup> day of September, 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 'possible' external exit stairs as indicated on drawing number 06 submitted to the planning authority on the 27<sup>th</sup> day of September, 2023 shall be omitted.

**Reason:** In the interest of clarity and in order to protect the residential amenity of properties in the vicinity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

4. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The landscaping scheme shown on drawing number 09, as submitted to the planning authority on the 3<sup>rd</sup> day of July, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

**Reason:** In the interests of visual amenity and biodiversity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual amenity.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

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

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

11. The developer shall pay to the planning authority a financial contribution of 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.

**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.



*Mary Currie*  
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**Mary Currie**

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

**Dated this 22 day of November 2024.**