



An  
Bord  
Pleanála

## Board Order ABP-319026-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 23/1105**

**Appeal** by Peter O'Donoghue of 64 Boherbee, Tralee, County Kerry against the decision made on the 16<sup>th</sup> day of January, 2024 by Kerry County Council to grant subject to conditions a permission to Martin Gilroy care of SJK Engineering and Surveying Limited of Dun Mara, Schoolfield, The Spa, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolish existing storage sheds as constructed to rear of existing dwellinghouse. Permission to renovate/alter the internal layout of the existing dwellinghouse with associated elevational changes to rear and permission to construct a single storey extension to the rear of the existing dwellinghouse all with associated works, all at 67 Boherbue, Tralee, County Kerry.

### 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 location of the site on the edge of the Tralee town centre on 'M1 Mixed Use, general development, opportunity, proposal site' zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with sustainable re-use of the existing building stock, as encouraged in Objective KCDP 4-34 of the Kerry County Development Plan 2022-2028, would positively impact on the visual amenities of the area, particularly as viewed from adjoining properties, would not have adverse impacts on the adjacent amenities of adjoining properties, and would not have a detrimental impact in terms of traffic congestion/road safety issues by reason of significant increased demand on the existing on-street car parking provision. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed extension shall be reduced in depth by two metres by the omission of the proposed rear en-suite bedroom to the western boundary at ground floor level and reconfiguring the proposed bedroom at the eastern boundary. Permission is hereby granted for five number en-suite bedrooms only.
- (b) Direct doorway access shall be provided from the hall into the enlarged rear amenity space, in lieu of the proposed en-suite bedroom, from the proposed corridor.
- (c) The fenestration to the rear elevation shall be revised to omit the doorway access from the proposed rear en-suite bedroom (adjacent to the eastern boundary) at ground floor level.

Revised drawings showing compliance 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 residential amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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:** In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. The existing dwelling and the 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.

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.



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Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board

Dated this 6<sup>th</sup> day of December 2024.