

An
Bord
Pleanála

Board Order
ABP-319618-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/762 (Listowel)

Appeal by Frances Murphy care of Ross Planning and Design of Rossanean, Currow, Killarney, County Kerry against the decision made on the 3rd day of April, 2024 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: Construction of a new site entrance with splayed entrance walls and new entrance gates, including all associated ancillary site works and boundary treatment at Shronebeirne, Listowel, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 8th day of March, 2024.

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 Transport Infrastructure Ireland (TII) publication DN-GEO-03031, the revised speed limits on the L-1023 from 80 km/h to 60 km/h (commenced in February 2025 under the Road Traffic Act 2024), and the existing ad hoc dwelling access arrangements, it is considered that, subject to compliance with the conditions set out below, the proposed development would improve public safety by reason of reducing a traffic hazard in eliminating the parking of vehicles along the layby in the front of the dwelling. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board decided not to accept the Inspector's recommendation to refuse permission. In relation to the one specific issue raised in the Inspector's recommended refusal reason, that being that the proposed development would endanger public safety by reason of a traffic hazard because of the traffic turning movements the development would generate on the road at a point where sightlines are restricted in a south-easterly direction, the Board is satisfied that, given the reduction in speed limits from 80 km/h to 60 km/h on local roads which came into effect in February 2025 under the Road Traffic Act 2024, a relaxation of the desirable minimum stopping distance (DMSD) of the 90 metres sightlines to the south-east to the achievable 80 metres sightlines based on the information submitted with the application, is in accordance with the DN-GEO-03031, Section 1.8 relaxation principle. The Board also concurred with the Inspector's assessment that the proposed access arrangements would be safer than the current situation where vehicles are parked along the roadside layby in front of the existing dwelling.

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 23rd day of February 2024, 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. (a) The entrance gates to the house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.
- (b) Detailed elevation drawings of the proposed front boundary at a scale of 1:100 to include finishes, the exact height and locations of walls and piers, and details of proposed planting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

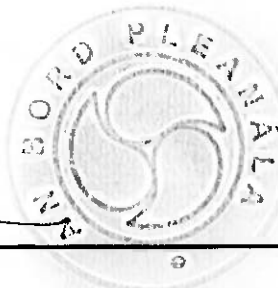
- (c) The access driveway to the house shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety, to prevent flooding and pollution and in the interest of visual amenity.



Emer Maughan

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



Dated this 26th day of February 2025.