

An
Coimisiún
Pleanála

Commission Order
ABP-319651-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

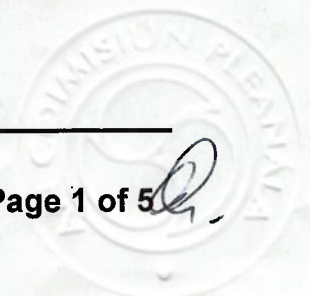
Planning Register Reference Number: 2460090

Appeal by Colm and Jane O'Loughlen care of David King Planning of Collorus House, Lauragh, Kenmare, County Kerry against the decision made on the 11th day of April 2024 by Kerry County Council to refuse a permission.

Proposed Development: Retention permission to retain extension to the rear and material alteration to the side and rear elevations and planning permission to complete retained extension and completion of widening of existing entrance and all associated site works all at at Com Dhineol, Dun Chaoin, Tra Li, Contae Chiarrai.

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.



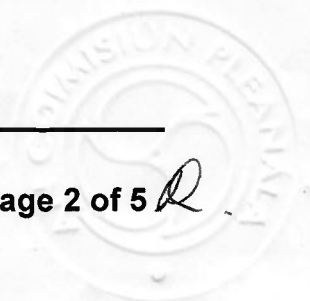
Reasons and Considerations

Having regard to the specific location of the site where a previous dwelling existed, within a natural fold in the landscape which reduces direct views of the building, to the proposed upgrade of the existing septic tank and waste water treatment system and to the reduced rural road speed limit, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed for retention would not seriously injure the visual amenity of the area and would not significantly diminish the character of the landscape, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development and development proposed to be retained 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 An Coimisiún Pleanála on the 14th day of May 2025 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 septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) The location of the mechanical Aeration Unit shall be confirmed with the planning authority prior to commencement of the proposed development.
- (d) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to the soakpits identified in the plans and particulars. The location of the soakpits shall be confirmed with the planning authority prior to commencement of the proposed development.
- (b) The access driveway/car parking area to the development to be retained and completed shall not be covered in tarmacadam and shall be constructed using permeable gravel finish and provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage. The details shall be submitted and confirmed with the planning authority prior to commencement of the proposed development.

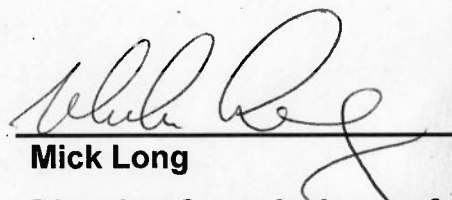
Reason: In the interest of sustainable drainage, to prevent flooding or pollution and traffic safety.

4. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. 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 immediately upon the commencement of development to be completed 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 Coimisiún 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.



Mick Long

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 20 day of August 2025.