



An
Coimisiún
Pleanála

Commission Order
ABP-320749-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/1115

Appeal by Eoghan O'Brien of Maryville, Ross Road, Killarney, County Kerry against the decision made on the 15th day of August, 2024 by Kerry County Council to grant subject to conditions a permission to Laura Moynihan care of Davide Mosca Design of 95 New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish the garage ground floor with external alterations, construct a new extension to front, rear and side of dwellinghouse and modify alter and extend to incorporating same to dwellinghouse, construct gym/storage area with all associated site services, all at Scrahan Court, Ross Road, Killarney, Count Kerry, as revised by the further public notices received by the planning authority on the 19th day of July, 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 the urban location of the site, the relevant provisions of the Kerry County Development Plan 2022-2028, including, inter alia, Section 1.5.6.1 (Extensions to Dwellings), the totality of information submitted, including all third-party submissions, notwithstanding Section 3.4 of the Inspector's report, and the design and scale of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the general amenity and architectural quality of the area, would not seriously injure the visual or residential amenities of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered that the Inspector's recommended condition in relation to the demolition and rebuilding of the front boundary wall should be omitted as this work is not required to facilitate the proposed development and there are other mechanisms open to the planning authority to widen the footpath at this location.

Conditions

1. The proposed 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 5th day of July, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The proposed east-facing first-floor en-suite window glazing shall be manufactured opaque glass and shall be permanently maintained.

Reason: In the Interest of residential amenity.

4. The gym/store shall be used only for domestic purposes ancillary to the dwellinghouse and not for any commercial use or for habitation.

Reason: To regulate the use of the site.

5. 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.

6. Site development and building works shall be carried out only between 0700 to 1900 hours 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.

7. Prior to commencement of development, the developer shall submit details of a Construction Management Plan for the written agreement of the planning authority. The plan shall provide details of intended construction practice for the proposed development, including traffic management, noise and dust management, and off-site disposal of construction/demolition waste. The proposed development shall be carried out in accordance with the written agreed details.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity and public safety.

8. 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 the 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 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.



Emer Maughan

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

Dated this *26th* day of *September* 2025.