



An
Bord
Pleanála

Board Order
ABP-321298-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2460695

APPEAL by Thomas, Breda and Mary King of The Farm, Clash West, Tralee, County Kerry against the decision made on the 7th day of October 2024 by Kerry County Council to grant, subject to conditions, a permission to KPH Construction care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development: The construction of a residential development of 256 number residential units with ancillary two storey crèche, landscaping and associated site development works. The proposed development includes the demolition of an existing single-storey dwelling and associated shed and makes provision for 138 number two storey houses, comprising 88 number semi-detached units (76 number three-bed units and 12 number four-bed units) and 50 number three-bed terraced units and 118 number maisonette units over 2 number storeys (50 number one-bed units, 68 number two-bed units). Ancillary infrastructure development works will include wastewater infrastructure, surface water attenuation, water utility services, public lighting, bin stores, bicycle stores, three number ESB substations, and all associated site development works. Vehicular access to the development will be via one number new entrance and the reconfiguration of an existing entrance off

Clash Road (L2016). The proposed development also includes a separate pedestrian/cycle entrance off Clash Road. The proposal includes dedicated pedestrian and cycling paths traversing the site and setback provision is made along the site's frontage with Clash Road to facilitate a future cycle infrastructure network, at Clash Road, Muing East (Townland), Tralee, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The Board considered the design and layout of the maisonettes/duplexes, which comprise circa 46% of the total number of residential units within the proposed development, are poorly considered with respect to their relationship with private/communal amenity and open spaces provided within the scheme. There is a lack of communal open space to serve the duplex/maisonette units and the design and quality of the private open space for the first floor duplexes, which are of minimum size with the overhanging balcony to the front of buildings, and for ground floor duplexes, which are generally under the overhead balcony, directly adjacent to the public realm and with no privacy strip, would not compensate for the lack of communal open space and would result in a substandard level of amenity for future residents.

The proposed development, by reason of its inadequate qualitative and quantitative provision of both private and communal open space for the maisonettes/duplexes, would conflict with the provisions of the Kerry County Development Plan 2022-2028 incorporating the Tralee Town Development Plan, and with the minimum standards recommended in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Marie O'Connor

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

Dated this 19 day of March 2025.