

An
Bord
Pleanála

Board Order ABP-321539-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60796

Appeal by John Clifton of The Demesne, Ross Road, Killarney, County Kerry and by Andrew Duggan care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 10th day of December, 2024 by Kerry County Council to grant subject to conditions a permission to Florence and Padraig McCarthy care of John Hickey of 10 Priory Paddocks, Muckross Road, Killarney, County Kerry.

Proposed Development: Construction of a two-storey building containing one number one-bedroom apartment at first floor level and one number retail unit at ground floor level and ancillary services and areas, including bike and bin store area, all at Dodd's Lane, High Street, Killarney, County Kerry.

Decision

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies of the planning authority as set out in the Kerry County Development Plan 2022-2028,
 - (b) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024),
 - (c) the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023),
 - (d) the nature, scale and design of the proposed development, as set out in the planning application, the planning history pertaining to the site and the pattern of development in the vicinity,
 - (e) the submissions made to An Bord Pleanála in connection with the appeal, and
 - (f) the report of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.
1. Having regard to the constrained nature of the receiving environment, the layout of the proposed building and the planning history pertaining to the site, the Board is not satisfied that the proposed development would be in accordance with the provisions of the Kerry County Development Plan 2022-2028, as it relates to the town of Killarney, in terms of facilitating the sustainable regeneration and renewal of sites in the town centre and the revitalisation of the public realm and laneways in Killarney. The Board considered that the proposed development, on its own merits and cumulatively with the development granted under planning register reference number 21/1195 (ABP-314925-22), would result in an uncoordinated piecemeal development with an unsatisfactory juxtaposition of buildings. The Board further considered that the elevational treatment is bland, lacks articulation and liveliness and is of insufficient architectural quality, and, in conjunction with the absence of landscaping proposals and upgrades to the public realm area of Dodd's Lane,

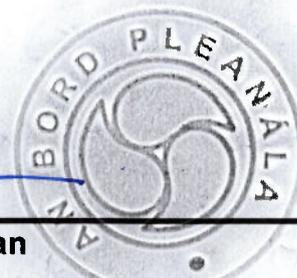
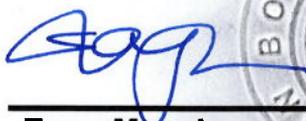
would militate against an attractive pedestrian environment and would be contrary to Objectives KA 10, KA 35, KA 37 and KA 40 of the Kerry County Development Plan 2022-2028. The proposed development would constitute a substandard form of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the layout of the proposed development with a residential unit at first floor level, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants by the inadequate provision of good quality open space and by reason of the scale, bulk, proximity and overbearing impact of the adjacent three-storey mixed-use building granted under planning register reference number 21/1195 (ABP-314925-22). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation submitted with the planning application, the planning history pertaining to the site, along with the specific wording of the statutory development plan. The Board agreed with the Inspector that the proposal for retail use at ground floor provides for an appropriate use to achieve the objectives of the statutory plan; however the Board did not consider that the proposed development would deliver "a quality urban environment" in accordance with the policy of the Kerry County Development Plan 2022-2028 on M2 zoned lands to consolidate the existing fabric of the core/central areas of settlements by densification of appropriate commercial and residential developments as set out in refusal reason number 1 above.

Furthermore, the Board was not satisfied that the proposed development would be acceptable in relation to daylight and sunlight for future occupants of the proposed apartment as the majority of the windows in the proposed development are in very close proximity to the gable of the three-storey mixed-use development permitted under planning register reference number 21/1195 (ABP-314925-22) and all windows have a singular easterly aspect and would, therefore, fail to meet the criteria set out in Sections 6.5 and 6.7 of the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (Apartment Guidelines).

In addition, the Board considered that the proposed balcony does not meet the requirements of Section 3.35 of the Apartment Guidelines in relation to optimising solar orientation and that the overall design quality of the proposed apartment fails to meet the standard set out in Section 3.39 of the guidelines to mitigate against the poor quality of the private amenity space which takes the form of an east-facing balcony fronting onto an existing constrained laneway in close proximity to the southern site boundary. It was determined, therefore, that a refusal of permission was warranted as set out in the reasons stated.



Emer Maughan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 8th day of April 2025.