

An
Coimisiún
Pleanála

Commission Order
ABP-321542-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/114

Appeal by David Browne and Siobhan Lankford care of BDM Boylan of Clarke's Bridge House, Hanover Street, Cork against the decision made on the 2nd day of December, 2024 by Kerry County Council to grant subject to conditions a permission to Kacey and Tim O'Sullivan care of John O'Riordan Architectural Design of The Hollies, Coolroe Lower, Glenbeigh, County Kerry.

Proposed Development: Demolish existing derelict dwellinghouse. Construct two number semi-detached dwellinghouses in its place. Create a new access driveway and parking, while existing access will become pedestrian access only, together with all associated site works, all at Rossbehy, Rossbeigh, Glenbeigh, County Kerry.

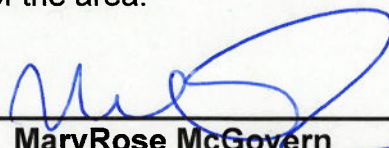
Decision

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

Reasons and Considerations

On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Castlemaine Harbour Special Protection Area (Site Code 004029) and Castlemaine Harbour Special Area of Conservation (Site Code 000343), in view of the Conservation Objectives of those sites. An up-to-date, development specific Natura Impact Statement has not been submitted with the application and, consequently, scientific doubt remains as to the absence of adverse effects on these European Sites arising from the proposed development. In such circumstances the Board is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

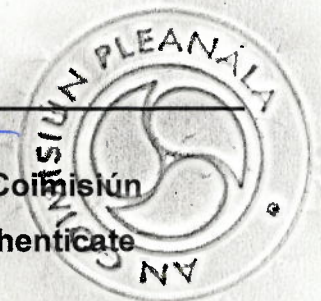
The Commission disagreed with the Inspector that the proposed development would fail to be adequately absorbed and integrated into the landscape at this location, and did not consider it would constitute a visually discordant feature in its surroundings, or that it would set an undesirable precedent for other such prominently located development in the vicinity. The Commission was in agreement with the planning authority that, subject to conditions, the proposed development, would not be visually obtrusive in its context and would not seriously injure the amenities of the area.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 14th day of November 2025.