

An  
Bord  
Pleanála

**Board Order**  
**ABP-321613-25**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2360444**

**APPEAL** by Mary Guerin care of Niall Lyne Architectural Design Studio of 12 Maple Drive, Deerpark, Killarney, County Kerry against the decision made on the 11<sup>th</sup> day of December, 2024 by Kerry County Council to grant, subject to conditions, a permission to Vincent Casey care of John Hickey of 10 Priory Paddocks, Muckross Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolish existing dwellinghouse and garage. Construction of six number two-bedroom apartments and one number three-bedroom apartment. Construction of new site entrance, parking, ancillary services and areas, all at Poulnamuck, Muckross Road, Killarney, County Kerry.

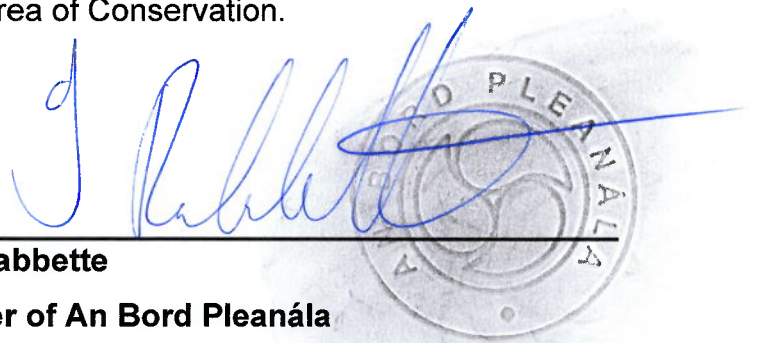
## **Decision**

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

## **Reasons and Considerations**

1. Having regard to the limited separation distances being provided between a number of windows to habitable rooms in the proposed development and the northern site boundary, it is considered that the proposed development would adversely impact upon the residential amenity of the property on lands adjoining to the north by way of overlooking and loss of privacy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the inadequate information provided with the application, including the failure to submit an Appropriate Assessment Screening Report, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed development, the Board considered that the separation distances between the proposed development and the dwelling on lands adjoining to the north (which includes both tourist accommodation and a private residence) are insufficient to protect the amenities of that adjacent dwelling. The Board noted that there were alternative design solutions to protect the residential amenity of that dwelling to the north, noting, inter alia, the separation distances being provided between the proposed apartment development and the existing dwelling on the associated landholding to the south. Furthermore, the Board considered there was inadequate information on file to carry out an Appropriate Assessment Screening, the application did not include a Screening Report. The Board had concerns that amendments and conditions may be construed as mitigations for the purposes of protecting the qualifying interests of the Special Area of Conservation.



**Tom Rabbette**

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

Dated this

7<sup>th</sup>

day of

May

2025.