

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2460778

APPEAL by John Griffin care of Noonan Consulting Engineers Limited of Knocknaboola, Killorglin, County Kerry against the decision made on the 31st day of January, 2025 by Kerry County Council to grant permission, subject to conditions, to Joseph O'Sullivan care of Declan Sugrue, Office Light, 5 West Main Street, Caherciveen, County Kerry for the proposed development.

Proposed Development: Construct a dwellinghouse and private domestic garage to be served by a mechanical treatment tank and percolation area, new entrance and all associated site works at Knockeenawaddra, Portmagee, County Kerry.

Decision

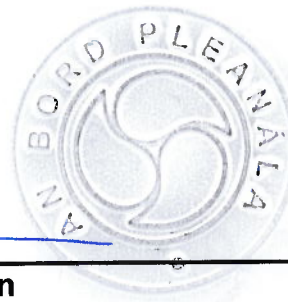

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Notwithstanding the proposal to use a tertiary treatment system and infiltration area and having regard to ground conditions within the site, the Board is not satisfied that it has been adequately demonstrated that

effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the Environmental Protection Agency's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). The proposed development would be at variance with Objective KCDP 13-19 (Water and Waste Management) of the Kerry County Development Plan 2022-2028, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the location of the subject site which is approximately 200 metres to the south of an area designated as a 'Visually Sensitive Area', and having regard to the elevated and open nature of the site relative to the nature of the adjoining landscape, to the scale and height of the proposed dwelling and garage, the design of the proposed dwelling which doesn't adhere to the 'Building a house in Rural Kerry Design Guidelines 2009' in terms of siting, mass and building form, and would therefore be at variance with KCDP 5-22 (design of rural houses), and KCDP 11-78 (protecting landscapes), it is considered that the proposed development would appear incongruous on the landscape, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.



Emer Maughan

Member of An Bord Pleanála

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

Dated this 12th day of June 2025.