



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2460316

Appeal by Sabrina O'Toole and Bruce Antoniotti of 4 The Colony, Ventry, County Kerry against the decision made on the 23rd day of January 2025, by Kerry County Council, to grant permission, subject to conditions, to Eilis and Marc Ó Broin care of Moriarty and Bambury of Kilcooly, Ballydavid, Dingle, County Kerry for the proposed development.

Proposed Development: Permission to include (a) the demolition of the existing flat roof extension and lean-to shed structure to the rear, (b) the construction of a part single, part two storey extension to the rear, and (c) the full refurbishment and part reconfiguration of the existing house and all associated ancillary and site works at The Colony, Ventry, Dingle, County Kerry as revised by further public notices received by the planning authority on the 19th day of December, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension and the provisions of the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6th day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission does not authorise works to the existing shed structure to the rear of the site.

Reason: In the interest of clarity.

3. Prior to commencement of development the developer shall submit revised plans and drawings to the planning authority for written agreement in relation to the following;

The width of the ground floor extension serving the kitchen/dining area at the eastern elevation, shall be reduced by 0.5 metres.

Reason: In the interest of the protection of the adjoining residential amenities.

4. The first-floor roof areas shall not be used as a balcony, roof terrace or garden area.

Reason: In the interest of residential amenity.

5. The external finishes of the proposed extension shall be as specified on the plans and drawings received by the planning authority on the 6th day of December 2024 unless otherwise agreed, in writing, with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The proposed development shall not overhang any adjoining third party properties.

Reason: To safeguard residential amenity and in the interest of orderly development.

7. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

8. Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction demolition waste.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Declan Moore

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

Dated this day of 2025.