



An
Coimisiún
Pleanála

Commission Order

ABP-322035-25

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/203

Appeal by Eoin O Muircheartaigh of Feothanach, Baile na nGall, Tra Li, Contae Chiarrai against the decision made on the 11th day of February, 2025 by Kerry County Council to grant subject to conditions a permission to Cuan Granville of John Street, Dingle, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbishment and alterations to an existing two-storey house and the construction of a two-storey extension to the side of the existing house, a new wastewater treatment system, new front boundary wall and gates and all ancillary site works, all at Feohanagh, Ballydavid, Tralee, County Kerry, as revised by the further public notices received by the planning authority on the 16th day of January, 2025.

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 nature, design and scale of the proposed development relative to the existing vernacular two-storey dwelling on site, the pre-established use of the site for use as a dwellinghouse, the Rural General landscape site classification, the provisions of the Kerry County Development Plan 2022-2028, including, inter alia, Objectives KCDP 5-22, KCDP 5-25, KCDP 5-26, KCDP 5-27, KCDP 8-46, KCDP 11-77 and KCDP 11-78, and Building a House in Rural Kerry Design Guidelines (2009), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not result in traffic hazard issues, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered and acknowledged the detailed assessment of the proposed development in the Inspector's report; however, the Commission disagreed with the Inspector's view that the proposed extension is not subsidiary to the main house or that it does not adhere to KCDP 5-22 of the development plan in relation to compliance with the Building a House in Rural Kerry Design Guidelines (2009). The Commission considered that the extension is subservient to the existing house by virtue of the lower ridge height and stepped plan, the narrow plan and roof pitch of the proposed two-storey element which matches the existing house and the single storey link which visually separates the new extension from the existing house, thus allowing the form of the original to take prominence. In addition, the proposed material palette with muted colours and slate and zinc roofing for the new extension would harmonise with the main house. The Commission did not consider that the design is suburban or fussy and considered that the design of the proposed extension has due regard for the vernacular traditional form of the existing dwellinghouse and the topography of the land and agreed with the views of the planning authority that the proposed development would integrate satisfactorily with the receiving landscape.

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 19th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a plan to scale of not less than 1:500 showing:
 - (a) Existing trees, hedgerows and ditches specifying which are proposed for retention as features of the site landscaping.
 - (b) The measures to be put in place for the protection of existing landscape features during the construction period.
 - (c) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (d) Details of boundary treatments, planting, tree and vegetation retention.
 - (e) Hard landscaping works, specifying surfacing materials and finished levels.

Reason: In the interest of visual amenity.

3. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of, and be agreed in writing with, the planning authority for such works and services prior to commencement of development.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The construction of the proposed 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 proposed development, including management measures for noise, dust and dirt and off-site disposal of construction/demolition waste.

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

8. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. The use of the extended dwelling shall be as a private permanent all year-round private residence and shall not be used as a holiday or second home.

Reason: In the interest of the proper planning and sustainable development of the area.

10. All service cables associated with the proposed development, such as electrical and telecommunications, shall be located underground.

Reason: In the interest of visual and residential amenity.

11. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

12. External lighting shall be properly cowled and directed away from the public roadway and shall not be visible from any point more than 100 metres from the light.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

13. 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 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.



Emer Maughan

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 20th day of June 2025.