



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322631-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560137**

**Appeal** by Paul Lyne of Cooil East, Valentia Island, County Kerry against the decision made on the 2<sup>nd</sup> day of May, 2025 by Kerry County Council to grant subject to conditions a permission to Maik Barthel care of Ger O'Keefe Consulting Engineers Limited of Friary Lane, 4 Day Place, Tralee, County for development comprising retention and permission to complete partly constructed extension to the south side of the dwellinghouse consisting of sauna, hot tub room, toilet and plant room all ancillary to the use of the dwellinghouse. Retention of minor elevational changes, including addition of stone façade around the geothermal plant room, boundary wall along the front and north sides of the site, and permission to erect stone boundary wall on the east and south sides of the site to match the existing boundary wall on the north side, all at Glenearagh, Glen, Emlaghmore, County Kerry.

## **Decision**

**GRANT permission for for retention and permission to complete partly constructed extension to the south side of the dwellinghouse consisting of sauna, hot tub room, toilet and plant room all ancillary to the use of the dwellinghouse. Retention of minor elevational changes, including addition of stone façade around the geothermal plant room in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention permission for the boundary wall along the front and north sides of the site, and permission to erect stone boundary wall on the east and south sides of the site to match the existing boundary wall on the north side based on the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

Having regard to the nature, scale, siting, and design of this element of the proposed development to be retained; the characteristics of the site as a whole; the provisions of the Kerry County Development Plan 2022-28; it is considered that, subject to compliance with the conditions set out below, this element of the proposed development to be retained would not have any significant adverse impact on the amenities of adjoining properties, or on visual amenity, would not be prejudicial to public health or the environment, and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of the development proposed for retention shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The retention of the boundary wall along the front and north sides of the site, and permission to erect stone boundary wall on the east and south sides of the site to match the existing boundary wall on the north side is not included as part of this permission.

**Reason:** The boundary wall to be retained and the proposed boundary wall is considered incongruous in this visually sensitive landscape that is categorised as an area of high sensitivity in the Kerry County Development Plan.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to completion of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

## Reasons and Considerations (2)

The Boundary wall to be retained and the proposed boundary wall to be erected due to its design, height, scale and extent is out of character with the rural setting and is unduly obtrusive at this location and therefore detracts from this visually sensitive landscape. The wall to be retained and constructed does not accord with policy KCDP11-78 which is to protect the landscape of County Kerry and is not in accordance with the development management requirements for boundary treatment as set out in Volume 6, Section 1.5.10.2 of the Kerry County Council Development Plan 2022-2028. The development as proposed, therefore, would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the retention of the boundary wall along the front and north sides of the site, and permission to erect stone boundary wall on the east and south sides of the site to match the existing boundary wall on the north side the Commission did not concur with the Inspectors that the materials and following the contours adequately ameliorated the impact of the scale, extent and height of the wall and considered that the nontraditional style of wall at this location, which is identified in Table 7.2 of the Landscape Review, Volume 1 Appendices Kerry County Development Plan 2022-2028 to be of high sensitivity, detracts from the visual amenity of the area. The Commission also considered the planning history on the file, and the fact that the previously permitted boundary treatment substantially accords with the Development Plan policy for boundary treatment unlike what is currently proposed for retention and construction.

  
Mary Henchy

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 17<sup>th</sup> day of September 2025.