

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322674-25

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560203.**

**Appeal** by Brian and Caroline Fouhy of 9 Fuchsia Drive, Church Road, Ballybunion, County Kerry against the decision made on the 14<sup>th</sup> day of May, 2025 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Retention permission to retain the existing partially completed building on site and planning permission to (a) complete the building on site as a new end of terrace dwelling; (b) construct a vehicular site entrance and (c) construct all associated site works at number 12(A) Fuchsia Drive, Church Road, Ballybunion, County Kerry.

## **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 provisions of the Kerry County Development Plan 2022-2028, including the residential zoning of the site and the parameters set out in Section 1.5.6.3 Corner/Side Garden Sites, Section 1.20.2 Parking, and the guidance set out in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that subject to compliance with the conditions set out below, the proposed development and development proposed to be retained, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out 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 prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. The proposed second floor shall be omitted. Prior to the commencement of development, the applicant shall submit to the planning authority, for their written agreement, amended plans, sections and elevations indicating the omission of the second floor.

**Reason:** It is considered that the second floor as proposed is poorly integrated with the proposed dwelling, specifically, it results in rear and side elevations that detract from the overall design of the dwelling on the site and adversely impacts on the visual amenity of the receiving environment.

3. The proposed development and development proposed to be retained shall be used as a permanent dwelling, and not as a holiday home or for provision of commercial overnight guest accommodation, unless otherwise authorised by a prior grant of planning permission.

**Reason:** To clarify the extent of the permission as advertised in the public notices, and in the interests of neighbouring residential amenity.

4. Details of boundary treatments, gates, and landscaping, to comply with the standards set out in Section 1.5.7.6 Off-street Parking in Residential Areas of the Development Management Standards and Guidelines of the Kerry County Development Plan 2022-2028, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity, and compliance with Development Plan policy and standards.

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

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement 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:** In the interest of public health.

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

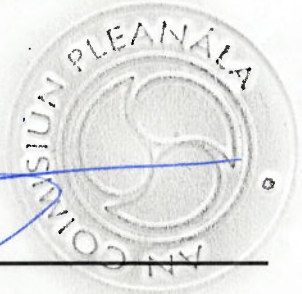
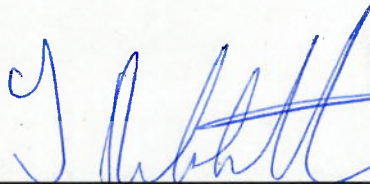
**Reason:** To safeguard the amenity of property in the vicinity.

8. The developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the developer proposes to build over or divert existing water or wastewater services the developer shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

**Reason:** To provide adequate water and wastewater facilities.

9. 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.



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**Tom Rabbette**

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

Dated this 25<sup>th</sup> day of Sept. 2025.