

An
Coimisiún
Pleanála

Commission Order
ACP-323125-25

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 2560387

Appeal by David Sowerby and Rachel Kissane of 'Stag's Oak', Ross Road, Killarney, County Kerry against the decision made on the 2nd day of July, 2025 by Kerry County Council to grant, subject to conditions, a permission to Colm Falvey and Elana Friel care of John Barry of Killaha East, Kenmare, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey dwellinghouse and all necessary ancillary services works, and site works to replace the current planning permission for dwellinghouse number two previously permitted under Kerry County Council Register Reference Number 20/524 at Ross Road, Killarney, 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, to the nature and scale of the development and to the existing pattern of development in this area, 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 development shall be 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference Number 20/524 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed dwellinghouse shall be in accordance with the plans and particulars submitted with the application. The roof shall be covered with slates or tiles which shall be either black, dark grey or blue black. The colour of the ridge tile shall match the colour of the roof. All external finishes shall be neutral in tone, colour and texture. The proposed window opening serving the stairwell shall be fitted with frosted/opaque glass. The corner window serving the master bedroom at first floor level shall be omitted and shall be replaced by a standard window with a northwestern facing opening only. Revised Floor Plan and Elevation Drawings shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interests of architectural harmony and residential amenity.

4. The 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 written agreement of the planning authority.

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

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

7. All boundary fences behind the front building line of the dwelling shall be a concrete block wall capped and plastered and shall be 1.8 metres in height.

Reason: In the interest of orderly development and residential amenity.

8. The new wing walls that form the proposed entrance shall be constructed of native stone to match the stone of the existing wall along Ross Road.

Reason: In the interest of visual amenity and the heritage of the area.

9. Prior to commencement of development a comprehensive landscaping scheme shall be submitted for the written agreement of the Planning Authority. The scheme shall include details of trees to be retained, including the mature beech tree west of the entrance, unless justification for removal, including a tree condition survey carried out by a qualified arboriculturist, is submitted to and agreed by the Planning Authority. All landscaping shall be carried out prior to the first occupation of the dwellinghouse. Prior to commencement of development, all the trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum radius of two metres from the trunk of the tree. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing.

Reason: In order to integrate the structure into its setting and in the interests of biodiversity.

10. 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. The contribution shall be paid prior to the 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 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.

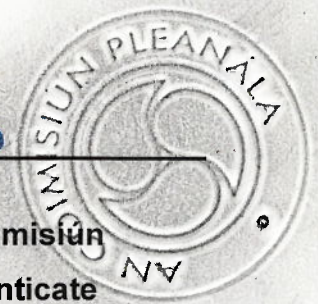
Eamonn James Kelly

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this *25th* day of *November*, 2025