



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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560546**

**Appeal** by Mark Sullivan and Patricia O'Connor against the decision made on the 20<sup>th</sup> day of August, 2025 by Kerry County Council to grant permission consequent on the grant of outline permission subject to conditions to Shane Conway, David Byrne, Mary Ann McMahon and Anthony Bennett in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission consequent on the grant of outline permission reference number ABP-315408-22 (22/371) for three dwellings on three separate sites with individual vehicular entrances from Cliff Road and with one number proposed single-storey dwelling at rear, accessed from Spraymount Road laneway to existing rear vehicular entrance to overall site, at Cliff Road, Ballybunion, County Kerry.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

Having regard to the design and scale of the proposed development and the separation distances to adjoining properties, it is considered that the proposed development would adversely affect the residential amenity of properties adjoining the site, and of dwelling number 4 within the site, by reason of overlooking and loss of privacy. The proposed development would not accord with Section 1.5.4.7 of the Kerry County Development Plan 2022-2028 which aims to ensure that residential development is designed to protect privacy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered that the changes in the footprint of the proposed dwellings to that granted in the outline permission was significant and that there was insufficient separation distance to the rear boundaries of sites 1, 2 and 3 to prevent overlooking of the appellant's property as well as the proposed dwelling on site number 4 which would interfere the privacy and residential amenity of these properties. The Commission further considered that the mitigation measures recommended by the Inspector to prevent overlooking, in particular the incorporation of permanent frosted/opaque glass to the second-floor bedroom windows on site numbers 1-3 and the first-floor kitchen window on site number 2, would result in a poor standard of residential amenity for future occupants. Having regard to the overall size of the site, the scale of the proposed dwellings and the large setback from the main road, the Commission considered that this level of mitigation and the diminution of residential amenity for future occupants should not be necessary and could not be resolved by condition.



Dated this 19 day of January 2026.