



An
Coimisiún
Pleanála

**Commission Order
PL-500138-KY**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60533

Appeal by Nuala and Tim Coffey and Decklin O'Driscoll against the decision made on the 2nd day of October, 2025 by Kerry County Council to grant, subject to conditions, a permission to Amy Murphy and Galen Carroll in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached two-storey dwelling house served by connection to existing mains surface and foul water services together with all associated site works at 94 Lackabane Village, Fossa, Killarney, County Kerry, as revised by the further public notices received by the planning authority on the 5th day of September, 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 residential zoning and planning history of the site, the pattern of development in the area and the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development 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, as amended by the further plans and particulars received by the planning authority on the 28th day of August 2025, 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. The roof colour of the proposed house shall be blue-black, black or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. (a) Any damage to the adjoining public footpath/roadway as a result of the proposed development shall be made good at the developer's expense to the satisfaction of the planning authority.
- (b) Appropriate measures shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.

Reason: In the interests of orderly development and public safety.

5. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) 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. (a) The proposed window serving the living room at ground floor level on the western elevation shall be obscure glazed.
- (b) The obscure glazed screens of 1.8 metres in height shall be installed on both sides of the rear terrace prior to occupation of the dwelling and retained thereafter.

Reason: To prevent overlooking of adjoining residential property.

7. Prior to the commencement of development, details of the proposed fencing to be added to the southern boundary of the site, including its height and appearance, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential and visual amenity.

8. The landscaping scheme shown on the Site Layout Plan, as submitted to the planning authority on the 28th day of August 2025, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. 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 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.

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, as amended. 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, 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.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *24th* day of *February*, 2026

