



An
Coimisiún
Pleanála

**Commission Order
PL-500387-KY-25**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 2560560

Appeal by Garrett and Anne J. Sayers against the decision made on the 5th day of November, 2025 by Kerry County Council to grant, subject to conditions, a permission to Dermot and Mary Dillane in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Planning permission to (a) extend and renovate the existing dwelling, (b) demolish the existing attached garage, (c) construct a new garage to the rear of the site, and (d) construct all associated site works at 37 Ard na Lí, Clounalour, Oakpark, Tralee, County Kerry as revised by further public notices received by the planning authority on the 9th day of October, 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 provisions of the Kerry County Development Plan 2022-2028, the character of the street, the scale and nature of the domestic development, and the suburban context, it is considered subject to compliance with the conditions set out below, that the proposed development, would not seriously injure the residential or visual amenities of the area 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, as amended by the further plans and particulars received by the planning authority on the 15th day of September 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 external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. (a) The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.
(b) Any damage to the adjoining public footpath/roadway as a result of the development shall be made good at the developer's expense to the satisfaction of the Area Engineer.

Reason: To avoid a traffic hazard and protect public property.

4. 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 and surface water management.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed shed shall be restricted to domestic storage only (as specified in the lodged

documentation), and not for any commercial, habitation or agricultural uses, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of residential property in the vicinity.

6. The dwelling house and proposed garage shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

Reason: To regulate and control the density of development on this site, in the interest of orderly development.

7. Noise levels from the shed should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Reason: To protect the amenity of neighbouring residences, and to regulate the use of the property.

8. Site development and building works shall be carried out 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 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.

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.



Declan Moore

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

Dated this 12th day of MAY 2026