

---

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 25/60515**

**Appeal** by Derry and Mary McCarthy against the decision made on the 19<sup>th</sup> day of February, 2026 by Kerry County Council to grant subject to conditions a permission to Michelle Lunn Reale in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Alter and extend the existing dwelling, partial demolition of the existing house, porch and shed, convert the attic space into liveable accommodation, and relocation of the front entrance to the side, including all associated site works, all at The Green, Ballyheigue, 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 land use zoning for the site, as set out in the Listowel Municipal District Plan 2020-2026, its location in an urban settlement, the pattern of development in the adjoining terrace and in the immediate environs of Cliff Road, the size and nature of the site, and the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be unduly incongruous with the terrace, would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would be acceptable in terms of traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 8th day of June, 2025 and on the 23<sup>rd</sup> day of January, 2026, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:

- (a) The pitched slopes of the gabled roof and the dormer window shall be finished with the same material, which shall be agreed with the planning authority.
- (b) The use of white UPVC shall not be used in any external features, including windows doors fascia, soffits or gutters.
- (c) Stonework to the external walls shall be constructed of natural stone which shall be re-used from the existing stone walling on the site or sourced locally.

Revised drawings showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, no room in the proposed development shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

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. Any on-site lighting shall be cowled and directed away from the public road and shielded horizontally and vertically to prevent glare or light spillage outside the site.

**Reason:** To restrict light pollution in the coastal setting.

6. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

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

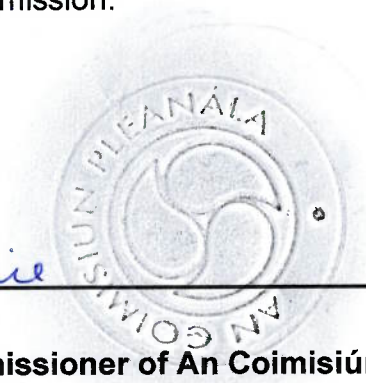
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the proposed development shall be managed in accordance with a construction management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, off site recovery and disposal of construction and demolition waste, and a detailed method statement regarding the management of construction traffic and deliveries and the protection of adjacent properties during the construction project process.

**Reason:** In the interest of public safety and residential amenity.

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.

  
*Mary Gurrie*  
\_\_\_\_\_  
**Mary Gurrie**

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

Dated this *15* day of *July* 2026.