

An
Coimisiún
Pleanála

Commission Order
PL-500996-KY

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60878

Appeal by Shelley McEwan Browne against the decision made on the 25th day of February, 2025 by Kerry County Council to grant subject to conditions a permission to Joan O'Mahony in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two number dwellinghouse with services and ancillary site works, and upgrade existing access road and services, all at Hillview East, Ballycasheen, 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, as varied, including the R2 Residential land use zoning of the site, the pattern of development in the area, the infill nature and size of the site, the separation distance from existing dwellings, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of impacts on 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 29th day of January, 2026 and on the 4th day of February, 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 (a) The access road serving the proposed development, including footpaths, kerbs and car parking, shall comply with the detailed construction standards of the planning authority for such works and design standards, as outlined in the Design Manual for Urban Roads and Streets (DMURS), and shall be completed prior to occupation of the dwellinghouses. Details of all locations, works and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A Stage 3 Safety Audit shall be carried out upon completion of the proposed development with the recommendations acted upon.
- (b) Public lighting shall be provided along the access road in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and of traffic and pedestrian safety.

3. The in-curtilage car parking spaces serving the dwellings shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

4. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the attenuation and disposal of surface water, which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no part of the proposed development shall be used for the provision of overnight commercial guest accommodation without a prior grant of planning permission.

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

9. Proposals for a naming/numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the dwellinghouses.

Reason: In the interest of urban legibility.

10. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays, inclusive, between 0800 to 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.

11. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including construction traffic management, noise and dust management measures, resource waste management, and off-site disposal of construction waste.

Reason: In the interest of public safety and amenity.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

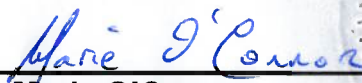
Reason: To ensure the satisfactory completion and maintenance of the development.

13. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute, other than a matter to which section 96(7) applies, shall be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

14. 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 the 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.



Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 20th day of July 2026.