



An  
Coimisiún  
Pleanála

Commission Order  
PL-501064-KY-26

---

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560772**

**Appeal by** Mary O'Sullivan and Others against the decision made on the 4th day of March 2026 by Kerry County Council to grant subject to conditions a permission to C.B Brosnan in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** Planning Permission to (a) Construct extensions and elevational alterations to existing dwelling. (b) Permission to carry out relocation of pillars at entrance and create a pedestrian entrance. (c) Retention of Existing apartment to the side of the building and change of use to a family flat and all associated sites work at number 84 Countess Grove, Killarney, Couty Kerry, as revised by further public notices received by the planning authority on the 18<sup>th</sup> day of December 2025 and the 12<sup>th</sup> day of February 2026.

**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, in particular Volume 6, including Section 1.5.6.4(Dependant Relative Accommodation (Urban and Rural)), Section 1.5.6.1 (Extensions to Dwellings) and Section 1.5.7.6 (Off-Street Parking in Residential Areas) and having regard to the scale and design of the proposed development and the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development, and the development proposed to be retained, would not be visually obtrusive or out of character with the surrounding area, and would not negatively impact on the residential amenities of properties in the vicinity. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted the modest nature of the proposed extension to the front of the subject site, which had been reduced in scale in response to a request for further information. Having regard to the pattern of development in the area and in the absence of a consistent front building line, the Commission was satisfied that subject to condition 2 below, requiring the omission of a ground floor entrance doorway to the master bedroom, the proposal would not negatively impact on the residential or visual amenities of properties in the vicinity.

The Commission was also satisfied that the proposal demonstrated a bona fide need for the dependant relative unit, and that the unit proposed to be retained, which would be accessible from the main dwelling, would be acceptable as an ancillary dwelling unit to be occupied for habitable purposes.

The Commission noted the absence of fenestration to the northern elevation of the proposed rear dormer extension and was satisfied that, by reason of the scale and design of this element of the proposed development, that it would not give rise to any concerns of overlooking that would create negative impacts on the privacy of adjacent properties.

### **Conditions**

1. The development shall be carried out, completed and retained, 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 4<sup>th</sup> day of December 2025 and the 3<sup>rd</sup> 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed entrance doorway to the master bedroom on the eastern elevation of the front extension shall be omitted. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised drawings omitting the said entrance doorway.

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

3. 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 and to ensure an appropriate high standard of development.

4. The dependent relative accommodation unit shall be connected internally, and on cessation of the use of the dependent relative unit, the dwelling house and the dependent relative unit shall revert to use as a single dwelling unit.

**Reason:** In the interest of the proper planning.

5. The proposed vehicular entrance to the site shall be a maximum width of three metres. A revised site layout to demonstrate this revision shall be submitted, for the written agreement of the planning authority, prior to the commencement of development.

**Reason:** To comply with Development Management Standard 1.5.7.6 of the Kerry County Development Plan 2022-2028.

6. The construction of the 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 development, including noise management measures, measures to prevent the deposit of dirt and debris on the public road, construction traffic management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays, between 0800 to 1400 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 the interest of the protection of residential amenity.

8. Any damage to the adjoining roadways/footpaths, as a result of the proposed development shall be made good at the developer's expense, to the satisfaction of the planning authority.

**Reason:** In the interests of orderly development and environmental protection.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

10. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

11. 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



MaryRose McGovern

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

Dated this 27<sup>th</sup> day of July 2026