

An
Coimisiún
Pleanála

Ordú ón
gCoimisiún/Commission
Order
PL-501308-KY

An tAcht um Pleanáil agus Forbairt, 2000, arna leasú

Údarás Pleanála: Comhairle Contae Chiarraí

Uimhir Thagartha an Chláir Pleanála: 26/60119

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 26/60119

Achomharc ó Bhoscó Ó Chonchúir agus Máirín Uí Chonchúir in aghaidh an chinnidh a rinne Comhairle Contae Chiarraí an 14 Aibreán, 2026 cead a dheonú, faoi réir coinníollacha, do MaryKate Collins de réir na bpleananna agus na sonraí a taisceadh leis an gComhairle sin.

Appeal by Boscó Ó Chonchúir and Máirín Uí Chonchúir against the decision made on the 14th day April, 2026 by Kerry County Council to grant subject to conditions a permission to MaryKate Collins in accordance with plans and particulars lodged with the said Council.

Forbairt Bheartaithe: Oibreacha lena n-áirítear athchóiriú a dhéanamh ar an teach cónaithe aon stóir atá ann cheana, mar aon le mionathruithe ar na hingearchlónna; leibhéal (airde) dhíon an tí chónaithe aon stóir a ardú chun spás an áilleir a thiontú ina chóiríocht chónaithe, agus fuinneoga dín a chur ar an ingearchló tosaigh; an síneadh cúil agus an seid atá ann cheana a scartáil; síneadh a chur le cúl an tí chónaithe; agus cead le haghaidh na n-oibreacha

láithreáin gaolmhara uile, ag Imleach an Daingin, An Cúilín, Daingean Uí Chúis, Contae Chiarraí.

Proposed Development: Works to include renovation of existing single storey dwellinghouse with minor elevational changes, to raise the roof level (height) of the single storey dwellinghouse to convert the attic space into living accommodation with rooflights to the front elevation, demolish existing rear extension and shed, to extend the dwellinghouse to the rear and for permission for all associated site works, all at Emlagh West, Cooleen, Dingle, County Kerry.

Cinneadh/Decision

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí sin, ar bhonn na gcúiseanna agus na gcúinsí thíos agus faoi réir na gcoinníollacha atá leagtha amach thíos.

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.

Cúiseanna agus Cúinsí/Reasons and Considerations

Ag féachaint don chuspóir críosaithe 'R2 – Cónaithe atá ann cheana' don láithreán, is é sin 'Foráil a dhéanamh d'fhorbairt chónaithe agus taitneamhacht chónaithe a chosaint agus a fheabhsú', do phatrún na forbartha sa cheantar, do shuíomh, scála agus dearadh na forbartha beartaithe agus do chuspóirí Phlean Forbartha Chontae Chiarraí 2022–2028, meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, nach ndéanfaidh an fhorbairt bheartaithe dochar tromchúiseach do thaitneamhachtaí amhairc ná cónaithe an cheantair, nach ndéanfaidh sí dochar don chomhshaol ná don bhithéagsúlacht, go mbeadh sí inghlactha ó thaobh na sábháilteachta tráchta de agus, dá bhrí sin, go mbeadh sí i gcomhréir le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Having regard to the 'R2 – Existing Residential' zoning objective for the site to 'Provide for residential development and protect and improve residential amenity', the pattern of development in the area, the siting, scale and design of the proposed development, and the objectives of the Kerry County Development Plan 2022-2028, 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, would not be prejudicial to the environment or biodiversity, would be acceptable in terms of traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

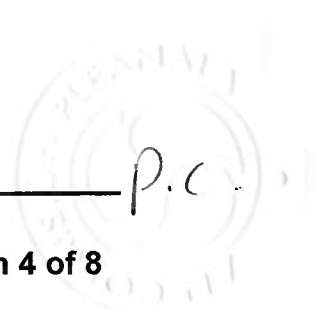
Coinníollacha/Conditions

1. Déanfar an fhorbairt bheartaithe agus críochnófar í de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, ach amháin i gcás ina gceanglaítear a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh. I gcás ina gceanglaítear leis na coinníollacha sin sonraí a chomhaontú leis an údarás pleanála, comhaontóidh an forbróir na sonraí sin i scríbhinn leis an údarás pleanála sula gcuirfear tús leis an bhforbairt, agus déanfar an fhorbairt bheartaithe agus críochnófar í de réir na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléireacht.

2. Comhlíonfaidh na socruithe draenála, lena n-áirítear maolú agus diúscairt uisce dromchla, ceanglais an údaráis pleanála, arna sonrú i scríbhinn nuair is gá, maidir leis na hoibreacha agus na seirbhísí sin.

Cúis: Ar mhaithe le sláinte an phobail.



3. Ní dhéanfar oibreacha forbartha láithreáin ná oibreacha tógála ach amháin idir 0700 agus 1900, ón Luan go dtí an Aoine, na laethanta sin san áireamh, agus idir 0800 agus 1400 ar an Satharn, agus ní dhéanfar iad ar chor ar bith ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna sin ach amháin in imthosca eisceachtúla ina mbeidh comhaontú i scríbhinn faighte roimh ré ón údarás pleanála.

Cúis: Chun taitneamhacht réadmhaoine sa chomharsanacht a chosaint.

4. Déanfaidh an forbróir gach beart is gá chun cosc a chur ar láib, salachar, smionagar nó ábhar tógála ar bith a bheith á iompar chuig an mbóthar poiblí nó chuig réadmhaoine tadhlacha, nó á leagan orthu, mar thoradh ar na hoibreacha tógála ar an láithreán. Deiseoidh an forbróir aon damáiste a dhéanfar don bhóthar poiblí de thoradh na n-oibreacha beartaithe a chur i gcrích.

Cúis: Ar mhaithe le sábháilteacht tráchta agus forbairt ordúil.

5. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála i leith bonneagair agus saoráidí poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis phleanála agus atá á gcur ar fáil, nó atá beartaithe lena gcur ar fáil, ag an údarás nó thar a cheann, de réir théarmaí na Scéime Ranníocaíochta Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Íocfar an ranníocaíocht sula gcuirfear tús leis an bhforbairt nó i cibé tráthchodanna a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Comhaontóidh an t-údarás pleanála agus an forbróir sonraí maidir le téarmaí na Scéime a chur i bhfeidhm nó, cheal comhaontaithe den sórt sin, cuirfear an t-ábhar faoi bhráid an Choimisiúin Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

Cúis: Is ceanglas de chuid an Achta um Pleanáil agus Forbairt, 2000, arna leasú, é coinníoll a chur ag gabháil leis an gcead lena gceanglaítear ranníocaíocht a dhéanamh de réir na Scéime Ranníocaíochta Forbartha arna déanamh faoi alt 48 den Acht.

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

3. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

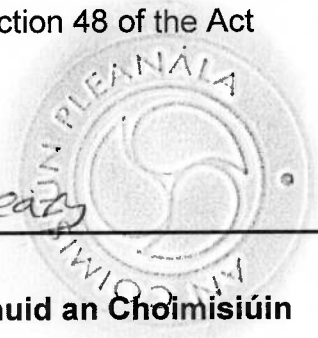
Reason: To safeguard the amenity of property in the vicinity.

4. All necessary measures shall be taken by the developer to prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works. The developer shall repair any damage to the public road arising from carrying out the proposed works.

Reason: In the interest of traffic safety and orderly development.

5. 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.



Patricia Calleary

**Coimisinéir Pleanála de chuid an Choimisiúin
Pleanála, atá údaraithe go cuí chun
séala an Choimisiúin Pleanála a
fhíordheimhniú.**

Arna dhátú 19th an lá seo de August-2026.