

An
Bord
Pleanála

Board Order
ABP-321895-25

Na hAchtanna um Pleanáil agus Forbairt, 2000 go 2022
Planning and Development Acts 2000 to 2022

Údarás Pleanála: Comhairle Contae Chiarraí
Planning Authority: Kerry County Council

Uimhir Thagartha ar an gClár Pleanála: 2460316
Planning Register Reference Number: 2460316

Achomharc ó Sabrina O'Toole agus Bruce Antoniotti, 4 An Colainí, Fionntrá, Contae Chiarraí, in aghaidh an chinnidh a rinne Comhairle Contae Chiarraí an 23^ú lá de mhí Eanáir 2025 cead a dheonú, faoi réir coinníollacha, do Eilis agus Marc Ó Broin faoi chúram Moriarty & Bambury, Cill Chúile, Baile Dháith, Daingean Uí Chúis, Contae Chiarraí, don fhorbairt bheartaithe.

Forbairt Bheartaithe: Áireofar leis an gcead (a) an síneadh dín chothroim agus an déanmhas claonseantáin atá ann cheana ar an gcúl a scartáil, (b) síneadh ar meascán de shíneadh aon stóir agus de shíneadh dhá stór é a thógáil ar an gcúl, agus (c) athchóiriú iomlán agus athchumrú páirteach ar an teach atá ann cheana agus na hoibreacha gaolmhara coimhdeacha agus láithreáin uile ag an gColainí, Fionntrá, Daingean Uí Chúis, Contae Chiarraí, mar a athbhreithníodh le fógraí poiblí breise a fuair an t-údarás pleanála an 19^ú lá de mhí na Nollag 2024.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Ag féachaint don chuspóir críosaithe cónaithe don limistéar, do phatrún na forbartha sa chomharsanacht agus do scála, cineál agus dearadh an tsínidh bheartaithe, agus do na forálacha de Phlean Forbartha Contae Chiarraí 2022-2028 agus do Phlean Limistéir Áitiúil Thoghlímistéar Chorca Dhuibhne 2021-2027, meastar, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, nach ndéanfadh an fhorbairt bheartaithe díobháil thromchúiseach do thaitneamhachtaí an limistéir ná do thaitneamhachtaí aon réadmhaoine sa chomharsanacht agus, dá bhrí sin, go mbeadh sí i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

Coinníollacha

1. Déanfar an fhorbairt bheartaithe agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas, mar a leasaíodh leis na pleananna agus na sonraí breise a fuair an t-údarás pleanála an 6^ú lá de mhí na Nollag 2024, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglófar leis na coinníollacha sin go gcomhaontófaí mionsonraí leis an údarás pleanála, comhaontóidh an forbróir le mionsonraí den sórt sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt, agus déanfar an fhorbairt agus críochnófar í i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Ní údaraítear leis an gcead seo aon oibreacha ar an déanmhas seantáin atá ann cheana ar chúl an láithreáin.

Cúis: Ar mhaithe le soiléire.

3. Sula dtosófar an fhorbairt, cuirfidh an forbróir pleananna agus líníochtaí athbhreithnithe faoi bhráid an údaráis pleanála lena gcomhaontú i scríbhinn aige i ndáil leis an méid seo a leanas;

Laghdófar faoi 0.5 méadar leithead an tsínidh bunurláir lena bhfreastalaítear ar an limistéar cistine/bia ar an ingearchló thoir.

Cúis: Ar mhaithe leis na taitneamhachtaí cónaithe tadhlacha a chosaint.

4. Ní úsáidfear na limistéir dín chéad urláir mar bhalcóin, mar léibheann dín ná mar limistéar gairdín.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

5. Beidh na bailchríocha seachtracha ar an síneadh beartaithe mar atá sonraithe sna pleananna agus na líníochtaí a fuair an t-údarás pleanála an 6^ú lá de mhí na Nollag 2024, ach amháin i gcás go gcomhaontófar a mhalairt i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le taitneamhacht amhairc.

6. Ní ghobfaidh an fhorbairt bheartaithe amach os cionn aon réadmhaoine tadhlaigh tríú páirtí.

Cúis: Chun taitneamhacht cónaithe a chosaint agus ar mhaithe le forbairt rianúil.

7. Déanfar an teaghais atá ann cheana agus an síneadh beartaithe a áitiú i gcomhar le chéile mar aonad cónaithe aonair, agus ní dhéanfar an síneadh a úsáid, a dhíol, a ligean ar cíós ná a aistriú ná a thíolacadh ar shlí eile, ach amháin mar chuid den teaghais.

Cúis: Chun srian a chur le húsáid an tsínidh ar mhaithe le taitneamhacht cónaithe.

8. Maidir le socruithe soláthair agus draenála uisce, lena n-áireofar uisce dromchla a mhaolú agus a dhiúscairt, comhlíonfaidh siad ceanglais an údaráis pleanála le haghaidh oibreacha agus seirbhísí den sórt sin.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus le bainistíocht uisce dromchla.

9. Maidir le hoibreacha forbartha agus tógála láithreáin, ní dhéanfar iad ach amháin idir 0700 agus 1900 ón Luan go dtí an Aoine, agus an dá lá sin san áireamh, agus idir 0800 agus 1400 ar an Satharn, agus ní dhéanfar aon oibreacha ar bith ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar aon imeacht ó na hamanna sin ach amháin in imthosca eisceachtúla ina bhfuarthas réamhcheadú i scríbhinn ón údarás pleanála.

Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine sa chomharsanacht a choimirciú.

10. Bainisteofar tógáil na forbartha i gcomhréir le Plean Bainistíochta Tógála, rud a chuirfear faoi bhráid an údaráis pleanála, agus a chomhaontófar i scríbhinn leis, sula dtosófar an fhorbairt. Soláthrófar sa phlean sin mionsonraí faoin gcleachtas beartaithe tógála don fhorbairt, lena n-áireofar bearta bainistíochta torainn agus diúscairt dramhaíola tógála agus scartála lasmuigh den láithreán.

Cúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhacht cónaithe.

11. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais i leith bonneagar agus saoraidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht sula dtosófar an fhorbairt nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Déanfar cur i bhfeidhm aon innéacsaithe a cheanglaítear leis an gcoinníoll seo a chomhaontú idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an mBord Pleanála lena chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.

Appeal by Sabrina O'Toole and Bruce Antoniotti of 4 The Colony, Ventry, County Kerry against the decision made on the 23rd day of January 2025, by Kerry County Council, to grant permission, subject to conditions, to Eilis and Marc Ó Broin care of Moriarty and Bambury of Kilcooly, Ballydavid, Dingle, County Kerry for the proposed development.

Proposed Development: Permission to include (a) the demolition of the existing flat roof extension and lean-to shed structure to the rear, (b) the construction of a part single, part two storey extension to the rear, and (c) the full refurbishment and part reconfiguration of the existing house and all associated ancillary and site works at The Colony, Ventry, Dingle, County Kerry as revised by further public notices received by the planning authority on the 19th day of December, 2024.

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 residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension and the provisions of the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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 6th day of December 2024, 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. This permission does not authorise works to the existing shed structure to the rear of the site.

Reason: In the interest of clarity.

3. Prior to commencement of development the developer shall submit revised plans and drawings to the planning authority for written agreement in relation to the following;

The width of the ground floor extension serving the kitchen/dining area at the eastern elevation, shall be reduced by 0.5 metres.

Reason: In the interest of the protection of the adjoining residential amenities.

4. The first-floor roof areas shall not be used as a balcony, roof terrace or garden area.

Reason: In the interest of residential amenity.

5. The external finishes of the proposed extension shall be as specified on the plans and drawings received by the planning authority on the 6th day of December 2024 unless otherwise agreed, in writing, with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The proposed development shall not overhang any adjoining third party properties.

Reason: To safeguard residential amenity and in the interest of orderly development.

7. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

8. Water supply and 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.

9. 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 and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

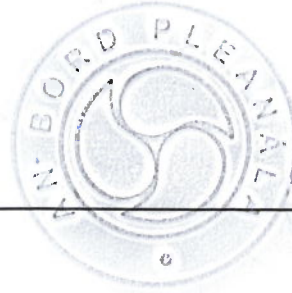
Reason: In order to safeguard the residential amenities of property in the vicinity.

10. 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 and off-site disposal of construction demolition waste.

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

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 the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

**Comhalta den Bhord
Pleanála atá údaraithe go cuí
chun séala an Bhord a
fhíordheimhniú**

**Member of An Bord
Pleanála duly authorised
to authenticate the seal
of the Board.**

Dátaithe ar an *9th* lá seo de *Meitheamh* 2025