

An
Bord
Pleanála

Board Direction
BD-012027-23
ABP-312042-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/04/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. It is considered that, by reason of massing, scale and design relative to the indigenous character of adjacent clachan/housing cluster and its location in a visually sensitive landscape area, the proposed dwelling house would be visually obtrusive and overbearing in nature and would seriously injure the visual amenities of the area. The proposed development would accordingly detract from the distinctive character of the established housing cluster and therefore conflict with the objective D-DC-1 to 'protect the unique layout and architectural merits of clochan settlements' as contained in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2017 and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development and associated earthworks are partly within and adjacent to the Dingle Peninsula Special Protection Area, Site code 004153. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, both during construction and operation by itself and/or in combination with other plans or projects, would not result in adverse effects on the integrity of this Special Protection Area in view of the site's conservation

objectives. The development could have the potential to result in disturbance and loss, temporary or otherwise of foraging habitats for bird species that are qualifying interests for this SPA, most notably the Chough species. In such circumstances, the Board is precluded from granting permission.

Note 1:

The Board noted the Inspector's report and the first recommended reason for refusal. For rural areas under urban influence, National Policy Objective 19 of the National Planning Framework (February 2018) seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements. The Board noted that the new Kerry Development Plan has embodied the National Planning Framework and has amended its rural housing policy to reflect this and to inter alia include four criteria to ensure that future housing complies with all National Policy in this area:-

- a. Establishing that there is a genuine economic or social need for permanent occupation.
- b. Prioritising the reduction of residential vacancy rates in all the Rural Areas in preference to new residential development.
- c. The renovation or modification of existing structures in rural areas for residential use.
- d. Encouraging people who wish to reside in the countryside to live in existing villages or small village settlements where there are services available.

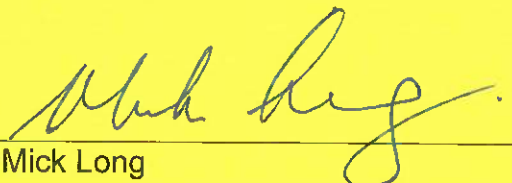
The Board would ordinarily have required additional information, however, given the substantive reasons for refusal it did not pursue the matter in the context of the current appeal.

Note 2:

The Board also noted the Site Characteristic Form submitted with the application which refers to a PE of 6 and on this basis shared the Inspector's concerns on the capacity of the wastewater system design. The Board would ordinarily have required

additional information, however, given the substantive reasons for refusal it did not pursue the matter in the context of the current appeal.

Board Member


Mick Long

Date: 18/04/2023

