

An
Coimisiún
Pleanála

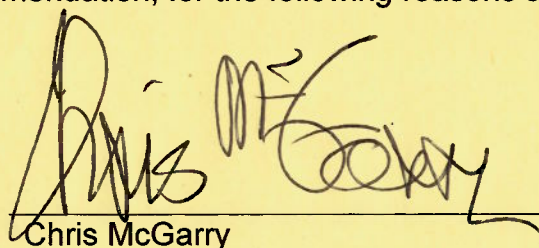
Direction
CD-020852-25
ABP-322752-25

The submissions on this file and the Inspector's report were considered at a meeting held on 01/10/2025.

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

Planning

Commissioner:


Chris McGarry

Date: 01/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Objective KCDP 5-26 of the Kerry County Development Plan 2022-2028 promotes the viable re-use of vernacular dwellings without losing their character and supports applications for the sensitive restoration of traditional dwellings as permanent places of residence. On the basis of the information submitted with the application and appeal, the Commission considered that in its current specific design form, including for example in terms of materials, roof pitch and alterations to fenestration at the original core dwelling, the development that has been carried out on site has resulted in the loss of character of the original vernacular cottage. The proposed development and the development for which retention permission has been sought, would be contrary to the provisions of

objective KCDP 5-26 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development and the development for which retention permission is sought, would seriously injure the visual amenities of this open and exposed site, in its current form, with particular reference to the views from the west of the structure and in the absence of clearly detailed and capable landscaping mitigation as part of the application and appeal documentation at this location. The proposed development and the development for which retention permission is sought, would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1:

The Commission noted and agreed with the inspector on the loss of character of the original vernacular cottage. The Commission did consider that certain alterations to the current building form, such as reconsideration of the roof pitch and of the form of materials, colour and fenestration within the part of the development which encompasses the original cottage, might be capable of resolving inconsistency with policy 5.26 of the development plan. Such an approach would however, require potential materials and design alterations which could not be provided by means of condition and which would require a separate future application for consent to assess whether any such alterations would be consistent with proper planning and sustainable development.

Note 2:

The Commission did not share the opinion of the inspector with regard to visual impact (the inspector commented at paragraph 7.4.5 that the house sits quite comfortably in the landscape when viewed from the road to the west). Instead, the Commission determined that the significant scale and length of the extension read as functional

and slab like from this view even though it is single storey. Furthermore, the Commission considered that any opportunity to mitigate this visual impact would require detailed and capable (by means of garden curtilage) landscaping and boundary treatment to be provided. Any such change would require a separate consent exercise.

Note 3:

The Commission noted agreed with the inspector that it cannot be satisfied from the documentation on file that the effluent from the proposed development and the development for which retention permission is sought, can be satisfactorily treated and disposed of on-site (recommended reason no. 2 of the inspector). In this regard the Commission also noted and agreed with the inspector that the development would not adversely affect groundwater quality. However, as this constituted a new issue and having regard to the substantive reasons for refusal set out above, the Commission decided not to pursue this issue on the context of the current appeal.

Note 4:

The Commission noted and agreed with the inspector that the development description as set out in the statutory notices is misleading by reference to the precise, accurate description of what is proposed for retention and what is proposed and therefore not commenced (recommended reason no.3 of the inspector). However, as this constituted a new issue and having regard to the substantive reasons for refusal set out above, the Commission decided not to pursue this issue on the context of the current appeal.