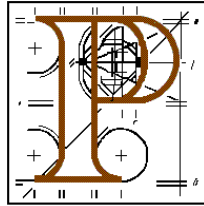

An Bord Pleanála



Inspector's Report

Appeal Reference No.: PL08.246132

Development: Alteration, renovation and extension of existing dwelling house. Permission is further sought to install a mechanical aeration wastewater treatment unit, intermittent filter and soil polishing filter (as previously granted by Kerry County Council under planning permission registration reference no. 11/587) to serve the proposed development and for all associated ancillary site works.

Dohilla, Valentia Island, Co. Kerry.

PLANNING APPLICATION

Planning Authority: Kerry County Council

Planning Authority Reg. Ref.: 15/1001

Applicant: Harry Frizelle & Róisín Ní Mhuircheartaigh

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant: An Taisce

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 29th April, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Dohilla on the north-eastern coastline of Valentia Island, Co. Kerry, approximately 2.4km north of Chapelstown and 3.6km west of Knightstown, where it occupies a particularly remote and isolated location on a headland leading to Reenadrolaun Point at the foot of the northern slope of Feaghmaan Mountain and to the north of a disused slate quarry a short distance away. The surrounding area is dominated by significant expanses of rocky terrain and rugged ridgelines which characterise this particular coastal landscape whilst the prevailing pattern of development consists of dispersed one-off housing, although the site itself forms part of an existing row of cottages which seemingly make up a former traditional fishing village known locally as 'White Street'. Whilst these cottages are in varying states of condition / repair, with several examples having been subjected to certain contemporary adaptations, including the alteration of window / door openings, the revision of fenestration detailing, and changes to roof finishes etc., they nevertheless retain their architecturally vernacular character. The site itself has a stated site area of 0.189 hectares, is irregularly shaped, and comprises the plot occupied by an existing dilapidated / semi-derelict single storey cottage and the adjacent remains of another stone outbuilding / structure in addition to an area of undeveloped land located on the opposite side of the public road which would appear to comprise rough pasture associated with the existing cottage. It is bounded by stone and sod ditches / low stone walling to the northwest and southeast with a combination of earthen embankments and post and wire fencing defining the remaining site boundaries. The topography of the land is characterised by a steep fall north-eastwards towards the shoreline, although it is notable that some ground levelling works would appear to have been undertaken immediately north of the roadside boundary so as to create a relatively flat area / platform which presently accommodates the remnants of a stone-built structure. Notably, there is an absence of any natural screening to the site, save for that offered by the more elevated lands to the southwest, although there is an existing more conventional dwelling house sited on the seaward side of the roadway between the existing cottage / outbuilding and the shoreline. Access to the site is obtained via a narrow minor local road which terminates in a cul-de-sac further northwest at the Valentia Coast Radio Station.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the alteration, renovation and extension of an existing cottage dwelling house which will involve the partial

demolition and re-construction of elements of the existing building with the subsequent construction of a contemporarily designed dormer extension to the side and rear of same (through excavation into the embankment to the rear of the property) which will ultimately link to the remnants of the adjacent stone outbuilding to the northwest in order to provide for an enclosed patio area. Although it is proposed to retain the front façade of the existing cottage, the proposed works will involve the renovation and alteration of its roof construction which will include the provision of new barge / verge detailing to the gable ends of both the new and existing roof areas. The overall works will result in the floor area of the original cottage (42.25m²) being increased to 171m². External finishes will include painted plaster, cast aluminium downpipes, alu-clad / timber / aluminium doors & windows, and natural roof slates.

2.2 The proposal also includes for the installation of a new wastewater treatment system and soil polishing filter. It has further been indicated that a water supply is available via an existing connection to the public mains.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 06/159. Was granted on 23rd August, 2008 permitting Eileen Curran permission to demolish part of house and an old ruin and to erect an extension to existing house and to install an effluent treatment tank.

- PA Ref. No. 06/9159. Was refused on 11th February, 2011 refusing Patrick and Eileen O'Sullivan an 'extension of duration' to demolish part of house and to construct an extension and to install an effluent treatment system.

PA Ref. No. 11/587. Was granted on 6th October, 2011 permitting Eileen Curran permission to demolish part of house and an old ruin and to erect an extension to existing house and to replace septic tank with an effluent treatment tank and polishing filter.

3.2 On Adjacent Sites:

None.

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 99/1740 / ABP Ref. No. PL08.118523. Was refused on appeal on 28th September, 2000 refusing Ulrike Worschech permission for a development

comprising the extension of an existing house as a self-contained living unit at Dohilla, Valentia Island, Co. Kerry, for the following reason:

- Having regard to the self-contained nature of the proposed development and the area of the site, it is considered that the proposed development of a second dwelling unit dependant on a shared septic tank drainage system, would contravene the objectives of the current Development Plan for the area in relation to the provision of the septic tank drainage, which objectives are considered reasonable. The proposed development would, therefore, be contrary to the proper planning and development of the area.

PA Ref. No. 99/3235. Was granted on 12th June, 2000 permitting Kevin Curran permission to retain dwelling house as built at Dohilla, Valentia, Co. Kerry.

PA Ref. No. 04/1149. Was granted on 23rd July, 2004 permitting John F. Curran permission to construct a dwelling and to install a septic tank at the Old Slate Quarry Cottages, Dohilla, Valentia, Co. Kerry.

PA Ref. No. 07/4035 / ABP Ref. No. PL08.228828. Was granted on appeal on 6th November, 2008 permitting Marguerite Condon permission to raze existing 'workers cottage' with kitchen extension and the reconstruction of matching cottage with new kitchen extension and the provision of new treatment unit to replace existing septic tank at Dohilla, Valentia Island, Co. Kerry.

PA Ref. No. 10/795. Was granted on 2nd November, 2010 permitting Colm O'Muircheartaigh permission to construct a house extension consisting of the renovation of existing cottage (Area: 48m²), the demolition of a flat roofed extension to the rear (Area of Demolition: 22m²), construction of a new single storey pitched roof extension to the rear (Area: 77m²) with associated site works and the installation of a new septic tank with percolation area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports:

4.1.1 *Planner's Report:* Notes that the proposed development site is located in an area designated as 'Rural Secondary Special Amenity' before stating that there are no concerns as regards visual impact given that the development will not be overtly visible outside of the general area. It further states that the proposal will not interfere with the residential amenity of neighbouring properties and

considers the contents of further submissions / reports on file before ultimately recommending a grant of permission.

4.1.2 Environment: No objection subject to conditions given that the proposed wastewater treatment system is the same as that previously approved under PA Ref. No. 11/587.

4.1.3 Executive Planner (Conservation): States that there is no objection to the proposed development and that the design of the extension integrates satisfactorily with the historic architectural form of the existing structure. The report proceeds to recommend that any stone arising from the demolition of the shed should be incorporated into the proposed development and that the windows should be of a hardwood timber variety. It further states that the use of brick pavements etc. for that area to the front of the dwelling house would be inappropriate and that this aspect of the proposal should be re-considered.

4.1.4 Biodiversity Officer: Notes that the application site is adjacent to the Iveragh Peninsula Special Protection Area, however, in light of the nature and scale of the development proposed, it is considered that the proposal is unlikely to give rise to any significant effects on the special conservation interest for which the Natura 2000 site has been designated.

4.2 Prescribed Bodies / Other Consultees:

4.2.1 An Taisce: States that the existing house forms part of a former fishing village known as 'White Street' which is of architectural interest as an example of a traditional settlement. It is further stated that any changes made to the existing dwelling should respect the architectural style of the older houses and should aim to integrate with those properties.

4.3 Planning Authority Decision

4.3.1 On 15th January, 2016 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 9 No. conditions which can be summarised as follows:

- Condition No. 1 – Refers to the submitted plans and particulars.
- Condition No. 2 – Requires the payment of a development contribution in the amount of €1,233.
- Condition No. 3 – Refers to external finishes and specifically requires those windows within the front elevation of the original cottage to be of a solid hardwood timber construction.

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- Condition No. 4 – Refers to the finished floor level.
- Condition No. 5 – Refers to the design, construction and maintenance of the proposed wastewater treatment system. This condition also refers to the management of construction and demolition waste and further requires the applicant to engage the services of a competent person(s) to carry out a review of the site in order to determine the presence of any ‘Asbestos Containing Material’ or any other hazardous materials within the structure proposed for demolition with a report to be prepared on the management of same.
- Condition No. 6 – Refers to works to the public road.
- Condition No. 7 – Refers to surface water drainage.
- Condition No. 8 - Refers to external lighting.
- Condition No. 9 - Refers to connection to the public watermain.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The existing dwelling house is located along a cul-de-sac, which leads to the Valentia Coast Radio Station, and forms part of a row of housing known as ‘White Street’.
- The surrounding area is considered to be highly scenic with notable sea views and is characterised by a wild and rugged landscape. It is also a popular tourist area with the main attractions including the slate quarry which overlooks the site and the ‘tetrapod tracks’, a fossilised line of footprints of a pre-historic animal located nearby.
- The proposed development site is located in an area zoned as ‘*Rural Secondary Special Amenity*’ in the County Development Plan where Objective ZL-1 seeks to ‘*Protect the landscape of the county as a major economic asset and a valuable amenity which contributes to people’s lives*’. Therefore, the extent of development will depend on the degree to which it can be integrated into the landscape.
- The subject site is located within the Iveragh Peninsula Special Protection Area and also borders the Valentia Harbour / Portmagee Channel Special Area of Conservation.
- The existing dwelling house would appear to comprise one of the original cottages, although it is acknowledged that it has been modified to some extent. In its present form, it is considered to integrate well with the other

houses along the 'street' given that it shares the same architectural details and thus fits naturally into the landscape.

Whilst there is no objection in principle to the extension of the existing dwelling house, it is considered that there are difficulties with the submitted plans, with particular reference to the architectural style of the proposed extension which is considerably different from all the older buildings. The rooflights and the large windows on the ground floor bear no resemblance to any of the other houses in the row and in this respect the Board is referred to Section 3.3.5: *'Renovation or Restoration of Existing and Vacant Buildings situated in Rural Areas'* of the County Development Plan which states the following:

'In the case of refurbishment and extension proposals, the scale and treatment of proposed works will be sympathetic to the character of the original structure and the surrounding area, including adjoining or nearby development'.

- Section 2.5.4 of the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* requires protected structures to be of 'special interest' under one or more of the categories listed. In this regard, it is submitted that 'White Street' is of both 'historical' and 'architectural' significance given that the houses were built to accommodate the workers in the nearby slate quarry and as they are also a good example of high quality worker's cottages.

The accompanying 1895 OS map of the area shows an ordered line of buildings, which would appear to comprise a total of 12 No. semi-detached dwellings, whereas more recent OS mapping (2000) shows that some of these units have been demolished and others changed. Whilst it is likely that over the years some of the houses became ruinous or were demolished and replaced with newer construction, it is submitted that the architectural style of the wider scheme remains close to the original.

Accordingly, it is asserted that the scale and treatment of the proposed extension is out of character with both the original structure and the remainder of those buildings which make up the 'street'. Whereas the existing houses (including those rebuilt in the past) retain very similar architectural features, including a central doorway flanked on either side by windows with small panes, the proposed extension includes for a large

ground floor window and an even larger rooflight which is to be divided into three sections whilst the doorway is also off-centre.

- At present, all of the existing houses share similar architectural characteristics and harmonise with each other, however, it is considered that the proposed extension will strike a discordant note.
- In the assessment of a previous planning application along this 'street' (PA Ref. No. 07/4035), the reporting planner noted the following:

'The existing cottage is part of a row of houses known as 'White Street', which is worthy of designation as an Architectural Conservation Area. As much as possible of the building should be preserved and any of the older parts to be demolished should be surveyed and photographed by a conservation architect before any work takes place'.

It is considered to be unfortunate that the recommendation to designate 'White Street' as an ACA was not followed up at the time at it would have afforded better protection to the existing group of housing.

- The proposed rooflights will reflect the sun and could potentially result in the building being much more prominent in the landscape.
- The roof of the proposed development will be visible not only from the adjoining public road, but also from the high ground at the slate quarry.
- The proposed extension is out of character with the existing buildings and will not integrate satisfactorily with the more traditional houses along 'White Street'.
- This is a highly scenic area and the visual impact of the development is likely to be significant.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

None.

6.2 Response of the Applicant:

- It is felt that the submitted proposal represents an entirely appropriate and considered response to the design challenges posed by the historic existing cottage, the site constraints, and the planning policy relevant to the site.

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- The applicants purchased the subject property in 2014 with a view to renovating and extending it for use as a family holiday home. Ms. Ní Mhuircheartaigh's extended family own the easternmost cottage along 'White Street' and she has spent her summers in Valentia since childhood. The applicants have long connections with Valentia Island and are extremely conscious of the historical and social significance of 'White Street' and its environs.
 - Whilst the site had the benefit of a grant of planning permission issued under PA Ref. No. 11/587, it was considered that the proposed layout was not appropriate to the applicant's needs. They were also disappointed that the approved design sought to subsume the original cottage into the overall structure so that it would no longer be identifiable within the scheme. Therefore, the architect's brief was to design a sensitive extension to the existing cottage which was to be retained and restored as part of the works.
 - Following an initial assessment of the site, it was considered that not only should the existing cottage be restored, but the ruined walls of a former cottage to the west should also be retained and integrated with the new extension in order that the evolution of the street would remain legible. In this respect it was felt that the abandonment of the westernmost part of the street was an important part of its 'story'. Therefore, a strategy was developed whereby the new extension would occupy the space between the cottage and the ruin in a setback position so as to reduce its visual impact on the street and to differentiate it from the original structures.
 - The proposed extension mirrors the general form of the existing buildings along the street and borrows vernacular features such as the simple slate roof, white gabled walls and barges.
 - There are examples of recent interventions in existing properties along the street which have generally sought to occupy the roofspace of the cottages, however, it is considered that such an approach is inappropriate as it alters the proportions of the roof and detracts from the overall simplicity of the cottages. Therefore, it is proposed to utilise the ground floor of the cottage only whilst the proposed extension will incorporate a mezzanine level located in the roofspace at first floor.
 - The ruins of the building to the west of the site will be stabilised and retained in order to screen a patio area to the west of the family room within the proposed extension.
 - It is acknowledged that it is proposed to use larger scale windows than those which prevail in the original cottage, however, it was considered that an attempt to mimic the traditional fenestration pattern would result in a

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- 'pastiche' form of architecture that would damage the legibility of the street. In this respect it should be noted that the building to the immediate east of the application site took the opposite approach and it is suggested that the validity of that design response is questionable.
- It is an established view within the architectural profession that in conservation projects, new extensions should be clearly distinguishable from the historic fabric.
 - It is accepted that the windows proposed for the extension are of a much greater scale than those in the original cottage, however, it is submitted that they are an entirely appropriate response to the context and serve to distinguish the contemporary interventions from the historic fabric.
 - Due to the on-site constraints and the desire to recess the extension behind the established building line, the southern wall of the new construction comprises a retaining wall and as such affords no opportunity for fenestration on the ground floor. Therefore, the proposed rooflight has been positioned centrally on the new extension thereby facilitating sea views from the mezzanine level and allowing southern light to penetrate the northern aspect dining area.
 - Due to the setting back of the proposed extension, it is considered that this aspect of the proposal will have little impact on the streetscape's historic pattern, and although it will be clearly visible from the north, it will not have a detrimental impact on the general massing of the buildings. In addition, the proposed rooflight serves to differentiate new from old.
 - By way of comparison with the previous proposal approved under PA Ref. No. 11/587, it should be noted that within that application:
 - The cottage ruins to the west were to have been demolished.
 - The previously proposed ridge height exceeds that presently proposed by c. 355mm.
 - The building line of the permitted extension maintained that of the cottage so that the increased ridge height would have had a far more injurious effect.
 - The central doorway of the cottage was to have been removed.
 - Whilst the cottages along the street are not protected structures and do not form part of an Architectural Conservation Area, it is accepted that the street should certainly be considered for such a designation by the Planning Authority and that certain buildings might well be worthy of inclusion in the Record of Protected Structures.

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- It is asserted that the design philosophy underlining the submitted proposal is in line with the approach to be expected if the property were protected. All works to the cottage will be supervised by a conservation architect and will be undertaken in accordance with the principles of repair of 'like with like', minimal intervention and reversibility. The new extension will be clearly distinguishable from the existing cottage and the historic ruined structure to the west is to be integrated into the overall design.
 - Given the limited size of the existing cottages, the on-going survival and continued domestic use of same will generally require that they are extended in some form. In this respect it is submitted that to faithfully mimic the cottage architecture of the existing structure would serve to further degrade the streetscape given that certain interventions to date have slowly eroded its historic fabric such that it is now difficult to discern what the original cottage form along the street actually was. In this context, it is felt that any proposed extension should respect the form of the vernacular buildings, but should also be clearly of our time.

7.0 POLICY CONTEXT

7.1 National and Regional Policy / Guidance:

7.1.1 The 'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect protected structures and development within their curtilage or attendant grounds.

7.2 Kerry County Development Plan, 2015-2021:

Chapter 3: Settlement Strategy:

Section 3.3: Rural Settlement Strategy:

Section 3.3.1: Rural Area Types and Settlement:

It is the policy of the Kerry County Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (DoEHLG) and this will be achieved through greater emphasis on the following:-

- a) Establishing that there is a genuine housing need for permanent occupation.

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- b) Giving priority to the reduction of residential vacancy rates in the Rural Areas Under Strong Urban Influence and Stronger Rural Areas in preference to new residential development.
 - c) The replacement, 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 settlements or development nodes where there are services available.

Section 3.3.5: Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas:

The Planning Authority shall give positive consideration to the renovation and restoration of existing structures and to the completion of derelict and vacant buildings in the rural countryside for use as permanent primary residences and as holiday home accommodation. Consideration will be related to the specific location and condition of the structure and the scale of any works required to upgrade the structure to modern standards.

Replacement of an existing dwelling house will also be considered where the renovation or restoration of the building is not feasible for structural reasons. The Planning Authority will require a Structural Engineers Report to support this position.

In Prime Special Amenity Areas, however, the renovation or restoration will be confined to dwellings which are to be occupied by a person as their primary place of residence and who are sons and daughters of traditional landholders, the landholding having been in the applicant's or applicant's family's ownership for a period in excess of ten years while being the location of the principal family residence.

The following provisions shall apply:-

- The structure to be restored/renovated shall constitute an identifiable dwelling, with the walls being generally intact.
- In the case of refurbishment and extension proposals, the scale and architectural treatment of proposed works shall be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.

Restored or renovated dwellings shall be located where safe access, acceptable wastewater disposal arrangements can be put in place and where specific development objectives outlined in the County Development Plan are not contravened. Where necessary, surveys on protected species may need to be undertaken in order to assess the impact of restoration and renovations on these protected species.

RS-16: Give favourable consideration to applications for the conversion and reuse of existing traditional farm buildings or rural houses. These properties should be structurally intact and exhibit essential physical characteristics of a dwelling house.

RS-17: Resist the demolition and replacement of traditional or vernacular rural housing, whose character merits retention.

Chapter 12: Zoning & Landscape:

Landscape Protection:

ZL-1: Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Section 12.3.1: Zoning Designations:

Rural Secondary Special Amenity:

The landscape of areas in this designation is sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape.

Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area, as set out in the Building a House in Rural Kerry Design Guidelines (Kerry County Council 2009).

Permission will not be granted for development which cannot be integrated into its surroundings. Development will only be permitted where it is in accordance with the provisions of Chapter 3.3.2

N.B. From a review of Map 12.1(l) of the Development Plan it is apparent that the proposed development site is located within an area which has been designated as '*Secondary Special Amenity*'.

Chapter 10: Natural Environment & Flood Risk Management:

Section 10.2: *Environmental Designations:*

NE-11: Ensure that all projects likely to have a significant effect on a Natura 2000 / European site will be subject to Habitats Directive Assessment prior to approval.

NE-12: Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects) unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions.

NE-13: Maintain the nature conservation value and integrity of all Natural Heritage Areas (NHAs), proposed Natural Heritage Areas (pNHAs), Nature Reserves and Killarney National Park. This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

Section 10.3: *Water Quality*

Section 10.4: *Septic Tanks and Proprietary Waste Water Treatment Systems*

Chapter 13: Development Management – Standards & Guidelines:

Section 13.2: *Development Standards / General*

Section 13.4: *Residential Development in Rural and Non-Serviced Sites*

8.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design / visual impact / built heritage considerations
- Wastewater treatment and disposal
- Traffic implications
- Appropriate assessment

These are assessed as follows:

8.1 The Principle of the Proposed Development:

8.1.1 The proposed development involves the renovation and extension of an existing dwelling house and whilst it would appear that the property in question is presently vacant and in need of modernisation, in my opinion, it is clear that the dwelling itself remains intact and in a somewhat habitable condition and that the overall principle of the subject proposal must therefore be considered acceptable. In support of the foregoing, I would draw the Board's attention to Section 3.3.5: *'Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas'* of the Kerry County Development Plan, 2015-2021 wherein it is stated that the Planning Authority will give positive consideration to the renovation and restoration of existing structures in the rural countryside for use as both permanent residences and holiday home accommodation. In addition, it is of relevance to note that Objective RS-16 of the Plan specifically states that favourable consideration will be given to applications for the conversion and reuse of existing traditional farm buildings or rural houses provided the properties in question are structurally intact and exhibit the essential physical characteristics of a dwelling house. Indeed, I would further suggest that the foregoing provisions accord with Section 3.2.2 of the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* which suggest that development plans should include policies and objectives to the effect that *'Proposals to reinstate, conserve and / or replace existing, ruinous or disused dwellings will be looked on favourably by the planning authority subject to satisfying normal planning considerations relating to the provision of safe access and the design and provision of any necessary wastewater treatment facilities'*. Accordingly, it would seem that the subject proposal which seeks to renovate and extend an existing intact dwelling house in the open countryside would generally accord with the wider policy provisions set out in the County Development Plan in addition to the overall principles of proper planning and sustainable development.

8.2 Overall Design / Visual Impact / Built Heritage Considerations:

8.2.1 From a review of Map 12.1(l) of the County Development Plan I would advise the Board that the proposed development site is located in an area which has been designated as being of *'Secondary Special Amenity'* value and that Section 12.3.1 of the Plan states that such areas are sensitive to development and that any development proposals will be required to be designed so as to minimise the effect on the landscape. Notably, these provisions are reiterated in Section 3.3.2.2 of the Plan which emphasises that areas of *'Secondary Special Amenity'* constitute sensitive landscapes which can only accommodate a limited

level of development and that this will depend on the degree to which the development in question can be integrated into the landscape. Furthermore, it is of relevance to note that significant seaward views are available from the site and its immediate surrounds northwards over Douulus Bay and beyond. Accordingly, having conducted a site inspection, I would accept that the proposed development site is clearly located in a particularly remote and sensitive coastal location of high scenic quality and visual amenity value to both locals and visitors alike.

8.2.2 In addition to the foregoing, it should also be noted that the proposed development site (with specific reference to the existing dwelling house / cottage) forms part of an attractive row of cottages which seemingly make up a former traditional fishing village known locally as 'White Street'. In this respect I would reiterate that whilst these cottages are in varying states of condition / repair, with several examples having been subjected to certain contemporary adaptations such as the alteration of window / door openings, the revision of fenestration detailing, and changes to roof finishes etc., they nevertheless retain their architecturally vernacular character. However, in the interests of clarity, the Board is advised that the cottages in question have not been included in the Record of Protected Structures and that 'White Street' has not been designated as an Architectural Conservation Area despite a previous suggestion to do so as referenced in the grounds of appeal.

8.2.3 The proposed development consists of the alteration, renovation and extension of an existing cottage dwelling house which will involve the partial demolition and re-construction of elements of the existing building with the subsequent construction of a contemporarily designed dormer extension to the side and rear of same (through excavation into the embankment to the rear of the property) which will ultimately link to the remnants of the adjacent stone outbuilding to the northwest in order to provide for an enclosed patio area. Notably, the works in question specifically include for the retention of the front façade of the existing cottage, although they also provide for the renovation and alteration of its roof construction which is proposed to incorporate new barge / verge detailing to the gable ends of both the new and existing roof areas. With regard to the proposed extension, in my opinion, it is clear that the design rationale for same has sought to distinguish the new construction from the original cottage by adopting a contemporary architectural approach whereby the proposed extension is intended to complement the older building fabric whilst also being clearly discernible as 'new-build'. In this respect it is of relevance to note that the proposed extension will be recessed behind the building line of the

original / existing construction on site whilst the incorporation of the adjacent remains of a stone outbuilding / structure will serve to partially screen the new building. Whilst I would acknowledge that the proposed extension will be of a dormer construction and will exceed the roof line of the original cottage, given the variety of building heights and ridgelines along 'White Street', I am inclined to suggest that the proposed design would not appear out of place and would not unduly detract from the distinctive character of the prevailing 'streetscape'. Indeed, it is also notable that the proposed extension will be screened in part from seaside views by the existing (and more conventionally constructed / renovated) dwelling house located directly opposite the application site on the seaward side of the public road.

8.2.4 On balance, I would generally concur with the architectural approach adopted in the subject application and the explanation for same as set out in the applicant's response to the grounds of appeal. For example, with regard to the inclusion of the proposed rooflight, I would accept that the on-site constraints and the desire to recess the extension behind the established building line will result in the southern wall of the new construction comprising a retaining structure and that this will not allow for the provision of any fenestration within this elevation to serve the ground floor accommodation. Accordingly, the central positioning of the proposed rooflight within the new extension is an appropriate design response in that it will allow southern sunlight to penetrate the northern aspect of the ground floor dining area whilst also facilitating sea views from the proposed mezzanine level. Furthermore, having reviewed the proposals for the redevelopment of the existing cottage as previously approved under PA Ref. No. 11/587, I am in agreement with the applicant that the subject application represents a more appropriate design response to the specifics of the site context in that it incorporates the cottage ruins to the west (which were to have been demolished under the earlier proposal) whilst it also provides for a suitably contemporary addition to the existing cottage with the new construction being both clearly distinguishable yet complimentary to the original building fabric. However, I would suggest that it will be necessary to exercise some degree of control as regards the external finishes of the proposed development in order to ensure that it is suitably integrated into the wider streetscape of 'White Street'.

8.2.5 Having considered the submitted information, it is clear that the subject site is located within a landscape of high amenity value which is particularly sensitive to change and thus warrants protection, however, I am satisfied that the subject proposal will not be visually intrusive and will not contravene the provisions of the County Development Plan as regards the control of development in areas of

secondary special amenity value. Similarly, with regard to the need to respect the built heritage considerations and vernacular character of 'White Street', it is my opinion that the submitted proposal is an appropriate design response to the site context which will not detract from the wider streetscape or the prevailing pattern of development.

8.3 Wastewater Treatment and Disposal:

8.3.1 The proposed development would appear to involve the decommissioning of an existing effluent disposal system (the details of which have not been provided) and the replacement of same with a new wastewater treatment system which will discharge treated effluent to ground via a soil polishing filter. Accordingly, it is necessary to review the available information in order to ascertain if the proposal to install the new wastewater treatment system is acceptable and if the subject site is suitable for the disposal of treated effluent to ground. In this respect I would refer the Board to the submitted Site Characterisation Form which details that the trial hole recorded 300mm of topsoil overlying 200mm of CLAY whilst the remainder of the excavation to a depth of 2.3m below ground level comprised SILT with cobbles. Notably, no rock or water ingress were recorded. With regard to the percolation characteristics of the subsoil a 'T'-value of 38.06 min / 25mm was recorded.

8.3.2 In addition to the foregoing, it is of particular relevance to note that the proposed wastewater treatment and disposal arrangements were previously approved by the Planning Authority in its earlier decision to grant permission for PA Ref. No. 11587.

8.3.3 On the basis of the submitted information, it would appear that the application site is suitable for the installation of the wastewater treatment system proposed subject to compliance with the requirements of the EPA's Code of Practice: '*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.<10)*' and in this respect it should also be noted that the Environment Section (Site Assessment Unit) of the Local Authority has also indicated that it has no objection to the proposal. Furthermore, I would suggest that cognisance must be taken of the established residential use of the application site and that the subject proposal most likely amounts to an improvement over the existing disposal arrangement (which is presumably non-compliant with the EPA Code of Practice) and thus the proposed development should be viewed in this context.

N.B. Whilst both the planning application form and the site layout plan (Drg. No. 14137-PLA-002-P1) have indicated that it is proposed to connect to an 'existing'

public watermain, the Site Characterisation Form states that a water supply will be obtained from a private well / borehole and in this regard it is notable that Drg. No. 000 (Site Layout) actually identifies the location of an existing well on lands to the south outside of the confines of the application site. Whilst this discrepancy is regrettable, it should be noted that the existing well (in the event this is to be utilised as the water source for the dwelling house) is located up-gradient of both the proposed wastewater treatment system and the existing effluent treatment systems serving neighbouring properties and that sufficient separation distance has been provided from same as per the requirements of the EPA Code of Practice.

8.4 Traffic Implications:

8.4.1 At present, the likelihood is that vehicles visiting the application site are obliged to park within the open lawn / grassed area to the front of the existing dwelling house alongside the public road in order to avoid any obstruction of other road users / traffic. In this respect the subject proposal seeks to retain this arrangement although it is proposed to replace the existing lawn with a clearly demarcated parking area finished in 'stone chip' surfacing which will be bordered by new paving. Whilst there is no objection in principle to this proposal on the assumption that it effectively serves to formalise an existing vehicular access arrangement and thereby also negates the potential for any possible future incidences of cars choosing to park on the carriageway, I would suggest that in the interests of visual amenity and surface water drainage that the final detailing of the surface treatment at this location should be agreed with the Planning Authority.

8.5 Appropriate Assessment:

8.5.1 From a review of the available mapping, including Map Nos. 10.1(d) & 10.2(d) of the Kerry County Development Plan, 2015 and the data maps available from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is partially located within the Iveragh Peninsula Special Protection Area (Site Code: 004154) and is also a short distance from the Valentia Harbour / Portmagee Channel Special Area of Conservation (Site Code: 002262). In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 10 of the Kerry County Development Plan, 2015, to conserve, manage and, where possible, enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County. Furthermore, Objective NE 12 of the Plan states that no projects which will be reasonably likely

to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives, will be permitted (either individually or in combination with other plans or projects) unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.

8.5.2 Having reviewed the available information, including the screening report prepared by the Planning Authority in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, I am satisfied that given the nature and scale of the development proposed, the established residential use of the site in question, the site location on lands of limited ecological value in terms of the site synopsis for the relevant Natura 2000 designation, and as the proposed works will generally be confined to an area of previously disturbed land, the proposal is unlikely to have any significant effect, in terms of the disturbance, displacement or loss of habitats or species, on the ecology of either the Iveragh Peninsula Special Protection Area or the Valentia Harbour / Portmagee Channel Special Area of Conservation, and therefore I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the said sites and would not undermine or conflict with the Conservation Objectives applicable to same.

8.5.3 Accordingly, it is reasonable to conclude that, on the basis of the information available, which I consider adequate in order to issue a screening determination, the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Codes: 004154 & 002262, in view of the relevant conservation objectives, and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

9.0 RECOMMENDATION

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations set out below:

Reasons and Considerations:

Having regard to the existing residential use on site, to the proposal to install a new sewage treatment unit on site, and to the size and design of the proposed extension, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not be in material conflict with the overall provisions of the current Development Plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, a photographic survey of the existing dwelling by a qualified conservation architect shall be carried out and a method statement outlining the means of construction shall be submitted to the planning authority for agreement. The development shall be completed in accordance with the approved details.

Reason: To preserve a record of a building of heritage interest and in the interest of orderly development and the visual amenities of the area.

3.
 - a) Details (including samples) 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.

b) All external walls shall be white in colour and faced in a plaster finish. Native stone facing shall not be used and the roofing shall be of local slate.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be 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.

5. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

6. All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 9.
- a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
 - b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the development and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
 - d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
 - e) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects",

published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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 Bord 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.

Signed: _____

Robert Speer
Inspectorate

Date: _____