



An
Bord
Pleanála

Inspector's Report PL.08.247919

Development	Demolish rear extension to Gleanntan House, construct 3 no. houses and all associated site works.
Location	New Road, Killarney Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	16/1109
Applicant(s)	John Paul Coghlan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sean O'Brien
Observer(s)	None
Date of Site Inspection	26 th April 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located on New Road, Killarney, which is situated within 200 metres of the town centre.
- 1.2. The appeal site comprises of two existing houses both 2-storey in height. The houses are semi-detached and both houses have recently undergone renovation works and are unoccupied.
- 1.3. There are established houses located either side of the appeal site and there is a primary school and a Gardaí station located on the opposite side of the public road to the appeal site.
- 1.4. There is a vehicular entrance situated between the two houses which serves the rear of the site. The rear gardens have been cleared and there is a pile of demolition waste situated to the rear of the site.
- 1.5. The appeal site adjoins an existing residential property with a rear garden and there is a large green field situated to the rear of this adjoining residential property.

2.0 Proposed Development

- 2.1. The proposed development provides for the following;
 - a. elevation changes to Silverspruce and Gleanntan Houses.
 - b. demolish rear extension (apartment no. 2) to Silverspruce
 - c. construct new rear extension to Silverpruce
 - d. demolish rear extension extension to Gleanntan House
 - e. Retain Silverspruce and Glenntan House within revised boundaries.
 - f. Construct 3 no. townhouses to rear of site.

It is proposed that Silverspruce House will have a floor area of approximately 213 sq. metres of habitable space and a garage with a floor area of 26 sq. metres. The private open space provision to serve Silverspruce House amounts to 75 sq. metres.

It is proposed that Gleanntan House will have a floor area of approximately 166 sq. metres and will comprise of a 4-bedroom house. The private open space provision amounts to 50 sq. metres.

Townhouse no. 1 has a floor area of approximately 113 sq. metres, townhouse no. 2 has a floor area of 121 sq. metres and townhouse no. 3 has a floor area of 121 sq. metres.

The private open space provision for the proposed townhouses is as follows;

<u>Townhouse</u>	<u>Private Open Space</u>
No. 1	78 sq. m.
No. 2	60 sq. m.
No. 3	87 sq. m.

3.0 Planning Authority Decision

Kerry County Council decided to grant planning permission for (a) revised site boundaries for the existing houses, (b), elevation changes to the existing houses, and (c) construct 3 no. townhouses subject to 31 no. conditions.

3.1. Planning Authority Reports

3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The last application on the site for 4 no. apartments was partially refused by an Bord Pleanala.
- An Bord Pleanala granted permission for the redevelopment of Silverspruce and refused permission for the apartment block.
- It is submitted that the revised proposal addresses the previous application by reducing the overall scale of the proposed development.
- The 3 no. townhouses have been moved away from the boundary and reduced in scale.
- The appeal site is located within close proximity to the town centre.

- The site has two zonings applied to it. The northern portion is zoned residential and the remainder of the site is zoned town centre.
- The dwelling houses following renovation will provide adequate amenity space.
- The development proposal will only provide one additional dwelling compared to the existing site and there is no large increase in density on the site.
- The proposed town houses are designed to avoid overlooking.
- There is adequate amenity space to serve the proposed dwellings.
- It is considered that the development of the subject site will not impact on the objector's lands to the south.

3.1.2. Conservation; - No objections.

3.1.3. Estates; - No objection. Raises some points for consideration.

3.1.4. Municipal District Operations; - No objections.

3.1.5. Submission; - There is a submission from Transport Infrastructure Ireland who have no observations to make and there is also a submission from Fisheries Ireland which recommends that good site management shall be adopted during site construction, monitoring of all outlet points to surface / storm waters, and clarification required to confirm correct connections have been made to foul and surface water drainage.

3.2. **Third Party Observations**

There is one third party submission and the issues raised have been noted and considered.

4.0 **Planning History**

10-Year Planning History

- L.A. Ref. – Permission **refused** following an appeal to an Bord Pleanála (appeal ref. 245953). The development proposed was conversion of Silverspruce to one dwelling and the construction of a 3-storey apartment block, comprising of 4 no. apartments to the rear of the site.

- L.A. Ref. 07/4700 – Permission **refused** following an appeal to an Bord Pleanala (appeal ref. 224720). The development proposed was demolition of existing structures and construction of office and 11 no. apartments.
- L.A. Ref. 06/4541 – Permission **refused** by Kerry County Council. The proposed development consisted of the demolition of existing structures and the construction of 22 no. apartments, office and basement car park.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Kerry County Development Plan, 2009 – 2015.

The appeal site is zoned 'Town Centre' and residential is a permitted use within this zoning objective.

Section 12.26 of the Town Development Plan sets out guidance in relation to 'Infill Development'.

The Killarney Town Development Plan 2009-2015, which is expired has been extended until it is superseded by the relevant Municipal District Plans.

6.0 The Appeal

The following is the summary of a third party appeal submitted by **Sean O'Brien**;

- Recent decisions by an Bord Pleanala appeal ref. 224720 and appeal ref. 245953 overturned Planning Authority's decisions to grant planning permission.

- The proposal is overdevelopment of the site and would be seriously injurious to existing residential amenities.
- The proposed overall design is not in accordance with the national guidelines, i.e. 'Sustainable Residential Development in Urban Areas'.
- It is contended that the subdivision of the site will result in the congestion of layout and detract from existing amenities in the local area.
- The proposed separation distances for rear facing windows are less than 22m reflecting the congested nature of the site.
- The proposed development has inadequate public open space provision.
- It is submitted that the development would not be significantly set back from the rear of the property.
- The proposal is not in keeping with the Town Development Plan, 2015 – 2021.
- It is submitted that the proposal is piecemeal development and is premature will therefore have a negative impact.

7.0 Applicant's Response

The following is the summary of a third party appeal submitted by the applicant;

- It is submitted that all the issues in relation to the two previous appeals have been addressed in this current planning application. This includes all the concerns outlined by the appellant.
- It is submitted that adequate car parking provision has been provided on the development site in accordance with development plan standards and that condition no. 11 is unnecessary.
- The reason for the levy / contribution in condition no. 11 is that it is claimed that the proposed development will remove an on-street car parking space.
- The existing driveway to Silverspruce House will be widened to accommodate an additional car parking space.

- It is submitted that where it is proposed to widen the vehicular entrance there is no on-street car parking space as the road is currently marked with double yellow lines.
- The photos within the Road Safety Audit Stage ½ Report, submitted as part of the application, i.e. photos A, J & K clearly show double yellow line road markings.

8.0 **Assessment**

- Principle of Development
- Residential Amenities
- Condition no. 11
- Appropriate Assessment

8.1. **Principle of Development**

In accordance with the provisions of the Killarney Town Development Plan, 2009 – 2015, the appeal site is zoned ‘Town Centre’. Residential use is a permitted use within the zoning objective for ‘Town Centre’.

The established use on the appeal site, although not currently occupied, is residential and there are established residential developments adjoining the appeal site and facing onto New Road. It is national policy, (i.e. Sustainable Residential Development in Urban Areas, 2009) to promote residential densities in urban areas in close proximity to services and public transport. The appeal site offers an opportunity to fulfil these national objectives as the subject site is located within walking distance of established amenities.

Overall I would consider that the principle of a proposed residential development on the appeal site is acceptable given the zoning objectives pertaining to the site and national policy to promote higher densities on well-serviced infill sites however any

development having regard to the planning history would have to ensure the existing and future amenities are not compromised.

8.2. **Residential Amenities**

The proposed development is effectively a backland development as 3 no. townhouses are proposed to the rear of Silverspruce House and Gleanntan House.

In considering the proposed development before the Board the planning history in the recent appeal, i.e. appeal ref. 245953, will help set the planning context of the appeal site. In the previous application (appeal ref. 245953) the applicant sought permission for the conversion of Silverspruce House into a single residential unit and the provision of 4 no. apartments in a single apartment block situated to the rear of the subject site. The Planning Inspector in assessing this proposal concluded that the proposed apartments given their scale and proximity to site boundaries would compromise the future redevelopment of adjoining lands in particular lands to the immediate south. As such the Planning Inspector recommended a refusal to the Board. The Board decided to issue a split decision granting permission for the alterations to Silverspruce House and refusing permission for the apartment block to the rear of the site on the grounds that its development would adversely affect the development potential of adjoining lands, which are zoned for town centre uses and therefore would seriously injure residential amenities and would depreciate the value of property in the vicinity.

I would note the current proposal before the Board in comparison with the previously refused permission on the site. In summary the current proposal is revised downwards from 4 no. residential units to 3 no. residential units and the current proposal is for townhouses whereas the previous proposal was for apartments. Importantly I would note that the previous proposal consisted of a 3-storey block which was situated closer to the southern boundary whereas the current proposal is two-storey in height and is set back further from the southern boundary than the previous proposal.

I would also note that the current proposal includes a proposed design solution to address overlooking from the first floors of the proposed townhouses.

The Killarney Town Development Plan, 2009 – 2015, states that the minimum size private rear garden for a house located in the town centre shall be 48 sq. metres. The proposed rear gardens to serve all the houses in the proposed development would exceed 48 sq. metres and therefore the proposed development exceeds the minimum private open space standards as set out in the Town Development Plan.

The floor areas of the proposed townhouses would provide adequate residential amenities for future occupants and the overall floor areas for Silverspruce House and Gleanntan House would provide generous residential amenities for future occupants. The depth of the proposed rear gardens serving the town houses are relatively short as the townhouses have rear garden depths of 5.5 metres. These shallow rear garden depths may compromise the type and scale of future redevelopment on the vacant site located immediately to the south of the appeal site. Although I would acknowledge that the townhouses have been set back further from the southern boundary compared with the previous proposal (i.e. appeal ref. 245953) I would be of the opinion that this modification does not adequately address concerns set out by the Board in their refusal of the previous appeal.

I would also be concerned with the separation distances between the front elevations of the proposed townhouses and the rear elevations of Silverspruce House and Gleanntan House. In general, the separation distance between the front elevation of the proposed townhouses to the rear elevation of the existing houses is 17m which falls short of the separation distance of 22m which is generally recommended in the national guidelines. In addition, Silverspruce House has a single storey rear extension and therefore the separation distance between the front elevation of townhouse no. 1 and townhouse no. 2 would be 12.5 metres from the sitting room and dining space in Silverspruce House. Furthermore, the front elevation of the proposed two-storey townhouses are set back between 9.5m – 10m from the rear

garden boundaries of Silverspruce House and Gleanntan House which is relatively short in terms of visual impact and overlooking potential.

I would also note that the proposed town house no. 3 would look directly into the rear garden and private amenity space of an established residential property situated immediately to the north-east of the aforementioned townhouse. This overlooking, given the separation distance, would in my view have an adverse impact on established residential amenities. In relation to the design solution to address overlooking I would note from the submitted drawings that the eaves height of the proposed roof overhangs the proposed bedroom windows at first floor level of the townhouses and this will impede potential overlooking however this will have adverse consequences for the future occupants of the proposed townhouses. This proposed design solution, in my view, would darken proposed bedrooms to a degree that it would adversely impact on residential amenities of the future occupants. The proposed town houses given the relatively short separation distances would also be visually overbearing for the future residential residential amenities of Silverspruce House and Gleanntan House and the existing residential amenities of the established house situated to the north-east of the appeal site.

Overall I would consider that the proposed townhouses would result in overlooking and perceived overlooking of the residential amenities at Silverspruce House, Gleanntan House and established residential amenities to the north-east. Furthermore, the proposed development would be visually overbearing on proposed and established residential amenities and would impact on the future redevelopment of the site situated to the south of the appeal site. In conclusion I would consider that the proposed development would seriously injure established residential and future residential amenities and therefore would not be consistent with the proper planning and sustainable development of the area.

8.3. **Condition no. 11**

Condition no. 11 was not appealed by either party however the applicant has raised issues in relation to appeal no. 11 in their first party response submission. The

applicant argues in his submission that the proposed development provides adequate car parking provision and as such a development levy is unwarranted. The local authority have imposed a levy of €5,000 on the applicant as it is stated that the proposed development will widen the vehicular entrance which will therefore result in a loss of an on-street car parking space.

I would note that Appendix 2 of the Town Development Plan sets out car parking standards for development. The required car parking provision for a dwelling in a town centre location is one car parking space per dwelling and 0.25 spaces for visitor car parking. The proposed development would comply with this car parking standard.

In the applicant's submission it is demonstrated that the vehicular entrance adjoins on-street car parking restrictions in the form of double yellow lines. I would consider that the applicant has adequately demonstrated that the area to the front of the proposed vehicular entrance currently has double yellow lines and the proposed vehicular entrance would therefore not result in a loss of on-street car parking spaces.

8.4. **Appropriate Assessment**

Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

9.0 **Recommendation**

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

10.0 Reasons and Considerations

1. The proposed development would represent overdevelopment of a restricted site and by virtue of inadequate separation distances between the proposed townhouses and the existing houses of Silverspruce, Gleanntan and the adjoining residential property to the north east and would therefore result in overlooking of residential amenities and would also be visually overbearing on existing and future residential amenities. Furthermore, having regard to the size of the restricted site and the proximity of the proposed townhouse development to adjoining site boundaries, it is considered that the proposed development would adversely affect the development potential of adjoining lands, which are zoned for town centre uses in the current Development Plan for the area. The proposed development would therefore set an undesirable precedent in the area, seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

3rd May 2017