



An  
Bord  
Pleanála

## Inspector's Report PL.08.248001

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<b>Development</b>	Garage and car port, private space overhead and site works.
<b>Location</b>	Ardroe, Inch, Anascaul, Tralee, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	16/1132
<b>Applicant(s)</b>	Gearoid Kennedy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	As Above
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2017
<b>Inspector</b>	Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The subject site is located on the outskirts of Inch. Inch is a small settlement located approximately 23 km east of Dingle.
- 1.2. The appeal site is located on an established site of an existing dwelling which is elevated and overlooks Dingle Bay.
- 1.3. The house on the appeal site is a newly constructed dwelling and its driveway is currently unfinished.
- 1.4. There is a retaining wall situated to the immediate east and north of the existing dwelling on the appeal site. The retaining wall supports an elevated bank to the rear and side of the dwelling.
- 1.5. There is a two-storey stone building situated on the bank above the retaining wall and this structure is situated on higher ground in relation to the existing dwelling on the house.
- 1.6. There is an existing house on the neighbouring site to the immediate east of the appeal site.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of a new garage and car port with private recreational space at first floor level and all associated works.
- 2.2. The proposed development includes the demolition of an existing stone structure. It is intended that the stones from this existing structure will be reused in the construction of the new garage and car port.
- 2.3. The floor area of the proposed two-storey building is 122 sq. metres. The floor area of the existing stone structure to be demolished is 50 sq. metres.
- 2.4. The ground floor of the proposed structure will be used as a garage and garden and fuel store. There is also provision for an external car port at ground floor level.
- 2.5. The first floor will consist of a recreational room comprising of a home gym and pool room. The first-floor level will also have an external sun terrace. The recreational room is accessed by an external stair.

- 2.6. The maximum height of the proposed two-storey building is approximately 7.1 metres.
- 2.7. The design of the proposed building will have a rural / agricultural feel with external sheeting used for the roof and the stones from the existing structure on the site used for cladding.

### 3.0 **Planning Authority Decision**

Kerry County Council decided to **refuse** planning permission for the following reasons;

1. The proposed erection of a new building at this location because of its scale and sitting and the associated demolition of a vernacular building of architectural merit would be unduly obtrusive by visual impact on the landscape which would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective ZL-1 of the Kerry County Development Plan, 2015 – 2021. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development because of height, scale and proximity to the dwelling house on the adjoining site would, seriously injure the amenities and depreciate the value of property in the vicinity because of overlooking and would be contrary to the proper planning and sustainable development of the area.

#### 3.1. **Planning Authority Reports**

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

##### Area Planner

- The site is zoned Rural General.
- Permission obtained under L.A. Ref. 03/416 for construction of a house. The proposed development would result in alterations to the boundaries permitted

under L.A. Ref. 03/416. The applicant would need to seek retention permission of the existing dwelling on the site for the revised boundaries.

- The scale of the proposed development is a concern given its location to the rear and side of an existing dwelling.
- The proposed garage should not detract from the main house and the style should reflect the main dwelling house.
- It is considered that the scale of the proposed building would compete with the scale of the main dwelling house on what is sensitive and an open site location.
- There is a report from the Conservation Officer recommending retention of the existing stone shed on the site. It is considered that the loss of this building would have a negative impact on the landscape.
- It is considered that the existing stone shed could address storage needs on the site while retaining the vernacular architecture on the site.
- The balcony at first floor level could result in overlooking.
- No likely potential for significant effects of any Natura 2000 sites.
- It is concluded that the proposal is excessive and the demolition of the shed would have a negative impact on the landscape.

3.1.2. Conservation Officer; - Retention of the existing stone building is recommended.

### 3.2. **Third Party Observations**

There are no third-party submissions.

## 4.0 **Planning History**

- L.A. Ref. 03/416 – Permission **granted** to construct dwelling, septic tank, percolation area and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

The operational Development Plan is the Kerry County Development Plan, 2015 – 2021.

In accordance with the Settlement Strategy of the County Development Plan the appeal sits in an area designated 'Structurally Weaker Areas'.

Section 13.7 provides guidance on 'family / granny flat extensions'.

There are protected views located south of the proposed development and looking in a southwards direction towards Dingle Bay.

## 6.0 The Appeal

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

### Reason for Appeal

- It is submitted that the vernacular building on the site is not the same as the building shown on the historic map.
- The covered area of the proposed building above ground floor is 74 sq. m. which is slightly larger than the existing shed of 69 sq. m.
- It is noted that the Conservation Officer has suggested that the existing building should be considered for retention however the existing building is in a bad state of repair and not fit for purpose.
- It is submitted that it is not possible to achieve the proposed development structure within the existing building due to changes in levels, proximity to dwelling, and its layout and construction. The materials of the stone building will be used in the construction of the proposed building.

- The proposed building will be cut into the landscape and its visual impact will be reduced. This is not considered by the local authority.
- Although the planning report refers to the proximity of the proposal to the dwelling house. The proposal is 14m from the dwelling and the structure located between the proposed dwelling is used for storage.
- In terms of potential overlooking it is submitted that the proposed balcony will be at a level of 92m O.D. and the neighbour's storage area has a floor level of 92.59m and the dwelling has a floor level of 93.38m O.D. Overlooking will not be an issue.

#### Issues Relating to Decision to Refuse Permission

- An image from an OS map illustrates that the existing building is not the historic building on the site.
- Photographs submitted demonstrate that the existing shed was demolished in the recent past.
- It is considered that the existing building was only ever used as a shed in the past as there is no chimney, hearths and there is a drainage channel to the back which allows drainage flow to the adjoining field. This has resulted in flooding in the past.
- The existing shed is not suitable for conversion. The internal dimension is 4.4m from front to back and this does not allow for plastering / internal insulation.
- This internal dimension of the existing shed is only suitable to park a small car.
- The shed itself is shown cracking and bulging on the walls and a lot of the front façade would need to be removed to fit the garage doors. This alteration would detract from the architectural merit of the existing structure.
- The existing shed is 1.5m higher than the adjacent driveway to the house.

- It is submitted that the demolition of the existing shed is exempted from planning having regard to Class 50 Schedule 2 – Exempted Development – General of the Planning and Development Regulations.
- The existing stone will be used in the proposed cladding.
- The design of the proposed building reflects the numerous barrel vaulted agricultural buildings in the area.
- The site is in a general rural area on the edge of a structurally weaker area and so should fulfil RS-3, RS-4 and RS-12 of the Kildare County Development Plan.
- It is submitted that Policy Objective RS-16 and RS-17 do not apply to the shed as they apply to dwellings or structures suitable to be converted to dwellings.
- The ground level of the proposed development is reduced significantly to integrate the proposal into the existing landscape.
- The existing ground level at the North-East corner is approximately 2m higher than the proposed floor level so that the proposed development will be below ground on the north and east sides and will be hidden from view from the existing building to the west.
- The distance of the proposed development to the actual dwelling is 14m.
- The garage structure adjoining the appeal site boundary has been used as storage for more than 15 years.
- The proposed structure will not overlook the adjoining property due to changes in level.

#### Design Considerations

- The County Development Plan states that sustainable rural housing will be achieved through replacement, renovation and modification of existing structures.



- The local area is designated 'Rural General' and 'Structurally Weaker Area' where it is an objective to accommodate demand for permanent residential development.
- RS-16 and RS-17 both apply to traditional housing or structures and the existing shed is not relevant to these policies.
- The proposal is consistent with the 'Building of a House in Rural Kerry' and the architecture (page 9), mature and sheltered sites (page 14), topography (page 18), residential amenities (page 21).
- The 'Building of a House in Rural Kerry' refers to the Barn House although the proposal is not a house the design concept remains the same.
- The main glazing is facing southwards.
- It is submitted that the location of the proposed garage, behind the main dwelling, will ensure that the proposal will not add to the excessive bulk and scale.

## 7.0 **Assessment**

- Principle of Development
- Impacts on Established Amenities
- Conservation
- Landscape
- Appropriate Assessment

### 7.1. **Principle of Development**

- 7.1.1. The proposed development is a two-storey structure providing a garage, garden / fuel storage and a car port at ground floor level. The proposal also includes a recreation room at first floor level with provision for an external sun terrace. The proposed development also includes the demolition of the existing stone structure situated on the appeal site.

- 7.1.2. In principle, the proposed development represents ancillary accommodation to the existing house on the appeal site which is generally acceptable. However, the design and scale of the proposed development gives rise to issues such as impacts on landscape and established residential amenities. In addition, the proposed development involves the demolition of an existing stone structure and the conservation merits of this structure are unclear.
- 7.1.3. The County Development Plan sets out provisions in Section 13.7 in which it is possible to extend family dwellings to provide for extending families. This includes family flats and domestic extensions and the proposed development, which is a recreational space, is not consistent with either of these developments.
- 7.1.4. Overall I would consider that the principle of additional ancillary accommodation is generally acceptable if any additional development respects the established residential and landscape character of the local area and is not detrimental to any established structures of conservation interest.

## 7.2. **Impacts on Established Amenities**

- 7.2.1. In considering impacts of the proposed development on residential amenities I would acknowledge that a significant feature of the appeal site are the changing levels and this is indicated in the submitted 'site layout plan' which accompanied the planning application.
- 7.2.2. The proposed building is cut into the landscape. The finished floor level of the proposed building is 89.3 O.D. whereas the finished floor level of the existing house to the immediate east of the appeal site is 93.38 O.D. In the submitted drawing 'Elevations and Section' the east facing side elevation has a maximum height of approximately 4.7 metres above ground level. This side elevation of the proposed development is set back approximately 1.5 metres from the site boundary. On the adjoining site to the east of the appeal site there is a garage / store located adjacent to the site boundary and the existing house on the adjoining site is set back

approximately 9.5 metres from the site boundary. I would note that there is a condition attached to the previous permission on the appeal site which is relevant to the proposed development. Condition no. 4 of the L.A. Ref. 03/416 sets out the minimum distance of any garage / or other structure in relation to the site boundary. However, I would accept that the current application is a challenge to Condition no. 4 of the L.A. Ref. 03/416.

7.2.3. On the basis of the height of the proposed development, having regard to the change in levels, I would not consider that the scale of the proposed development would adversely impact on established residential amenities to the immediate east of the appeal site.

7.2.4. The proposed development includes the provision of an external sun terrace at first floor level. Although the proposed sun terrace is located at first floor level the finished floor levels of this sun terrace are approximately level with the external ground level of the neighbouring site to the immediate east. I would accept that these levels would ensure that significant overlooking of adjoining residential amenities would be curtailed. However, I would be concerned with the shape of the appeal site and how the shape relates to the neighbouring site to the immediate east and south. The proposed sun terrace is situated to the immediate north of the front garden of the existing house to the east. The front garden of this adjacent house is the primary external residential amenity for the adjoining residents as there is a limited space to the rear of this house. I would consider that the proposed sun terrace would overlook a significant portion of the neighbouring front garden which is an amenity space for the adjoining residents and therefore, in my view, the proposed development would seriously injure the residential amenities of the adjoining property, would set an undesirable precedent for other such development and as such is contrary to the proper planning and sustainable development of the area.

### 7.3. **Conservation**

The stone structure on the appeal site is proposed for demolition and the conservation merit of this structure is an issue.

- 7.3.1. I note the report of the Local Authority Conservation Officer which recommends that the stone structure is retained and incorporated to any redevelopment. The Conservation Officer, in her report, has included an image of the 1893 OS map and there is a structure on the appeal site in approximately the same location as the existing stone structure. I have examined the historic map and inspected the appeal site and I would agree with the Conservation Officer that the existing stone building is situated in approximately the same location as the structure shown on the historic OS Map.
- 7.3.2. I acknowledge the arguments submitted by the appellant. I noted from my site inspection that the stone building on the appeal site is effectively an outhouse and was possibly used to accommodate livestock during winter months. The overall condition of the structure is poor. Nonetheless it is considered that the structure is of historic importance and without any evidence based counter argument on the date of construction of the stone structure it must be assumed that the structure dates from pre-1893.
- 7.3.3. In terms of conservation protection, the existing structure is not listed on the RPS nor is it listed on the National Inventory of Architectural Heritage. Therefore, there is no statutory protection for the retention of the stone building on the appeal site.
- 7.3.4. In the Kerry County Development Plan, 2015 – 2021, I note that the Local Authority encourages the protection of vernacular architecture. As such policy objective H 45 of the County Development Plan is relevant. Also, policy H 34 ‘Reuse’ is relevant. Policy Objective H 45 states *‘encourage the protection, appreciation, retention and appropriate renovation of vernacular buildings throughout the County’*.
- 7.3.5. Overall I would consider that the demolition of the existing stone structure, which is contrary to the recommendation of the Conservation Officer, would detract from the architectural heritage of the local area, would be inconsistent with Policy H 45 of the

County Development Plan and therefore would be contrary to the provisions of the Kerry County Development Plan, 2015 - 2021.

#### 7.4. **Landscape**

- 7.4.1. A significant aspect in considering the impact of the proposed development on landscape are the site levels, both existing and proposed, and any landscape designations that relate to the local area.
- 7.4.2. Firstly, I will consider landscape designations. I noted from my site inspection that the public road to the immediate south of the appeal site offers panoramic views towards Dingle Bay. I have also reviewed the Kerry County Development Plan, 2015 – 2021, and I note that there are protected views however these views are from the main road (R561) which is situated southwards of the appeal site and orientate across Dingle Bay. The proposed development will have no impact on these protected views given the separation distance and the orientation of these protected views away from the appeal site.
- 7.4.3. The site of the proposed building is situated on higher ground to the existing dwelling located to the immediate west. In order to provide for access from the existing driveway to the proposed garage the proposed building is cut in the landscape. The finished floor level of the proposed building is 89.3 O.D. whereas the finished floor level of the existing house to the immediate west is 88.84 O. D and the finished floor level of the existing house to the immediate east of the appeal site is 93.38 O.D. As such the scale of the proposed two-storey building is reduced when viewed from the public road to the south of the appeal site. I also note that a key design concept of the proposed development is the reuse of stone from the existing structure on the site and using barrel vaulted material and my view this proposed design and materials allows for better integration of the proposed development to the landscape.
- 7.4.4. I have reviewed landscape designations in the County Development Plan and I would consider that the proposed development would not interfere with the character

of the landscape and therefore would not be contrary to Policy ZL-1 of the Kerry County Development Plan, 2015 – 2021.

- 7.4.5. I would consider having regard to the proposed design, the pattern of development in the local area, and the landscape designations that the proposed development would not unduly impact on the landscape character or the visual amenities of the area.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed I recommend that no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. 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 reasons set out below.

9.0 **Reasons and Considerations**

1. It is considered that the proposed development and because of its proximity to existing properties, layout, scale and orientation would overlook established residential amenities situated to the east and south of the appeal site and therefore, would seriously injure the residential amenities of adjoining properties. As such the proposal, would detract from the amenities of adjoining properties, and fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area. The proposed development would, seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

2. The existing stone shed on the appeal site reflects local vernacular architecture for which there is a Policy Objective (H45) in the Kerry County Development Plan, 2015 – 2021, to encourage protection and retention of these structure. The proposed development and consequent demolition of the existing stone structure on the appeal site would be contrary to Policy Objective H45 of the Kerry County Development Plan, 2015 – 2021, would detract from the architectural heritage of the local area and would therefore be contrary to the proper planning and sustainable development of the area.

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Kenneth Moloney  
Planning Inspector

19<sup>th</sup> May 2017