



An
Bord
Pleanála

Inspector's Report PL.08.248264

Development	4 houses, new entrance, access road and site works.
Location	Reenrusheen, Cahersiveen, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/6
Applicant(s)	Eamon & Angela Kelly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	14 th June 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern edge of Cahersiveen.
- 1.1.2. The appeal site is effectively situated between the Carhan Road and the Reenrusheen Road and the site only has road frontage onto the Reenrusheen Road. The size of the site is 0.46047 ha (1.13 acres) and the shape of the site is irregular. The subject site is relatively deep but narrow in width.
- 1.1.3. The appeal site, where it adjoins the Reenrusheen Road, is situated between a detached dormer bungalow on one side and a detached single storey house with garage on the other side.
- 1.1.4. The northern boundary of the appeal site is adjoined by a right of way which is situated between the appeal site and the adjoining dormer bungalow to the north.
- 1.1.5. There is a pair of semi-detached houses located to the south of the appeal site and these houses have access onto the Carhan Road. These semi-detached houses are two-storey over basement in height.
- 1.1.6. The gradient of the site slopes gently downwards in a northern direction towards the Reenrusheen Road.
- 1.1.7. The vegetation on the site would indicate that site drainage is relatively poor.

2.0 Proposed Development

- 2.1.1. Planning permission is sought for the construction of 4 no. dormer style dwelling houses including the development of an entrance and access road with associated site development works.
- 2.1.2. The proposed houses are broadly similar in terms of design, layout and floor areas.
- 2.1.3. The exception is house no. 1 which has a differing first floor layout to the house no.s 2, 3 and 4.
- 2.1.4. The proposed houses are three bedroom units and the rear bedrooms of all the houses are served by a velux window whereas the other two bedrooms are served by dormer windows.
- 2.1.5. The overall height of the proposed houses is 7.3 metres above ground level.

- 2.1.6. The proposed houses are served with individual private open space in the form of rear and side gardens. There is also an area of public open space totalling 516 sq. metres situated to the front of the proposed houses.
- 2.1.7. The proposed development will be served by public water mains and public sewer.

3.0 Planning Authority Decision

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

The Planning Authority is not satisfied on the basis of the submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective RS-7, of the Kerry County Development Plan, 2015 – 2021, having regard to the location of the application site in an area designated as a ‘Rural Area under Stronger Urban Influence’. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning Authority Reports

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

Area Planner

- Rural area designated as ‘Rural Area Under Strong Influence’.
 - No negative visual impacts associated with the proposed development.
 - The occupancy / intrinsic link is an issue as the rural area designation of ‘Rural Area Under Strong Influence’ only allows a son / daughter of the landowner satisfy the housing need.
 - EIA not required in this instance.
 - No likely potential for significant effects of any Natura 2000 sites.
- 3.1.2. Estates; - This report sets out an number of concerns primarily in relation to access.

- 3.1.3. Submissions; - There is a submission from Transport Ireland who have no objections. There is a submission from Irish Water who have no objections.

Third Party Observations

There are no third party submissions.

4.0 Planning History

- L.A. Ref. 079/1637 – Permission **granted**, subject to conditions, for the extension of the duration of permission.
- L.A. Ref - 07/1637 – Permission **granted**, subject to conditions, for the construction of 4 no. dwelling houses.
- L.A. Ref. 05/806 – Permission **granted**, subject to conditions, for the erection of 6 no. houses.

5.0 Policy Context

Local Area Plan

The appeal site is located outside the development boundary of Cahersiveen as indicated in the Development Plan for Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan, 2013 – 2019.

Development Plan

In accordance with the settlement strategy of the Kerry County Development Plan, 2015 – 2021, the appeal site is located in a rural area designated 'Rural Area under Strong Urban Influence'.

The following policy objectives are relevant;

- RS – 7 – Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters,

favoured niece / nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection.

- RS – 8 – Give priority to the completion of unfinished dwellings and the occupation of vacant units in preference to new residential development for persons who are an intrinsic part of the rural community which they are proposed.
- RS 9 – Facilitate the housing requirements of the rural community.

6.0 National Guidelines

Sustainable Rural Housing Guidelines, 2005

The subject site is located within an 'Predominantly Dispersed Settlement Areas' as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that these are "areas exhibiting these characteristics are generally associated with the western seaboard of counties such as Donegal, Mayo, Galway, Clare and some parts of Kerry and many parts of the Gaeltacht where there are comparatively fewer village or smaller town type settlements compared with other rural areas; instead there tends in those areas to be a prevalence of housing clusters, groups of clusters and occasionally linear development".

7.0 The Appeal

The following is the summary of a first party appeal submitted by Donal O'Connell, on behalf of the applicant's Eamonn and Angela Kelly.

- The subject site is located within the urban area of Cahersiveen town.
- The site is located within a zone which is predominately residential in character and not in any sense rural.
- The local area contains several existing housing developments, industrial units and single house developments.

Site History

- The subject site obtained planning permission for the construction of 4 no. houses.
- In 2012 this permission obtained an extension to the duration of the permission.
- There were no objections to this extension to the duration of the permission.
- Kerry County Council granted permission having regard to the location of the site and the availability of services. It was considered that the subject development would not unduly impact on established amenities and the development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety.

Site Location

- The site at its closest location is 20m from Cahersiveen town boundary and effectively within the town of Cahersiveen.
- The zoning objectives have changed little from the previous zoning map in 2007 and 2012 under which permissions were granted.
- The subject site is located midway between two large urban housing developments and more have been granted permission.
- The appeal submission includes a map indicating the location of developments relative to the appeal site.
- It is submitted that in 2007 planning permission was granted for two developments comprising of a total of 57 residential housing units, retail units and associated site works at Carhan Lower. This development is much larger in scale than the current proposal and is further away from the town boundary.
- It is submitted that the 2013 LAP illustrates future indicative and proposed new road and pedestrian routes serving Cahersiveen town.
- The area surrounding the appeal site has been urbanised and it is not correct to apply the term rural to the area.

Public Services

- The proposed development is consistent with CS-2 of the Kerry County Development Plan, 2015 – 2021.
- The site is served by public water mains and public sewer.

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- It is contended that the proposed development is consistent with Section 3.3.2.1 of the County Development Plan and this is recognised by the Area Planner of Kerry County Council.
- Given the favourable conclusion of the Area Planner in relation to Section 3.3.2.1 it is difficult to understand the final decision to refuse permission.

Future Demand

- It is submitted that there is a need for the proposed development given the housing shortage in the local area.
- This local housing shortage has resulted in increased property prices and rising rent levels.

8.0 Assessment

- Principle of Development
- Impact on Established Residential Amenities
- Residential Amenities
- Appropriate Assessment

Principle of Development

The local authority refused planning permission for the proposed development on the grounds that the proposal would be contrary to the rural housing policy of the

Kerry County Development Plan, 2015 - 2021. However the appellant argues that the proposed development is located within a zone which is predominately residential in character and not in any sense rural and the local area contains several existing housing developments, industrial units and single house developments.

The question therefore arises whether the appeal site can be considered a rural site and whether therefore the rural housing policies would apply or whether the appeal site is an urban site. The Sustainable Rural Housing Guidelines, 2005, define rural areas as 'areas outside of urban areas with a population of 1,500 and over'.

The appeal site is located outside the development boundary of Cahersiveen as indicated in the Development Plan for Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan, 2013 – 2019. I would acknowledge, from a visual observation of the local area, that the appeal site is generally surrounded by sporadic individual houses and the the physical town boundary or where urban meets rural is unclear. Furthermore in the Sustainable Rural Housing Guidelines, 2005, the appeal site is designated 'Predominantly Dispersed Settlement Areas' and the settlements in these areas have a tendency to be linear in nature.

In considering the merits of the proposed development I would also have regard to Section 6.7 of the Sustainable Residential Development in Urban Areas Guidelines, 2009, which advises that the overall order and sequencing of development of small towns and villages must avoid significant so called 'leap-frogging' where development of new residential areas takes place at some remove from existing contiguous town / village and leading to discontinuities which militates against proper planning and development. The Development Plan Guidelines, 2007, advocate a sequential approach in terms of designation to avoid a haphazard and costly approach to the provision of social and physical infrastructure. However I would acknowledge that the appeal site is located almost contiguous to the town boundary and the appeal site is served by public sewer and public water main.

Notwithstanding the location of the appeal site I would be mindful that there is a large track of land situated south of the Main Street and zoned residential in accordance with the relevant Development Plan. This land would be capable of accommodating a sizable amount of residential development should this area of the zoned land be developed and it would also contribute to a compact form of overall development. On this basis I would consider that the development of land outside the town boundary, while there is available zoned land within the town boundary, would be contrary to the objective of the Development Plan for Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan, 2013 – 2019. In addition the urban generated development is located in a designated rural area and would be contrary to the rural housing policies for this area.

Impact on Established Residential Amenities

The subject site is effectively an infill site and also a backland site. This would therefore rise the question of how the proposed development would relate to established residential amenities.

The proposed houses are set back behind the building line of two existing houses which face onto the Reenrusheen Road. However I would consider that allowing for the orientations of the proposed houses in relation to the existing dormer bungalow to the north that the proposed houses are unlikely to impact on established residential amenities. I would acknowledge that the front elevation of the proposed houses look towards the rear elevation of the adjacent single storey house which faces onto the Reenrusheen Road. However the separation distance between the front elevation of the proposed houses and the rear elevation of the single storey house is in excess of 36 metres which is an adequate distance to prevent any undue overlooking or loss of residential amenities. It is also notable from the submitted site plan, that accompanied the planning application, the area to the east of the established single storey property will be used as a public open space with planting

which would potentially screen any overlooking. The proposed house no. 3 would have a back to back relationship with the existing pair of semi-detached houses and the proposed separation distances are considered acceptable.

Overall I would consider that allowing for setback and separation distances that the proposed development will not unduly impact on established residential amenities.

Residential Amenities

In terms of residential amenities the proposed dormer houses would offer a good standard of residential amenities in terms of private open space provision, public open space provision and internal floor areas. The proposed development would exceed the minimum development plan standards.

Appropriate Assessment

The proposed development will be served by public water mains and the public sewers. There are two SAC's located within 3km of the appeal site and this includes the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (site code 000365) and the Valentia Harbour / Portmagee Channel SAC (site code 002262). However having regard to the nature and scale of the proposed development I would not consider that appropriate assessment issues arise.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The proposed development is located outside the town boundary of Cahersiveen in accordance with the provisions of the Development Plan for Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan, 2013 – 2019, and within an area designated as rural. In accordance with the rural housing policy of the County Development Plan the location of the appeal site is designated as ‘Rural Areas under Strong Urban Influence’ in the Kerry County Development Plan, 2015 - 2021. The applicant has not demonstrated an exceptional rural housing need in relation to the subject site, the proposed development would lead to demands for the uneconomic provision of public services and would be contrary to Policy Objective RS-7 of the Kerry County Development Plan, 2015 – 2021, set an undesirable precedent and therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development which provides for residential development on a greenfield site outside the town boundary, in accordance with the Development Plan for Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan, 2013 – 2019, would be contrary to the National Spatial Strategy, 2002 – 2020, and the Sustainable Residential Development in Urban Areas Guidelines, 2009 where it is the objective to consolidate urban areas and minimise urban sprawl. The proposed development would give rise to the “leap-frogging” of residential zoned lands closer to the town centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

16th June 2017