



An  
Bord  
Pleanála

## Inspector's Report PL.08.248616

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<b>Development</b>	Construct a series of extensions to side and rear of the house and to carry out internal alterations to the existing house and associated works.
<b>Location</b>	Kilconly North, Ballybunion, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	16/729
<b>Applicant(s)</b>	James and Jeanette Keane
<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>	26 <sup>th</sup> July 2017
<b>Inspector</b>	Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The subject site is located in a rural area approximately 5km north of Ballybunion.
- 1.2. The subject property is situated on the crest of a small hill and there is a neighbouring single storey property located to the immediate south of the appeal site.
- 1.3. The predominate building height in the local area is one and half storeys and the scale of the established local houses are generally small.
- 1.4. The subject property on the appeal site is a one and half storey detached cottage. The property has a single storey porch to the front. The house is of a typical design and character for the local area.
- 1.5. The existing property has a vehicular access onto the public road and the sightline provision in either direction is generally good.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of a series of extensions, including one and half storey extension to the side and rear of house and the carrying out of internal and external alterations to the existing house and installing a mechanical treatment unit and polishing filter.
- 2.2. The proposal includes the demolition of a front single storey porch and a first-floor level of the house.
- 2.3. The floor area of the proposed extension is approximately 315 sq. metres. The ground floor extension has a floor area of approximately 210 sq. metres and comprises of living space and one bedroom and the proposed first floor has a floor area of approximately 105 sq. metres and comprises of 3 no. bedrooms.
- 2.4. The proposed design of the extension is contemporary in character.

Additional information requested in relation to the following; (a) drainage, (b) details of the existing shed on the subject site, and (c) details of surface water disposal.

The applicant was also advised that to avoid a refusal the proposed scale and design shall be amended.

### 3.0 Planning Authority Decision

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

1. It is considered that the proposed extension by its design and scale on an open coastal site zoned Secondary Special Amenity and within the line of Protected Views and Prospects as determined by the Kerry County Development Plan, 2015 – 2021, would not integrate with the, existing traditional style dwelling house on site and would not integrate satisfactorily into this sensitive landscape. It is considered that the proposed development would be unduly obtrusive and conflict with the ‘Building a House in Rural Kerry – Design Guidelines’ which states ‘*extensions should have regard to the design of the existing dwelling house on site, the topography of the land within the site, site size..... and location on site. In the case of extensions, the scale should be subsidiary to that of the main dwelling house*’. The proposal would therefore 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 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

- There are serious visual impact concerns having regard to scale and design of the extensions proposed and the sensitive coastal location.
- The site is also located within a line of Protected Views and Prospects and on lands zoned Secondary Special Amenity.

- No likely significant effects to the Natura 2000 sites. AA not required.
- The development would not warrant an EIA.
- The changes to the design and scale of the extension as per the additional information submission do not go far enough.
- An appropriate scale and design would be considered.

3.1.2. Conservation Officer; - The principle is welcomed however the design and scale is questioned.

3.1.3. Representation; - There is a representation from Michael J Healy-Rae T.D. who supports the proposed development.

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

There are no third-party submissions on the file.

## 4.0 **Planning History**

- No recent relevant planning history.

## 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 the appeal site is located in an area designated ‘structurally weaker areas’.

In accordance with the Landscape designations the appeal site is located in an area designated ‘Secondary Special Amenity’ and it is also located in the line of a designated ‘views and prospects’. It is a policy objective to protect landscapes in accordance with Policy Objective ZL-1 and protect views and prospects in accordance with Policy Objective ZL-5.

## The Building a House in Rural Kerry Design Guidelines

This guidance document sets out guidance in relation to maximising scale and design in relation to development in rural areas.

### 6.0 The Appeal

James and Jeanette Keane submitted a first party appeal. The appeal submission outlines the rationale for the proposed development, the purpose / functions of the development, the applicants connections to the local community, the timeline of the application, need for development and the grounds of appeal. The following is the summary of the main grounds of the first party appeal;

- The proposed development would not compromise the objectives of Z1 of the County Development Plan as the development can be integrated into the area with careful landscaping and reinstatement of the boundary.
- It is submitted that the roadside boundary was to be realigned in order to achieve road safety sight lines.
- The extent of road widening was identified at an early stage of the planning process.
- The Council ignore the fact that the proposed house was to sit behind a mature boundary which runs perpendicular to the road R551 was not altered in any way.
- Kerry County Council recommended that the proposed extension should be reduced in scale. The extension was reduced by 25%.
- It is submitted that the landscape plan was completely ignored by the Council.
- It is contended that at no point does the proposed development hinder the sea view nor would the proposed development be visible from the sea.
- The site is located within a depression in the road, the site also falls dramatically to the north and is set considerably away from the sea edge.
- It is contended that the decision to refuse permission contradicts the requirements of Kerry County Council to support rural dwellers.

- Renovation is more a sustainable option than construction of a new dwelling.
- It is contended that Kerry County Council have granted permission to other developments that are far more injurious to the landscape than the current proposal.
- It is considered appropriate that rural persons can reside in the countryside.

## 7.0 **Assessment**

- Principle of Development
- Impacts on Established Amenities
- Landscape / Visual Impact
- Other Issues

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

There is an established house on the appeal site and the proposed development is effectively an extension to an existing residential property. Therefore, I would consider, that the subject development is acceptable in principle.

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

Although there is no objection to the proposed development I will examine the potential impacts of the proposed development on the neighbouring property to the immediate south of the appeal site.

The proposed revised drawings include two gable dormer windows at first floor level that would look directly towards the neighbouring property to the south. These dormer windows serve a corridor at first floor level. I would consider that these windows would result in a visual intrusion of established residential amenities and would create an undesirable precedent for other such development in the local area. I would recommend to the Board, that should they favour granting permission, that

these dormer windows are omitted by condition in the interest of protecting adjoining residential amenities. Furthermore, as the dormer windows serve a first-floor corridor or landing their omission could be replaced with either velux windows or artificial lighting.

### 7.3. **Landscape / Visual Impact**

The appeal site is located on the seaward side of the public road and I noted from a visual observation of the area that there are established uninterrupted views of the sea from the public road. I have also reviewed the Kerry County Development Plan, 2015 – 2021, and I note that these views from the public road towards the sea are protected in accordance with the provisions of the County Development Plan. The proposed extension, which is two-storey in height, would partially alter the established and protected views from the public road. Furthermore, and in accordance with the provisions of the County Development Plan the appeal site is situated in a landscape which is designated as ‘Secondary Special Amenity’. The landscape in this designation is sensitive to development and as such development in these areas must be designed to minimise the effect on the landscape.

The publication ‘Building a House in Rural Kerry Design Guidelines’, by Kerry County Council, offers guidance in relation to massing, proportions and design and scale of houses in rural areas. In relation to massing it is advised that massing is about bringing the main components of the house together and how these relate to each other and the site. I would consider based on the submitted drawings that the massing of the proposed extension would relate poorly to the existing dwelling on the site given the traditional design features of the existing house. Furthermore, the scale of the proposed extension, which has an overall floor area of 315 sq. metres, is significant in comparison to the floor area of the existing dwelling which is approximately 90 sq. metres. I would also consider that the scale of the proposed extension is inconsistent with the character of the local area. I would also note the comments of the Conservation Officer, in her report dated 28<sup>th</sup> April 2017, who



questions the design and scale of the proposed extension with respect to the existing structure on the site.

The receiving landscape is exposed, given its coastal location, and there is a lack of natural screening as such the proposed extension, given its scale and massing, would be prominent in the landscape, and, in my view, would set an undesirable precedent for other such development in the local area. As such the proposed development, in my view, would be contrary to Policy Objective ZL-1 of the County Development Plan.

Finally, the proposed development would impact on protected views and prospects and therefore would be contrary to Policy Objective ZL-5 where there is a policy objective to protect all views identified on Development Plan maps no. 12.1, 12.1a and 12.1u.

I would consider that the onus is on the applicant to demonstrate that there will be no degradation of the views towards visually vulnerable features nor would there be significant alterations to the appearance or character of sensitive areas and I would consider that the design of the proposed extension would fail to adequately preserve the views of the landscape which are protected.

I would consider that the proposed development would impede protected views and the established landscape and would therefore be contrary to the provisions of the Kerry County Development Plan, 2015 – 2021, Policy Objective ZL-1 and Policy Objective ZL-5, which aims to protect and maintain these views and the established landscape. I would consider that the proposal would be visually obtrusive and would adversely impact on the visual amenities of the area.

#### 7.4. **Other Issues**

The existing vehicular access serving the established house is located immediately to the north of the existing house. It is proposed to relocate this vehicular entrance several metres further north to accommodate the proposed extension. I would consider that the proposed vehicular access would be acceptable in terms of sightline provision having regard to the alignment of the existing public road.

In terms of domestic foul drainage the applicant is proposing a packaged wastewater treatment system and polishing filter, 'Tricel P6' or equivalent. This is a form of secondary treatment and a final polishing filter. The local authority Engineer considers the proposal acceptable and based on the information available I would concur with this view.

#### 8.0 **Recommendation**

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.

#### 9.0 **Reasons and Considerations**

Having regard to the location of the appeal site in a coastal setting, on the seaward side of the public road, it is considered that the proposed development would seriously injure the amenities of the area, set an undesirable precedent for other such development and would impede protected views and prospects in accordance with Policy Objective ZL-5 of the Kerry County Development Plan, 2015 – 2021, and would adversely impact on the landscape, which is designated a 'Secondary Special Amenity' would therefore be contrary to both Policy ZL-1 and Policy ZL-5 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.

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Kenneth Moloney  
Planning Inspector

4<sup>th</sup> August 2017