



An  
Bord  
Pleanála

## Inspector's Report PL08.249056

### Development

a) Construct dwelling house, b) install waste water treatment unit and soil polishing filter, new entrance and access road and all associated site works.

### Location

Barleymount West, Killarney, Co. Kerry.

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

16/985

### Applicant(s)

Sandra Dunlea

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Paul Griffin

### Observer(s)

None.

### Date of Site Inspection

25<sup>th</sup> October, 2017

### Inspector

Robert Speer

## 1.0 Site Location and Description

The proposed development site is located in the rural townland of Barleymount West, Co. Kerry, approximately 6.2km northwest of Killarney town, along a minor local road that extends northwards from Aghadoe Church, where it occupies an elevated position overlooking the lower-lying lands to the south with views of Lough Leane beyond. Whilst the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of one-off residential development located along the roadways in the wider area, with particular reference to those lands to the south and east of the site, with entire cul-de-sacs of new housing having been developed over the years giving a somewhat 'suburban' appearance to parts of the landscape. The site itself, as initially submitted to the Planning Authority, has a stated site area of 1.15 hectares (although this was subsequently reduced to 0.49 hectares in response to a request for further information), is irregular in shape, and presently comprises an agricultural field set as pasture which is bounded by mature hedgerow / ditches on all sides. The site topography is characterised by a clear fall on travelling southwards with the lands to the north occupying a more elevated position. The site is located to the immediate south of an existing single storey bungalow that faces onto the adjacent roadway and is also to the rear of a series of one-off housing which forms a cul-de-sac extending westwards from the main carriageway. In addition to the aforementioned housing to the north, the site is bounded by agricultural lands to the south and west with the public road to the east.

## 2.0 Proposed Development

The proposed development, as initially submitted to the Planning Authority, consists of the construction of a contemporarily designed, partial two-storey, split-level dwelling house based on an irregular building footprint with a stated floor area of 661m<sup>2</sup> and a ridge height of 7.85m. The overall design is based on a contemporary interpretation of the traditional vernacular and has sought to evoke a clustering of structures reminiscent of a 'rural farmyard'. It comprises three distinct elements which include a conventionally designed cottage-style structure (incorporating a partial mezzanine / first floor level) that will face eastwards onto the public road, a centrally positioned, single storey, contemporarily designed flat-roofed 'link' building

with extensive glazing along its southern elevation, and a two-storey 'barn' structure which utilises a narrow elongated rectangular plan with only sufficient depth to accommodate a single room and an associated access hallway. External finishes will include natural coloured render, cladding materials and a green roof (as detailed in response to the grounds of appeal). The proposed 'barn' form will use a traditional corrugated tin roof or similar whilst the cottage structure will be finished in a natural colour dashed render and a slate roof.

Access to the site will be obtained directly from the adjacent public road to the immediate east via a new entrance arrangement located in the north-eastern corner of the site in a position comparable to that of an existing agricultural field gate. It is also proposed to install a packaged pumped wastewater treatment plant which will discharge to a gravity-fed polishing filter and to connect to the public watermain.

In response to a request for further information, amended proposals were subsequently submitted whereby the overall size and scale of the proposed dwelling house was reduced to a floor area of 442m<sup>2</sup> through the omission of the cottage-style element of the structure. In addition, the site area was reduced to 0.49 hectares whilst the proposed entrance arrangement was repositioned southwards to a more central position along the roadside site frontage.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following the receipt of a response to a request for further information, on 19<sup>th</sup> July, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 17 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, landscaping, entrance details, wastewater treatment and development contributions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports:

An initial report noted the site location relative to Killarney town in an area zoned as 'Rural General' where there was a significant proliferation of one-off housing development. It subsequently proceeded to detail the site context in terms of the prevailing topography and the available screening along the roadside boundary. The report also noted that the applicant was the daughter of the landowner and thus satisfied the relevant criteria of the rural settlement policy. However, concerns were raised as regard the overall scale and bulk of the proposed dwelling house relative to the surrounding pattern of development and the ability to integrate the proposal into the landscape. Accordingly, the report concluded by recommending that further information should be sought in respect of a number of items, including the available sightlines and floor levels etc. whilst it also expressed serious concerns regarding the scale and bulk of the proposed dwelling house.

Following the receipt of a response to a request for further information, a final report was prepared which stated that all of the issues raised had been satisfactorily addressed and that the revised proposals had provided for a house design which had been considerably reduced in overall size and scale. It was also considered that the amended proposal could be integrated into the site and would not be visually obtrusive. The report thus concluded by recommending a grant of permission subject to conditions.

### 3.2.2. Other Technical Reports:

*County Archaeologist:* States that whilst there are no recorded monuments in the immediate vicinity of the application site, given the scale of the proposed development, it is recommended that pre-development archaeological testing be undertaken across the site in advance of any decision to grant permission.

*Environment:* No objection, subject to conditions.

*Killarney Municipal District:* No objection from a roads perspective.

## 3.3. Prescribed Bodies

*Irish Water:* No objection, subject to conditions.

### 3.4. Third Party Observations

A total of 4 No. submissions were received from two interested parties and the principle grounds of objection contained therein can be summarised as follows:

- The design and scale of the proposed dwelling house is out of character with the surrounding pattern of development.
- Overdevelopment of an elevated site
- Detrimental impact on the residential amenity of neighbouring properties.
- The overall design, bulk, height and scale of the proposed dwelling house is visually intrusive.
- The existing water pressure in the area cannot accommodate further development.
- The submitted plans and particulars do not accurately detail the location of the septic tank system serving the adjacent property to the immediate north.
- The elevational drawings do not include any dimensions of the proposed structure and thus it is impossible to evaluate how the proposal will integrate with the landscape.
- There are inconsistencies in the submitted details as regards the floor area of the proposed development.
- The site layout plan does not detail the location of adjoining structures.
- Concerns as regards the siting of the proposed entrance relative to an existing junction on the opposite side of the roadway.

### 4.0 Planning History

On Site:

None.

On Adjacent Sites:

PA Ref. No. 941374. Was refused on 16<sup>th</sup> December 1994 refusing Patrick O'Donoghue permission to retain dwelling house, extensions and septic tank at Barleymount West, Killarney, Co. Kerry.

PA Ref. No. 033991. Was granted on 29<sup>th</sup> July, 2004 permitting Michael Griffin permission to construct 1 No. dwelling house complete with septic tank and percolation area at Barleymount West, Killarney, Co. Kerry.

*N.B.* There is also an extensive planning history pertaining to the multitude of individual dwelling houses etc. which have been constructed in the wider area.

## 5.0 Policy Context

### 5.1. National and Regional Policy

The '*Sustainable Rural Housing, Guidelines for Planning Authorities*', 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site would appear to be located in an '*Area under Strong Urban Influence*' as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Kerry County Development Plan, 2015-2021 includes a detailed identification of the various rural area types relevant to the county at a local scale and 'Map 3.1' of the Plan would appear to indicate that the site is located at a transitional point between a '*Rural Area under Strong Urban Influence*' and a '*Stronger Rural Area*'.

### 5.2. Development Plan

**Kerry County Development Plan, 2015-2021:-**

**Chapter 3: Settlement Strategy:**

Section 3.2: *Housing:*

*HS-2:* Facilitate the housing needs of people in their local communities through actively providing / assisting the provision of housing in settlements and as single rural houses as identified in the Settlement Strategy.

### Section 3.3: *Rural Settlement Strategy:*

*Aim:* To sustainably manage the development of rural parts of the County; support the creation of employment opportunities for those living and working in the rural area; sustain established rural communities and conserve the qualities of the rural environment.

It is the policy of the Council to:-

- Enhance the vitality and viability of rural towns and villages to strengthen their role as rural service centres and protect existing community uses and services in the villages.
- Maintain a stable population base in the rural areas with a strong network of villages and small towns.
- Protect sensitive landscapes and other environmentally sensitive areas from unsustainable development.

#### Section 3.3.1: *Rural Area Types and Settlement:*

There is a tradition of dispersed settlement patterns in the countryside, however it is apparent that the recent rate of housing construction and scale of dispersed rural housing is unsustainable and is uneconomical in terms of infrastructure provision and quality of life.

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.
- 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.

- RS-1:* Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG) and the Development Guidance document of this Plan.
- RS-2:* Require the design of rural housing to have regard to the “Building a House in Rural Kerry; Design Guidelines” (KCC, 2009).
- RS-3:* Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within existing cluster developments.
- RS-4:* Ensure that the provision of rural housing will protect the landscape, the natural and built heritage, the economic assets and the environment of the County.
- RS-5:* Ensure that future housing in all rural areas complies with the EPA’s 2009 Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e < 10).
- RS-6:* Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence. In addition, such development shall be subject to the inclusion of an occupancy clause for a period of 7 years.

Section 3.3.1.1: *Identifying Rural Area Types:*

*Area 1: Rural Areas under Strong Urban Influence:* It is an objective of the Council to:-

- RS-7:* Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters or favoured niece/nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection considerations.
- RS-9:* Facilitate the housing requirements of the rural community as identified while directing urban generated housing into the towns and villages.

Section 3.3.2: *Development in Amenity Areas:*

Section 3.3.2.1: *Rural General:*



These areas constitute the least sensitive landscapes throughout the County and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character. Residential development in these areas shall be regulated in accordance with the provisions of Section 3.3.1 and objectives RS-1 to RS-4 and Table 3.7.

*Table 3.7: Amenity Zoning Settlement Policy: Rural General:*

The proposed dwelling shall be used as a permanent place of residence.

*Chapter 10: Natural Environment & Flood Risk Management:*

*Section 10.3: Water Quality*

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

*NE-26:* Ensure that all waste water treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Wastewater Treatment Manuals Treatment Systems for single houses' (2010) or any amending/replacement guidance or standards.

*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 12.2.1: Zoning Designations:*

*Rural General:*

Rural landscapes within this designation generally have a higher capacity to absorb development than the previous rural designations. It is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

Proposed developments in areas zoned Rural General, 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.

ZL-4: Regulate residential development in Rural Areas in accordance with the zoned designation of that area and the policies outlined in the Rural Settlement Strategy set out in Section 3.3 of this Plan.

Chapter 13 Development Management - Standards & Guidelines:

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

### 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The subject proposal is considered to be out of character with the modest dwelling houses of the surrounding rural community and would constitute the overdevelopment of an elevated site.
- By virtue of its overall scale and height, the proposed dwelling house will be out of character with the surrounding pattern of development and will appear as a dominant and visually intrusive feature which would seriously injure the amenities of the area.
- In its request for further information the Planning Authority stated that it had *'serious concerns regarding the bulk and scale of the proposed dwelling house. Due to its size and scale it will not be possible to integrate the dwelling into the surrounding area and the Planning Authority considers that the proposed development will be visually intrusive and out of character with the scale and proportions of existing dwelling houses in the surrounding area'*.

However, the applicant's response to the request for further information failed to satisfactorily address the foregoing as it only omitted the front / cottage element of the proposal which the Planning Authority had queried as a separate dwelling. No further alterations were made to integrate the development into the surrounding area and thus it is unclear how the Planning

Authority could have formed the opinion that its earlier concerns with regard to the overall scale and bulk of the proposed dwelling had been satisfactorily resolved.

- The overall design of the proposed development does not comply with the design guidelines published by Kerry County Council as set out in *'Building a house in rural Kerry'*, with specific reference to the massing, scale, height and detailing of the proposal.
- The proposed development will have a negative impact on the residential amenity of neighbouring properties.
- The size and scale of the proposed dwelling will dominate the landscape, will have an overbearing impact on the surrounding area, and will set an undesirable precedent for further such development.
- The elevational and sectional drawings do not provide a sufficient level of detail as regards the proposed finishes and, therefore, it is impossible to evaluate how the structures will integrate with the surrounding landscape and existing dwellings in the area. Furthermore, the subject application has not been accompanied by a landscaping plan in order to detail how the proposed development will be integrated into the landscape through the use of appropriate planting etc.
- The site layout plan does not detail the adjoining structures in the surrounding area and fails to show the existing junction layout located across from the proposed entrance which presently serves 8 No. dwellings.
- The location of the proposed entrance arrangement relative to the junction opposite is unclear and thus difficulties arise in assessing the impact of the proposal on the operation of same.
- Notwithstanding the absence of a precise location for the proposed entrance, it is clear that the proposed development will increase the number of traffic turning movements at a location where a speed limit of 80kph applies.
- There are inconsistencies in the floor areas detailed in the submitted plans and particulars.
- The elevational drawings do not include for any dimensions.

## 6.2. Applicant's Response

- The grant of planning permission issued in respect of the subject proposal refers to the revised house design submitted in response to the request for further information, however, it is considered that the house design which accompanied the original planning application is a better contemporary interpretation of the traditional rural farmyard form which assimilates the development to a greater degree into its setting and context. Therefore, the applicant would welcome a grant of permission for the original design as submitted to the Planning Authority.
- The proposed dwelling house will serve as a permanent place of residence for the applicant and her growing family. She also resides in rented accommodation across the road from the application site and two of her children attend the local school in Fossa whilst a third child is in the local community pre-school.
- The design of the proposed dwelling house consists of a blend of traditional and modern elements in order to create a contemporary interpretation of the 'traditional farmyard'. The clustering of structures allows the submitted design to incorporate the specific accommodation required and also serves to minimise the impact of the dwelling on the surrounding countryside by ensuring that it successfully integrates with the rural location and surrounds.
- The proposed design breaks up the bulk and massing of the building and mirrors the traditional vernacular of a cottage and barn with the link building ('the yard'), focusing on the green roof design, greatly reducing the impact from elevated areas. Furthermore, the revised plans submitted in response to the request for further information have maintained the outlined of the 'farm cottage', by way of hard landscaping, to try and remain true to the original design concept.
- The design process has been guided by Kerry County Council's *'Building a House in Rural Kerry – Design Guidelines'*.

- The proposed building comprises 3 No. sections, tightly positioned and linked by glass. Each component form has a simple robust exterior and avoids complex details and fussy features:
  - A barn structure with traditional tin corrugated roof and cladding which incorporates the garage.
  - A contemporary green roof, single storey building, incorporating an overhang, which improves the passive attributes and shelter.
  - The form of the ‘farm cottage’ if not granted as a structure will be mirrored on the ground by way of hard landscaping. It is intended to use this section of the building as a living room, playroom and home office.
- The submitted design focuses on achieving a greater floor area by breaking up the structure into 2 / 3 components and by stepping the buildings down with the natural site levels. It should also be noted that the broken up components create courtyard areas and achieve maximum solar gain.
- The utilisation of the site levels allows the roof level of the ‘barn building’ to be at the same level as the proposed cottage. This minimises the need for excavation and integrates the building more fully with the site and its surrounds. The design has been cognisant of the fact that the ground level is lower than the neighbouring sites to the north.
- The proposed dwelling house has been located to take advantage of the existing trees / hedgerow along the northern site boundary which will serve to offer privacy to both the proposed dwelling and neighbouring sites.
- It is proposed to reinstate those trees which have been cut down by a neighbour with mature specimens as per a landscaping plan.
- The proposed development site is located in a rurally zoned area which is predominantly characterised by clustered family dwellings, agricultural land and agricultural buildings. There is a wide variety of dwelling types, including two-storeys, dormers, large-plan bungalows and cottages in the area.
- All of the site boundaries will be retained, with the exception of the site entrance. The proposed entrance will utilise existing hedgerow with a new sod

and stone wall set back from the roadway and will include a simple traditional rural gate with discrete metal piers.

- The landscaping proposals include for a wild flower meadow surrounding and planting to the north and east of the dwelling in order to integrate it with the landscape and to anchor the home within the site. Mature trees will also be planted to replace those which have been killed. Appropriate indigenous planting will be used across the site in order to assimilate the development into the landscape.
- The proposed section of green roof will enhance biodiversity and will also improve rainwater attenuation.
- The green roof aims to reduce the environmental footprint by reducing heating and cooling costs. It also aims to:
  - Greatly reduce the impact of the dwelling from elevated areas.
  - Protect that component of the dwelling – it can double the life of the waterproof membrane.
  - Save energy – operating as an additional insulation layer, can reduce temperature fluctuation within a building, thereby reducing heating and cooling costs.
  - Rainwater attenuation – a green roof will reduce the amount and rate of runoff of rainwater with less water going into the storm water system.
- The vehicular entrance will be located to the east of the site and is offset from the proposed dwelling thereby allowing for the retention of the roadside boundary. The proposed driveway will curve unobtrusively to the rear of the dwelling and discrete parking will be available in close proximity to the barn component. Surface materials will be sympathetic to the rural location and will mirror traditional materials.
- The careful use of simple varying texture and tone in the materials palette will enhance the personality and character for this contemporary take on rural building.

- The use of a mix of traditional and contemporary materials which complement and respect the context of the rural location. The material selection communicates the intent of the building, blending together traditional and contemporary finishes and demonstrates green practices as attractive solutions to evolving solutions.
- The flat roof form will utilise a natural coloured render and cladding with a green roof. The barn form will use a traditional corrugated tin roof or similar in a colour appropriate to its heritage. The cottage form, if granted, will utilise a natural colour dashed render and a slate roof in keeping with the rural setting.

### 6.3. Planning Authority Response

None.

## 7.0 Assessment

7.1. 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 are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Impact on residential amenity
- Traffic implications
- Wastewater treatment and disposal
- Appropriate assessment
- Other issues

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development / Rural Housing Policy:**

In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy it is of relevance in the first instance to note that whilst the proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning*

*Authorities, 2005*, the detailed identification of the various rural area types at a county level as outlined in 'Map 3.1' of the Kerry County Development Plan, 2015 would appear to indicate that the site is located at a transitional point between a 'Rural Area under Strong Urban Influence' and a 'Stronger Rural Area' although the Planning Authority has determined that the proposed development site is located within a 'Stronger Rural Area'.

Whilst I would acknowledge that the Development Plan has identified the various rural area types pursuant to the requirements of the 'Sustainable Rural Housing, Guidelines for Planning Authorities', 2005, considering the significant proliferation of one-off rural housing development in the wider area and the evidence of considerable pressure for the development of such housing due to the proximity of Killarney town and the N72 (Killarney-Killorglin) National Road (i.e. a major transport corridor serving the aforementioned urban centres), I would have serious difficulty in reconciling the designation of the subject location as a 'Stronger Rural Area' when both the immediate site context and the prevailing characteristics of the wider area are, in my opinion, more indicative of an 'Area under Strong Urban Influence'. In this respect I would refer the Board to Section 3.2.1 of the Guidelines which advises Planning Authorities in the identification of specific rural areas within their respective counties that 'every effort should be made to avoid an overly-detailed and prescriptive map that involves abrupt and frequent change of area types' and thus I am inclined to conclude in this instance that whilst the subject site could be described as being located at the interface of two rural area types, having conducted a site inspection, it is my opinion that the site context is more comparable to an 'Area under Strong Urban Influence'. Accordingly, it is necessary to consider whether or not the applicant satisfies the relevant eligibility criteria, with specific reference to Objective RS-7 which states the following:

*'Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters or favoured niece/nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection considerations'.*

In the subject case, the applicant has indicated that she is the daughter of the landowner and that she is presently residing in rented accommodation located immediately across the road from the application site (*N.B.* The specific location of



this dwelling house has not been identified in the submitted documentation). In addition, she has also confirmed that the proposed dwelling house is intended for her own occupation (and that of her family) as a primary and permanent place of residence. Accordingly, on the basis of the foregoing, it would appear that the applicant satisfies the eligibility criteria set out in Objective Nos. RS-6 & RS-7 of the Development Plan. However, in my opinion, it is regrettable that no further details have been provided in support of the subject proposal which would serve to establish the applicant's links to this particular rural area. In this regard, it is unclear as to whether or not the applicant is originally from the area and for how long she has resided in the locality. Furthermore, I would have some reservations as regards placing an overt reliance on the applicant's familial relationship with the landowner given that such a position could theoretically allow a prospective applicant to qualify for a rural dwelling house under Objective RS-7 in circumstances where the lands in question have only been recently acquired. It is also unclear whether or not the applicant has previously owned a dwelling house or been the beneficiary of a grant of planning permission.

Given the site location in an *'Area under Strong Urban Influence'* as defined by the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* and as evidenced by its proximity to Killarney town and the significant proliferation of one-off rural housing development in the wider area, I would accept that further housing in this area should be restricted to named persons with a genuine need to reside in the area, however, having reviewed the available information, it is my opinion that whilst the applicant satisfies the rural housing eligibility criteria set out in Objective RS-7 of the Development Plan, she has not identified any definitive 'rural-generated' need to reside at this location. In this regard, it is of particular relevance to note that the applicant is employed as an occupational therapist with the HSE in Killarney town. Accordingly, I am not convinced that a case of genuine rurally generated housing need has been established in this instance with the strongest factor being the fact that the applicant is employed in Killarney town and has failed to demonstrate any further historical or other family connections to the area in question.

Furthermore, it is my opinion that, when taken in conjunction with existing development in the vicinity, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and

community facilities and would contravene the policy of the planning authority, as expressed in the current Development Plan, to direct residential development to serviced centres, which policy is considered to be reasonable.

### 7.3. **Overall Design / Visual Impact:**

In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the subject site is not located within any identified scenic or amenity designation and that the wider area has instead been identified as '*Rural General*' on Map No. 12.1(j) of the County Development Plan. In this respect I would advise the Board that these '*Rural General*' areas are considered to comprise the least sensitive landscapes in the county and generally have a higher capacity to absorb development than other 'amenity' designations. Furthermore, the application site will not be overtly visible from any view or prospect listed for preservation in the Development Plan.

In a local context, the proposed development site occupies an elevated position on a hillside overlooking the lower-lying lands to the south with views of Lough Leane beyond. However, whilst the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of one-off residential development located along the roadways in the wider area, with particular reference to those lands to the south and east of the site, with entire cul-de-sacs of new housing having been developed over the years giving a somewhat 'suburban' appearance to the area.

With regard to the specifics of the actual design of the proposed dwelling house, the submitted proposal involves the construction of a partial two-storey, split-level dwelling house which is based on a contemporary interpretation of the traditional vernacular that has sought to evoke a clustering of structures reminiscent of a 'rural farmyard'.

Concerns have been raised in the grounds of appeal that the overall size, scale, bulk and design of the proposed dwelling house will be out of character with the prevailing pattern of development in the area which is predominantly characterised by conventional single storey and dormer-style dwellings. It has also been asserted that the design of the proposed development does not comply with the guidance contained in '*Building a House in Rural Kerry*' as issued by Kerry County Council and

that it will be visually obtrusive as a result of its failure to integrate with the surrounding landscape.

Having conducted a site inspection, and following a review of the submitted plans and particulars, whilst I would acknowledge that the overall design of the proposed dwelling house is at variance with the surrounding pattern of development which predominantly comprises conventionally designed single storey bungalows and dormer-style dwellings, at the outset I would credit the applicant in seeking to employ a contemporary approach to the proposed development which has sought to combine modern architectural design with an interpretation of the traditional vernacular in order to create a clustering of structures reminiscent of a 'rural farmyard'. In this respect I am inclined to suggest that although the subject proposal represents a notable deviation from the conventional design of surrounding housing, and whilst individual parties may differ in their opinion of same, this does not in itself warrant a refusal of permission.

With regard to the specifics of the overall design, I would advise the Board that the revised proposals submitted by the applicant in response to the request for further information (wherein the Planning Authority expressed concerns as regards the scale and bulk of the proposed dwelling house) have reduced the overall size and scale of the proposed development through the omission of the cottage-style element of the structure. Whilst I note that the applicant would prefer to retain this feature, I am inclined to suggest that the omission of the 'cottage' element represents an improvement to the overall design as the inclusion of same would otherwise contribute to a somewhat suburban appearance which serves to mimic the pattern of conventional housing in the locality.

On balance, it is my opinion that the subject site can satisfactorily accommodate the scale of development proposed and that the overall design of the proposal through its use of component parts will serve to reduce the bulk and massing of the building. It is also notable that the orientation of the barn-like structure which has been aligned along a north-south axis whereby its narrow elevation will face southwards down the slope will reduce the visual impact of the proposal when viewed from vantage points to the south. Similarly, the use of suitable external finishes, including the proposed green roof element, as detailed in the applicant's response to the grounds of appeal,

will serve to integrate the proposal into the surrounding landscape, particularly when combined with a suitable programme of landscaping.

In my opinion, the overall design of the proposed dwelling house is acceptable and satisfactorily complies with the guidance set out in *'Building a House in Rural Kerry'* which specifically states the following:

*' . . . contemporary interpretation of the traditional design is encouraged on suitable sites at appropriate locations. Successful contemporary designs generally reflect the best principles of traditional vernacular architecture. For example, the Barn House - is a typical vernacular structure that can integrate successfully into the rural countryside. This structure provides numerous opportunities for renovation and contemporary extension thereto for habitation purposes and can also provide inspiration for newbuild in the rural environment'.*

However, notwithstanding the foregoing, whilst I am amenable to the overall design of the subject proposal, I would nevertheless have serious reservations as regards the wider visual impact and the continued erosion of the rural character of the surrounding area attributable to the continued development of one-off piecemeal housing. In this regard I would reiterate that there is a considerable concentration of one-off residential development located along the roadways in the wider area with entire cul-de-sacs of new housing having been developed over the years giving a somewhat 'suburban' appearance to parts of the landscape. Accordingly, whilst the visual impact of the proposed development could be held to be somewhat limited given the site context and the prevalence of existing housing in the area, I am inclined to suggest that any further continuation of the existing pattern of development could only be held to be detrimental to the visual amenity and rural character of the surrounding landscape.

#### 7.4. **Impact on Residential Amenity:**

Having regard to the site context, including its overall size, shape, topography and location, in my opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on

the residential amenity of neighbouring property by reason of overlooking, loss of privacy, overshadowing or an unacceptably overbearing appearance etc.

7.5. **Traffic Implications:**

The proposed development will be accessed via a new entrance arrangement onto the adjacent local road to the immediate east of the application site (as detailed in the revised proposals submitted to the Planning Authority in response to a request for further information) and in this respect I am generally satisfied that, given the alignment of the public roadway, adequate sightlines and stopping sight distances are available at this location.

7.6. **Wastewater Treatment and Disposal:**

It is proposed to install a packaged pumped wastewater treatment plant which will discharge to ground via a gravity-fed polishing filter and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the proposed disposal of treated effluent to ground. In this respect I would refer the Board in the first instance to the submitted Site Characterisation Form which states that the trial hole encountered 300mm of topsoil overlaying 900mm of firm / stiff dilatant SILT / CLAY followed by 900mm of denser SILT / CLAY with some dilatancy to the depth of the excavation at 2.1m below ground level. Notably, no rock or water ingress were recorded. With regard to the percolation characteristics of the soil a 'T'-value of 49.03 minutes / 25mm and a 'P'-value of 23.39 minutes / 25mm were recorded which would both constitute a pass in accordance with EPA guidance.

On the basis of the foregoing results as detailed in the submitted Site Characterisation Form, and the accompanying supplementary information, it would appear that the subject site is suitable for the installation of the wastewater treatment system as proposed, subject to conditions.

However, notwithstanding the foregoing, I would have serious reservations as regards the potential for groundwater contamination given the increasing proliferation of individual wastewater treatment systems in the immediate area.

7.7. **Appropriate Assessment:**

From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that whilst the proposed

development site is not located within any Natura 2000 designation, it is situated approximately 2.4km south of the Glanooragh River which forms part of the Castlemaine Harbour Special Area of Conservation (Site Code: 000343) and 3.2 km north of Lough Leane i.e. the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) and the Killarney National Park Special Protection Area (Site Code: 004038). 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 would 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'.

Having reviewed the available information, including the screening exercise undertaken by the Planning Authority, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any protected site, the limited ecological value of the lands in question, and the separation distances involved between the subject site and nearby Natura 2000 designations, 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 any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that 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 in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

#### 7.8. **Other Issues:**

##### Procedural Issues:

In relation to the adequacy of the submitted plans and particulars, in my opinion, there is sufficient information on file to permit a balanced and reasoned assessment of the proposed development.

#### 8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

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

1. Having regard to the location of the site within an “Area Under Strong Urban Influence” as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Kerry County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing and permitted development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems in the area. The proposed development, would, therefore, be prejudicial to public health.

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Robert Speer  
Planning Inspector

31<sup>st</sup> October, 2017