



An
Bord
Pleanála

Inspector's Report ABP-300033-17

Development	Demolish an existing dwelling house and construct 4 one and a half storey dwelling houses served by an associated access-way, parking and service areas, and all associated site works.
Location	Woodlawn Road, Ballycasheen, Killarney, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/342
Applicant(s)	Michael Casey
Type of Application	Permission
Planning Authority Decision	Grant, subject to 23 conditions
Type of Appeal	Third parties -v- Decision
Appellant(s)	Derry & Joan O'Mahony Simon Mangan
Observer(s)	Mangan Family

Date of Site Inspection

24th January 2018

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located 1.6 km to the south east of Killarney town centre in the suburban outskirts of the town. This site lies within a residential area that is composed of a variety of detached, semi-detached, and terraced single and two storey dwelling houses. It is accessed from Woodlawn Road, which is continuous with Ballycasheen Road to the east. These two roads form an east/west link between the N22 and the N71.
- 1.2. Multiple residential cul-de-sacs extend northwards from the northern and southern sides of Woodlawn Road. The site is on the southern side of this Road, too. This site is subject to a mild rising gradient in a southerly direction and it is of narrow elongated shape. The site extends over an area of 0.45 hectares. At present the northern portion, which fronts onto Woodlawn Road, accommodates a detached, gable fronted, single storey dwelling house with front and rear gardens. The central and southern portions of the site are vacant and overgrown to varying degrees.
- 1.3. The site is bound to the north by Woodlawn Road, to the east by the Mystical Rose Guest House, a paddock, and Bramblewood House, to the south by farmland that adjoins the River Flesk, and to the west by farmland that lies between the site and a housing estate further to the west known as Woodlawn Park. Woodlawn Cottage lies within this latter farmland and it is accompanied by a farmstead.
- 1.4. The sites boundaries are denoted by walls and gates, solid concrete panel fencing, timber palisade fencing, the rear walls of outbuildings to the Mystical Rose Guest House, agricultural timber post and barb wire fencing, and hedging. The western boundary, and to a lesser extent the eastern boundary, are denoted by mature and semi-mature deciduous trees, too.

2.0 Proposed Development

- 2.1. As originally submitted, the proposal would entail the following elements:
 - The demolition of the existing dwelling house (102 sqm),
 - The construction of 4, detached, one-and-a-half storey, dwelling houses (810 sqm), each of which would be of individual four-bedroom design,

- The construction of a new gated access to the site on the eastern side of its frontage and an on-site access road, which would initially run along the eastern boundary of the site before crossing over via a 6 space car park to run along the western boundary. It would terminate in a turning head beyond the fourth housing plot. The initial portion of this road would be finished in chippings and tarmac, while the subsequent portion would be composed of TERRAM BODPAVE 85 (with gravel infill) in conjunction with a tree root protection mat, and
- The provision of open space on the cleared site of the existing dwelling house and surrounding the aforementioned turning head to the proposed on-site access road. Each of the dwelling houses would be laid out with landscaped gardens to the north and south.

2.2. At the appeal stage, revised plans were submitted, which envisage the following changes to the original proposal:

- The dwelling house proposed for plot 1 would be omitted and the area released thereby would be laid out as open space,
- The site of the existing dwelling house would be denoted as plot 5 and this site would be redeveloped to provide a new dwelling house,
- The dwelling house proposed for plot 3 would have an oriel window added to its southern elevation, which would be orientated to the south west, and
- The proposed turning head would be re-sited further to the north and the dwelling house proposed for plot 4 would re-sited from the north to the south of this turning head and thus in a position further to the south. Open space would accompany the northern side of the turning head.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 23 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports:

- Irish Water: Further information requested and reflected in subsequent request.
- Conservation: No observation.
- Housing Estates Unit: Detailed critique given of site access and servicing arrangements.
- Area Engineer: No issues identified, proposed site access road should be constructed in accordance with the DoHP&LG 's "Recommendations for site development works for housing areas."

4.0 Planning History

The site:

- 05/4349: Demolish existing dwelling house and construct 4 dwelling houses: Refused at appeal PL63.215680 on the grounds that it would be visually obtrusive, it would be detrimental to the residential amenities of the area, it would constitute over development, and it would mitigate against the future development of lands to the east.
- 07/4737: Demolish existing dwelling house and construct 6 dwelling houses: Refused at appeal PL63.224784 on the grounds that it would afford an unsatisfactory standard of amenity to future occupiers, it would be detrimental to the residential amenities of the area, and it would represent piecemeal development.
- 08/4932: Demolish existing dwelling house and construct 5 dwelling houses: Refused at appeal PL63.230711 on the grounds that it would afford an unsatisfactory standard of amenity to future occupiers, it would represent

piecemeal development, and it would jeopardise trees on the western boundary, to the detriment of visual amenity.

- 09/5063: Construct, to the rear of the existing dwelling house, 3 four-bed, part single storey/part two storey dwelling houses with three solar panels to the roof of each dwelling house, creation of a new site entrance to Woodlawn Road, a bin store, 6 car parking spaces and all ancillary site works and services: Permitted at appeal PL63.235868 on 21st May 2015 subject to 13 conditions, including ones referring to the phasing and construction methodology of the site access road and payment of a special development contribution with respect to the provision of pedestrian facilities on the Woodlawn Road.
- PP5065: Pre-planning consultation held on 1st February 2017.
- V17-10-342: Section 97 Exemption Certificate to shadow the current application granted on 16th May 2017.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2015 – 2021 (CDP) acknowledges that, under the NSS, Tralee and Killarney are identified as a linked hub.

The Killarney Town Development Plan 2009 – 2015 (TDP) shows the site as lying within an area that is zoned “Existing residential”. Adjoining lands to the west are zoned “Residential phase 2” and to the south “Recreational amenity and open space”.

The Planning Authority’s website advises that the TDP has been extended until such times as the relevant Municipal District Local Area Plan is prepared, when it will be superseded. Preparation in this respect remains outstanding.

5.2. Natural Heritage Designations

To the south of the site, the River Flesk is designated a SAC and a proposed NHA, i.e. Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment (site code for both 000365).

6.0 The Appeal

6.1. Grounds of Appeal

(a) **Derry & Jean O'Mahony** of Bramblewood House, Woodlawn Road, Killarney

Object is raised to proposed dwelling houses Nos. 3 & 4 on the following grounds:

- Attention is drawn to the proximity of the proposed siting of No. 4 to the eastern site boundary and the appellants' dwelling house beyond. Windows in the proposed northern elevation would overlook habitable room openings in the southern and western elevations of the appellants' dwelling house and their patio. Likewise, windows in the proposed southern elevation of No. 3 would overlook their northern garden. Privacy would thus be compromised.
- Attention is drawn to the proximity of the proposed siting of No. 4 to the eastern site boundary and the appellants' dwelling house beyond. This dwelling house would be sited to the SSW of the appellants' dwelling house and it would incorporate a 7m high gabled element in its eastern elevation. Overshadowing of their dwelling house would thus arise and this would not be comparable to existing overshadowing from scrub that is no more than 3m high. First floor views of MacGillycuddy Reeks would be obstructed and ground floor and first floor views of trees on the application site and farmland beyond would be obstructed, too.
- Attention is drawn to the width of the site that encompasses house plot No. 4 and the accompanying site access road. The ability of this width to accommodate the proposed dwelling house and this road is questioned.

(b) **Simon Mangan** of Woodlawn Cottage, Woodlawn Road, Killarney

The appellant begins by stating that he is the joint owner of the lands that adjoin the application site to the west. His lands are zoned "Residential Phase 2" and so they

would become available for development once Phase 1 lands have been substantially developed. On the eastern side of the site, a comparable house plot has been developed by means of only one additional dwelling house to the rear.

Objection is raised to the current proposal on the following grounds:

- On Page 214 of the CDP, 22m is cited as the appropriate separation distance between dwelling houses with corresponding elevations containing first floor habitable room windows. The proposed dwelling houses would have such elevations and they would be sited 6m away from the common boundary between the application site and the appellant's lands to the west. Thus, these dwelling houses would require that any comparably sited future dwelling houses on his lands would be 16m away and so the amenities of the currently proposed dwelling houses would have an over reliance upon his lands leading to their devaluation. In effect, a strip of the appellant's lands would be taken without compensation in contravention of Articles 40.3 and 43 of the Constitution. For the Constitution to be upheld, an even set back of 11m on either side of this common boundary would be required. As it is, the proposal materially contravenes the CDP.
- On Page 216 of the CDP, the minimum width of new site access roads is stated to be 5.5m, whereas that proposed site access road would be only 3.7m. The applicant states that the proposed one would be of gravelled surface and it would not be taken in charge. However, under the CDP, these factors are not recognised as changing the said width and so the proposal would be a material contravention.
- On Page 214 of the CDP, front building lines are normally required to be at least 7.5m back from the inside edge of the footpath. Under the proposal, dwelling houses would abut this edge and so again a material contravention would arise. Such siting would be cramped. Furthermore, dwelling house No. 1 would be sited in a recessed position, whereby its front elevation would be behind the rear building line of the adjacent dwelling house to the east. The resulting streetscape gap would be unsightly.
- On Page 216 of the CDP, public open space is required to be usable. Under the proposal such space would be provided at the entrance to the site beside

a small car park where it would not be overlooked. Relevant advice on Page 61 of the DoHP&LG's Urban Design Manual would not be reflected in this space.

- A previous proposal for the site was refused at appeal PL63.224784 on the basis that it “would result in piecemeal development which would prejudice the future development of residential zoned lands”. This reason is still applicable.

6.2. Applicant Response

The applicant begins by describing the site and the proposal. He also sets out the planning policy context of the site and its history. With respect to the former, attention is drawn to Section 12.11.1 of the TDP, which emphasises that the creation of a sense of place is of greater importance than road hierarchy within new housing areas and so, in small schemes, road widths can be relaxed. With respect to the latter, attention is drawn to the extant permission for the site (09/5063 and PL63.235868), which comprises dwelling houses of more contemporary design than that now proposed but which otherwise is strongly comparable to the current proposal.

The applicant proceeds to respond to the grounds of appeal cited as follows:

- With respect to the proposed site access road, attention is drawn to Page 213 of the CDP, wherein the relevant advice begins by stating that any road which serves a development shall be to the satisfaction of the planning authority. Such satisfaction has been expressed in this case. Furthermore, the minimum width cited by the appellant is non-applicable, as the proposed site access road would be gated and private, and a comparable version of this road is the subject of the extant permission pertaining to the site. It would be suited to the low traffic generation of the proposal.
- With respect to the front building line, the applicant contends that, contrary to the appellants' view, this would be along Woodlawn Road. He draws attention to the variable alignment of this line and to the CDP's acceptance of such variation, where it can be justified on design grounds. He contends that, while the siting of proposed public open space beside Woodlawn Road would not

lead to a noticeable gap in the streetscape, if the Board considers otherwise, then a replacement dwelling house No. 5 could be sited at the front of the site with public open space to the rear. Under this scenario, proposed dwelling house No. 1 would be omitted.

- With respect to open space, the applicant rejects the appellants' critique, as the extent of this space and its potential to be overlooked would accord with the TDP and the advice of the Urban Design Manual. Again, if the Board considers otherwise, then the aforementioned revised siting of the northern open space and the resiting of the southern open space to a position between dwelling houses Nos. 3 and 4 could be sanctioned.
- With respect to appellant (a)'s amenity concerns, attention is drawn to the absence of openings in the eastern elevation of dwelling house No. 4. The applicant cites advice contained in Cork County Council's Residential Estates Design Guidance, which states that "Where the new houses are at an angle of greater than 30 degrees to the existing, proximity may increase proportionately down to 1m from the boundary." Such angles would pertain between proposed dwelling houses Nos. 3 and 4 and the appellant's adjacent dwelling house. The applicant also cites advice contained in a Supplementary Planning Document published by North Somerset District Council entitled "Residential Design Guide Section 1 – Protecting living conditions of neighbours." This advice states that 7m is the minimum rear garden depth necessary to ensure that first floor windows do not lead to a loss of neighbour privacy. In the current case, the proposed dwelling houses would not back onto the appellant's dwelling house but would parallel it to the side, resulting in separation distances of c. 13m.

The applicant addresses two first floor habitable room windows in the southern elevation of proposed dwelling house No. 3. He contends that a combination of orientation, separation distance, and the presence of retained trees and shrubs along the common boundary would ensure that overlooking from these windows would be mitigated. Alternatively, if the Board considers otherwise, then they could be replaced by a single angled oriel window that would eliminate overlooking.

- With respect to views and lighting, the applicant contends that appellant (a) does not have a right to a view over the application site and that the proposed dwelling houses would lead to an insignificant net increase in overshadowing of their residential property.
- The applicant's citation of a piecemeal concern from PL63.224784 is overridden by comments of the Board's inspector on PL63.230711. He draws attention to the area of the site and its attendant scope for development. He also draws attention to the first floor windows in the western elevation of the proposed dwelling houses and he contends that half of these would serve non-habitable rooms/spaces and overlooking of appellant (b)'s lands from the remaining half would be satisfactorily mitigated by retained trees and shrubs along the western boundary if the site. Such retention would introduce discontinuity between the development of the application site and that of the lands to the west. The site to the east has been fully developed and the lands to the south are zoned for amenity use only. Accordingly, the proposal would not result in piecemeal development.

6.3. Planning Authority Response

No response has been received.

6.4. Observations

- The site is too narrow to be developed in a manner consistent with proper road construction, the protection of trees, and the safeguarding of residential amenity.
- The accuracy of the applicant's tree survey is questioned, as trees are in good health and have been well-maintained.
- Overlooking of the adjoining lands to the west would prejudice its development potential.
- Attention is drawn to the risk of pets trespassing the adjoining lands to the west and worrying livestock. In this respect proposed fencing would be inadequate to contain pets.

6.5. Further Responses

Appellants (a) has responded to the applicant's response as follows:

- The applicant's contention that there is an established linear pattern of development in the area is challenged by reference to the nearest linear plots to the east, which comprise fewer dwelling houses than those now proposed and ones that are orientated on a north/south axis.
- The width of the proposed access road and the specifications of its turning head may militate against their use by emergency vehicles.
- Generally, the width of the site is insufficient to ensure that existing landscaping along the western boundary could be retained and augmented. Specifically, the width across house plot 4 would be insufficient to ensure that the development could proceed as envisaged.
- Attention is drawn to the number of windows in proposed dwelling house 4 that would overlook the rear elevation of and patio at Bramblewood House. Attention is also drawn to floor to ceiling height windows in proposed dwelling house 3 that would overlook the front elevation of this House.
- Previously expressed concerns with respect to overshadowing and loss of views are reiterated.

Appellant (b) has responded to the applicant's response. Objection to the proposal is maintained. Two preliminary points are made:

- The applicant has effectively accepted that the proposal would be sub-standard if the proposed open space and access road were to be made available to the public and so this space and this road would only be available to future residents. Nevertheless, issues of privacy would persist.
- The TDP has expired and it has not been replaced with a LAP. In its absence, the scope for the Board to make a valid decision is questioned. Reference is however made to the CDP and the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines.

The applicant's response is critiqued as follows:

- If the TDP had not expired, then the proposal would materially contravene several of its development standards. In the absence of a LAP, the opportunity to make a similar assessment does not arise.
- The low density of the proposal would be inappropriate for a site within 1km of the town centre. Furthermore, it would limit the development potential of the adjoining site to the west, thereby prejudicing its prospects for realising an appropriately high density.
- The open space proposed may meet notional quantitative standards but it would fail to provide the quality sought by the SRDUA Guidelines. The revisions in this respect brought forward by the applicant are insufficient on their own: the design of the proposed dwelling houses would need to be revised, too.
- The revised proposal would continue to overshadow and overlook the adjoining site to the west and to be visually obtrusive when viewed from this site. Consequently, it would be devalued.

The following specific aspects of the applicant's response are critiqued:

- The current proposal is not comparable to that permitted under PL63.235868, insofar as clear glazed habitable first floor windows would be orientated to the west rather than to the north west and to the south. Furthermore, unlike their predecessors and the current proposal, this one was for only 3 dwelling houses.
- The current proposal is not comparable to neighbouring infill sites to the east insofar as they either have dwelling houses that are orientated on a north/south axis or, where they are wider, they have well-spaced dwelling houses on either side of access roads.
- The applicant's reliance upon trees and hedging along the western boundary to screen the proposal is questioned on the basis that the trees and hedging are composed of deciduous species and they will in time die either of natural causes or diseases. Accordingly, they are no substitute for an 11m split across the common boundary of the conventional 22m separation distance.

Furthermore, insofar as they lie outside the site itself, any conditioning of them would be *ultra vires*.

- The privacy of future residents would be undermined by the proximity of dwelling houses to the proposed access road and the low means of enclosure proposed to garden areas.
- The planning history of the site is reviewed. Reasons for previous refusals apply to the current proposal, too.
- The proposed access road would be of insufficient width to allow two cars travelling in opposite directions to pass one another.
- Informal surveillance of the gated access would not be facilitated by the proposed layout, thereby creating a security risk.
- The relaxation of standards on a sole remaining site may be capable of justification. Such circumstances do not, however, pertain as the site is accompanied by lands to the east and to the west that are capable of being developed.

7.0 Assessment

7.1. I have reviewed the proposal in the light of relevant national planning guidelines, the CDP and TDP, the planning history of the site, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural and legal matters,
- (ii) Land use and open space,
- (iii) Visual and residential amenity,
- (iv) Access and parking,
- (v) Water, and
- (vi) AA.

(i) Procedural and legal matters

- 7.2. The originally submitted proposal was the subject of the statutory public consultation exercise. Further information was submitted at the application stage, but this was not deemed to be significant and so another public consultation exercise was not undertaken. I note in this respect that the information in question either expanded upon or updated information already submitted.
- 7.3. At the appeal stage, the applicant has responded to the appellants' grounds of appeal by submitting, amongst other things, revised plans for the proposal. The key revisions in this respect would be as follows:
- The dwelling house proposed for plot 1 would be omitted and the area released thereby would be laid out as open space,
 - The site of the existing dwelling house would be denoted as plot 5 and this site would be redeveloped to provide a new dwelling house,
 - The dwelling house proposed for plot 3 would have an oriel window added to its southern elevation, which would be orientated to the south west, and
 - The proposed turning head would be re-sited further to the north and the dwelling house proposed for plot 4 would re-sited from the north to the south of this turning head and thus in a position further to the south. Open space would accompany the northern side of the turning head.

I consider that these revisions are significant and so it was appropriate for the Board to give the appellants and the observer to this appeal the opportunity to comment upon them.

- 7.4. In the light of the above, the question arises as to whether the Board can consider the revised plans that have been submitted. In this respect, while I acknowledge the aforementioned consultation exercise, I note that this was confined to the appellants and the observer and so it does not equate to a public consultation exercise. I am therefore concerned that the wider public has not had the opportunity to see and comment upon the revised plans. Accordingly, to consider these plans would risk disenfranchising third parties.
- 7.5. Given that the revised plans make significant changes to the original proposal, I conclude that they warrant a public consultation exercise. While the appellants and

the observer have had the opportunity to see and comment on these plans, this falls short of a public consultation exercise. Accordingly, I conclude that the Board should not consider the revised plans and so I will base my assessment of the proposal solely on the originally submitted plans.

- 7.6. Appellants (a) expresses concern that the narrowness of the site and the intensive nature of the proposal may mean that there would be insufficient scope to, in practise, construct what is envisaged. In this respect, I note that the submitted site layout plans are typically to a scale of 1: 250 and 1: 500 and that these scales are too small to either enable the applicant to demonstrate sufficient scope or to reassure the appellants in this respect. Larger scaled site layout plans are therefore needed. These plans should be composite plans that clearly show retained and proposed tree and hedgerow planting in conjunction with all construction works.
- 7.7. Appellant (b) expresses concern that the proximity of the siting of the proposed dwelling houses to the western boundary of the site and their design would effectively sterilise part of his adjoining lands, which are zoned in the TDP for future residential development. He expresses concern that his constitutional rights to private property would be infringed thereby. The applicant has responded to this concern by drawing attention to the mitigating effect of the trees along the western boundary of the site and so he has challenged the appellant's assumption that the customary 22m clearance distance across this boundary would, in practise, be needed.
- 7.8. I note that there are no detailed proposals for the development of the appellant's lands and that the siting and design of the proposed dwelling houses is comparable, with respect to their relationship to the western boundary, to those exhibited by the dwelling houses, which are the subject of extant permission PL63.235868. In these circumstances, I consider that the appellant's concerns are premature and so incapable of being established.
- 7.9. I conclude that it would be inappropriate for the Board to consider the applicant's revised plans. I conclude, too, that the assessment of the submitted plans would be facilitated by larger scaled comprehensive site layout plans and that the validity of appellant (b)'s legal concerns are not capable of being established in advance of proposals for his own lands.

(ii) Land use and open space

- 7.10. Appellant (b) draws attention to the TDP, which *prima facie* has expired. However, a note on the Planning Authority's website states that it has been extended and so, on this basis, I will continue to refer to this Plan.
- 7.11. Under the TDP, the site is shown as lying within an area that is zoned "Existing residential". Adjoining lands to the west are zoned "Residential phase 2" and to the south "Recreational amenity and open space". Within "Existing residential" dwelling houses and open spaces are deemed to be permitted uses and so there is no, in principle, land use objection to the proposal's 4 dwelling houses and accompanying areas of open space.
- 7.12. Under the TDP, private and open space standards require that dwelling houses each be accompanied by 75 sqm of private open space and 15% of the area of residential developments should be public open space. The proposal would accord with these standards.
- 7.13. Appellant (b) critiques the quality of the proposed open space. Thus, with respect to private open space, the unconventional siting of such space on either side of the proposed dwelling houses rather than to the front and rear would lead to a higher degree of overlooking and a consequent loss of privacy and the siting of communal open space at the northern and southern extremities of the site would militate against its informal surveillance and full incorporation within the functioning development.
- 7.14. The principal elevations of the proposed dwelling houses would face west over the proposed access road. The corresponding east facing rear elevations would be sited in positions immediately adjacent to the eastern boundary and they would be designed to avoid overlooking of the lands to the east. Consequently, openings would be concentrated in the north and south facing side elevations and these openings would overlook the private open space, i.e. gardens, referred to above. These garden would be enclosed by means of beech hedging and, along common boundaries with each other, 1.8m high rendered and capped blockwork walls. Separation distances between corresponding side elevations would exceed 22m. Given these factors, in time, the gardens would potentially afford reasonable levels of privacy.

- 7.15. The proposed communal open space at the extremities of the site would be likely to be of variable utility. The northern space at the entrance to the site would lie between Woodlawn Road and the proposed communal car park. Given its siting and coherent size and shape, this space would have the potential to be of some utility to future residents. It could act as a focal point and it would enjoy a measure of informal surveillance by virtue of its roadside location and the proximity of proposed dwelling house No. 1 and, to the east, the Mystical Rose Guest House. By contrast, the southern space would be laid out beyond the turning head at the furthest end of the site. It would thus be discretely situated and it would lack informal surveillance. While the adjoining lands to the south are zoned for recreational amenity and open space, they are presently in agricultural use and so the opportunity to link into or augment a wider publically accessible open space does not exist.
- 7.16. In the light of the foregoing paragraph, the justification for specifying the northern space for communal use only is not self-evident. Instead this space could be provided as public open space. The southern space would be of limited utility as even communal open space. Its omission would be desirable and it would be possible, under Section 12.16 of the TDP, which countenances a reduction in the normal quantity of open space provision within smaller residential developments. The land thus released could be reassigned by means of the resiting of the proposed turning heading and an increase in the area of the southern garden to dwelling house No. 4.
- 7.17. I conclude that there is no in principle land use objection to the proposal and that the communal open space in the northern portion of the site should be re-specified as public open space and the communal open space in the southern portion of the site should be omitted.

(iii) Visual and residential amenity

- 7.18. The proposal would entail the demolition of the existing dwelling house in the northern portion of the site. Appellant (b) has expressed concern that, with this demolition, a gap would open up in the streetscape. The applicant has contested the significance of this gap and he has drawn attention to the variable front building line that is exhibited by dwelling houses on the southern side of Woodlawn Road to the east of the site.

- 7.19. At present the front building line of the said dwelling house approximates to that of the two nearest dwelling houses to the east. The next dwelling house is sited in a position that is much further set back from the roadside and, to its east, lie 6 dwelling houses with front building lines that align roughly with the (original) rear building lines of the initial 3 dwelling houses. Given this pattern, I consider that, whereas there is a single precedent for the setback envisaged by proposed dwelling house No. 1 on the site, a more coherent streetscape would be achieved by either the retention of the existing dwelling house or the redevelopment of its plot to provide a replacement one.
- 7.20. The 4 proposed dwelling houses would each be of individual design that would incorporate one and a half storey and single storey elements under pitched roofs. These dwelling houses would be of attractive contemporary design that reflects the vernacular. Finishes would include render, stone, timber, and slate.
- 7.21. A comparison between the current proposal and that which is the subject of the extant permission PL63.235868 reveals that, while the former is for 4 dwelling houses with a total floorspace of 810 sqm, the latter is for 3 dwelling houses with a total floorspace of 369 sqm. Thus, while in each case four bedroomed dwelling houses are proposed, those in the former case would be significantly larger than in the latter case. Furthermore, while 3 of the currently proposed 4 house plots would approximate to the 3 extant house plots, the more substantial form of the dwelling houses now proposed would contrast with the extant 3 dwelling houses. In particular, the narrow dog-legged layout of the extant dwelling houses would interface over shorter portions of the eastern boundary of the site than is now envisaged.
- 7.22. Appellants (a) reside in Bramblewood House, which is sited in a position adjacent to the southern portion of the eastern boundary of the site. This House is orientated on a north/south axis and so habitable room openings are concentrated in the front and rear elevations. However, the western side elevation also has such openings. Under the extant permission, the most southerly of the permitted dwelling houses would be sited to the north west of the front elevation. Under the current proposal, dwelling house No. 3 would be sited in this position and dwelling house No. 4 would be sited to the south west of the rear elevation.

- 7.23. Appellants (a) have expressed concern over the impact of the current proposal upon the amenities of their dwelling house, in terms of obtrusiveness, overlooking, and in the case of dwelling house No. 4 overshadowing. The applicant has responded by drawing attention to the design of each of these dwelling houses, which seeks to preclude these impacts.
- 7.24. I consider that proposed dwelling house No. 3 would be a more substantial presence on its house plot than the permitted dwelling house and its design would lead to marginally more overlooking, cf. the most easterly bedroom window. However, compared to the extant permission, the greater impact would arise from proposed dwelling house No. 4, where the gabled element on the easterly elevation would be obtrusive. The proximity of this dwelling house would lead to overshadowing of the patio to the rear of the appellants' dwelling house and, notwithstanding the intricacies of the proposed design, some overlooking would arise between habitable room openings in the northern elevation and habitable room openings in the rear and side elevations of their dwelling house.
- 7.25. I conclude that the gap that would be created by the proposal in the streetscape would be retrogressive aesthetically and the aggregate impact of proposed dwelling houses Nos. 3 and 4 upon the amenities of Bramblewood House would be excessive. I have considered the possibility of omitting dwelling house No. 4. However, such omission would not address my streetscape concern and so I do not consider that this would be an appropriate way forward.

(iv) Access and parking

- 7.26. At present the vehicular access to the site from Woodlawn Road is sited in the western side of the frontage. Under the proposal this access would be closed and a new one would be formed on the eastern side. Woodlawn Road to the east of the site is of straight alignment, whereas to the west it undergoes a sweeping bend. The resited vehicular access would thus afford an improved western sightline to drivers exiting the site over a stretch of extensive grassland verge. The eastern sightline is a good one by virtue of the road's alignment.
- 7.27. Under the proposal, the access to the site would be gated. Generally, the gating of residential schemes is discouraged in the interests of facilitating/promoting permeability and social interaction. In the present case, I note that the extant

permission (PL63.235868) for the site did authorise a controlled access point to the gravel access way beyond the communal car park. Prior to this point the access road and car park would be tarmacked. The current proposal would entail a similar specification of finishes. In these circumstances, I consider that, if a controlled access point is to be acceded to, then it should replicate that which has already been authorised.

- 7.28. The proposed gravelled access road would run along the western boundary of the site. This road would be designed to be compatible with the protection of roots to trees that lie along the said boundary. This methodology was expressly sanctioned and conditioned by the extant permission (PL63.235868), which authorised the construction of 3 dwelling houses. Under the current proposal, 4 dwelling houses would be constructed. Nevertheless, the addition of 1 extra dwelling house would not undermine the rationale for the said methodology.
- 7.29. Both the tarmacked and gravelled sections of the proposed site access road would be 3.7m in width. Appellant (b) expresses concern that this width would be narrower than the minimum cited in the CDP and it would be insufficient to allow two cars to pass travelling in opposite directions. The applicant has responded to this concern by stating that the proposal would generate a low number of traffic flows and so the likelihood of cars needing to pass one another would be slight. I concur with this assessment and I would further add that, as the on-site access road would comprise two straight portions of roadway and an intervening car park, good visibility would be available and so congestion on these portions of roadway would be capable of being averted.
- 7.30. I note that the applicant does not intend that the site access road be “taken in charge”. The Housing Estates Unit expresses disquiet that this intention may not endure and that any subsequent request to “take in charge” would be frustrated by the specification to which this road would be constructed. The Area Engineer raises no objection but requests that this access road be constructed in accordance with the DoHELG’s “Recommendations for Site Development Works for Housing Areas.”
- 7.31. I note, too, that the applicant’s approach was effectively endorsed under the extant permission for the site and that this permission specifically conditioned against the

use of the said DoHELG's Recommendations, as they would be incompatible with the tree retention that the applicant's methodology would be designed to safeguard.

7.32. The proposal would entail the provision of an individual car parking space within each house plot and the provision of 6 spaces in a communal car park towards the north of the site. This level of provision would accord with relevant car parking standards.

7.33. I conclude that the proposed site access, on-site access road, and car parking arrangements would be satisfactory.

(v) Water

7.34. The proposal would be served by the public water mains that runs underneath Woodlawn Road and which serves the existing dwelling house on the site.

7.35. Foul water from the proposal would drain to the public sewer that passes through the northern portion of the site and surface water would drain to soak pits within each of the proposed house plots

7.36. The River Flesk passes c. 100m to the south of the southern boundary of the site. This site is subject to a mild gradient that falls in a northerly direction towards Woodlawn Road and thus away from the River. The relevant OPW PFRA Indicative extents and outcomes draft for consultation (2019/MAP/46/A) shows the lands to the south of the site and properties further to the east of the site as being the subject of a 1% AEP fluvial flood risk. The site itself is not shown as being at risk. Likewise, the two recorded flood events for Killarney on the OPW's flood maps website are not within the vicinity of the site. Accordingly, I do not consider that the site is at risk of fluvial flooding and I am not aware of any other type of flood risk that would be relevant to this site.

7.37. I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory and that no identified flood risk pertains to this site.

(vi) AA

7.38. The site is not in a Natura 2000 site. The nearest such site is that of the Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC. This site includes within its ambit the River Flesk, which passes c. 100m to the south of its

southern boundary and which flows in a westerly direction into Lough Leane in Killarney National Park.

- 7.39. The site is subject to a mild gradient that falls in a northerly direction towards Woodlawn Road and thus away from the River Flesk. Accordingly, subject to good construction management practice, the site would be capable of being developed without the occurrence of surface water run-off into this River. Likewise, as outlined under the previous heading of my assessment, the foul water from the proposal would drain to the public sewer that passes through the northern portion of the site and surface water would drain to soak pits within each of the proposed house plots, and so again no source/pathway/receptor route between the site and the River Flesk would arise.
- 7.40. Having regard to the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That this proposal be refused.

9.0 Reasons and Considerations

The proposal would lead to the creation of an avoidable gap in the streetscape on the southern side of Woodlawn Road. The resulting gap would be out of keeping with the predominant character of the existing streetscape.

The proposal would lead to the siting of dwelling houses Nos. 3 and 4 immediately to the north west and south west of the existing dwelling house, known as Bramblewood House, on the adjoining site to the east. The size and design of these dwelling houses would, in aggregate, be obtrusive when viewed from this House and they would result in overlooking and a consequent loss of privacy to it. Additionally, dwelling house No. 4 would lead to overshadowing of Bramblewood House.

Consequently, the proposal would be seriously injurious to the visual and residential amenities of the area and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

2nd February 2018