



An  
Bord  
Pleanála

## Inspector's Report ABP-300051-17

### Development

The construction of (i) a part three storey and part four storey 32-bed extension, (ii) an extension to the entrance lobby, and (iii) an extension to the restaurant. Alterations to the exterior of the existing bedroom block and to the existing car park and the construction of a new car park.

### Location

Dingle Skellig Hotel, Emlagh West & Farran, Dingle, Co. Kerry

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

17/346

### Applicant(s)

Euprepia Enterprises Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 11 conditions

### Type of Appeal

Third parties -v- Decision

### Appellant(s)

Jonathan & Michael T Moriarty  
Ricky & Dawn Keane

### Observer(s)

None

**Date of Site Inspection**

25<sup>th</sup> January 2018

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located 0.6 km to the south of Dingle town centre in the south eastern outskirts of Dingle Town. This site lies in a position beside the coastline to Dingle Harbour and adjacent to the local coastguard station. It is accessed off the L-5009, a local road that runs on a roughly north/south axis from its junction, to the north, off the N86. This road also provides access to a guest house known as Emlagh Country House, several individual dwelling houses, a small housing estate, and the Town's WWTP. Fields surround the site and these properties lie beyond them to the north and the north west. Additionally, to the north east, the N86 is accompanied, on its northern side, by the relocated new-build Dingle Hospital and, on its southern side, by an individual dwelling house, a redeveloped former petrol filling station site, and a funeral undertaker's.
- 1.2. The site itself is of amorphous shape and it extends over an area of 2 hectares. This site is traversed by the L-5009. On the eastern side is the southern portion of a field, which is enclosed by means of earthen dykes, hedgerows, and dry stone walls. On the western side is the existing developed hotel complex, known as the Dingle Skellig Hotel, and accompanying grounds, car park, and outbuildings. The hotel complex comprises a series of interlinked single storey buildings and a three storey building with a mansard roof. The said grounds, car park, and outbuildings lie to the south, east, and north, respectively.

## 2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
  - The construction of a part three storey and part four storey extension (c. 1,510.99 sqm) to the eastern end of the existing three storey building with a mansard roof. This extension would accommodate 32 bedrooms and it would encroach onto the existing car park.

- The construction of a new single storey flat roof extension (c. 53.58 sqm) to the existing reception on the eastern side of the hotel. This extension would encroach onto the existing car park.
- The construction of a new single storey flat roof extension (c. 131.77 sqm) to the existing restaurant on the southern side of the hotel. This extension would encroach onto the accompanying grounds.
- The reworking of the existing elevations of the three storey building to provide for external insulation and revised fenestration.
- The remodelling of the existing surface car park to the west of the L-5009.
- The construction of a new car park to the east of the L-5009 in the southern portion of the existing field.
- All ancillary site works and landscaping necessary to complete the development.

2.2. The proposal would entail the demolition of 27.04 sqm of floorspace. The existing floorspace of 8,289.07 sqm would be reduced thereby. The new build would have a floorspace of 1,696.34 sqm and so the overall floorspace envisaged would be 9,958.37 sqm. The proposal would also entail the encroachment of two of the three extensions onto the existing car park with a resultant loss of 34 spaces. The existing 97 spaces would be reduced thereby. The new car park would have 138 spaces and so the overall total number of spaces envisaged would be 201.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Following receipt of further information, permission was granted, subject to 11 conditions, the following two of which address visual amenity:

- Condition 5 requires that external finishes shall be neutral in colour, tone and texture and where stone is specified this is to be natural and sourced locally.
- Condition 9 requires that buses be parked in the existing rather than the proposed car park.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

See planning decision.

### 3.2.2. Other Technical Reports:

- County Archaeologist: Following receipt of clarification of further information, two conditions are requested with respect to the full excavation of two spreads of burnt material uncovered during pre-development archaeological testing in the site of the proposed car park and the archaeological monitoring of groundworks comprised in the construction of this car park.
- Environmental Health: Standard advice with respect to pollution control and the protection of surface waters in Dingle Harbour.
- TII: No observations.
- Road Design: No observations.
- Fire Services: No objection, standard advice with respect to Fire Safety and Disability Access Certificates.
- Conservation: No observations.
- IFI: Standard advice with respect to site construction phase and foul and surface water drainage during the operational phase.

## 4.0 Planning History

The recent planning history of the Dingle Skellig Hotel is as follows:

- 00/3903: Installation of 2 semi-moulded gas fuel tanks: Permitted.
- 02/2087: Construction of a spa and leisure facility at the first floor level and roof terrace and bay extensions to two bedrooms at second floor level, retention of enclosed deliveries yard and bunded fuel oil tank, covered kitchen prep area and ancillary kitchen space, resiting of semi-moulded gas fuel tanks, and miscellaneous alterations to elevations: Permitted.

- 03/309: Construction of a generator house, ESB sub-station, bunded oil tank facility, extension to service yard and associated site works: Permitted.
- 06/3547: Demolition and reconstruction of the conservatory section of the public dining room and associated site works: Permitted.
- Pre-application consultation occurred on 18<sup>th</sup> November 2016.

## 5.0 Policy Context

### 5.1. Development Plan

Kerry County Development Plan 2015 – 2021 (CDP) identifies Dingle as a regional town. Chapter 5 of this Plan addresses tourism and recreation. One of the objectives for visitor accommodation is of relevance. It states the following:

*T-70: Ensure that where the development of facilities for commercial accommodation for tourists and visitors is proposed, that these facilities are encouraged to locate within settlements. Such proposals will be required to be of an appropriate scale to the settlement in which it is to be located in order to retain the vibrancy and sustainability of the settlement when such accommodation is not occupied.*

Under the Dingle Functional Area Local Area Plan 2012 – 2018 (LAP), the existing hotel site is shown as lying within the town boundary around Dingle and the proposed car park, to the east, is shown as lying outside this boundary. The hotel site is zoned for tourism and leisure and lands to the south west are zoned for tourism and leisure expansion.

Map 7.5 of the Renewable Energy Strategy 2012 shows the site as lying within the landscape sensitive area and the landscape character area identified as Ventry and Dingle Harbours. Immediately to the east of the site lies another landscape character area identified as Gartinn Valley. Both these areas are described in Table 7.4 as being “hilly and flat farmland, mountain moorland, and coast.” In addition, Ventry and Dingle Harbours are described as being “urban”.

The site of the proposed car park is shown in the CDP as lying within a rural landscape type that is zoned as “Rural General”. Section 3.3.2.1 of this Plan states that this landscape type is the least sensitive in the County and so generally from a visual impact perspective they have “the ability to absorb a moderate amount of

development without significantly altering their character.” Section 12.3.1 adds that development should be integrated into the surroundings to minimise the impact upon the landscape.

Views and prospects from the N86, to the east of the site, in a south westerly direction, which include the site, are protected. Under Objective ZL-5, these views and prospects are to be preserved. Accompanying commentary states that development coming within the said views and prospects should not seriously hinder or obstruct them and should be designed and located to minimise their impact.

## 5.2. **Natural Heritage Designations**

Dingle Peninsula SPA (site code 004153)

Mountain Brandon SAC and NHA (both site code 000375)

Blasket Islands SAC (site 002172)

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

#### **(a) Jonathan & Michael T Moriarty of Strand Street, Dingle**

The appellants begin by setting out the planning history of and planning policy context for the site. They then proceed to cite the following grounds of appeal:

- The contemporary design of the proposed four storey extension would relate poorly to the original hotel and it would be out of character with the traditional design evident in surrounding buildings. Likewise, the external façade treatments would be out of character, too.

The replacement of the existing mansard roof with elevations terminating in a parapet would result in a greater visual impact.

The submitted photomontages fail to include a sufficient number of representative view-points to allow the visual impact of the proposal to be fully assessed.



- The height of the proposed extension at four storeys would be greater than that of any other building on the Dingle Peninsula. It would thus be unduly dominant within the landscape and it would establish an adverse precedent.

This extension would obstruct views of Dingle Harbour from the N86 and from properties, e.g. Emlagh Country House. Likewise, views of the mountains to the north from the coastline would be obstructed.

- The proposed car park would be an unsatisfactory response to the hotels' parking requirements insofar as it would be relatively remote and on the opposite side of the public road from the hotel and staff parking needs are not addressed.

The site of this car park lies outside the town boundary in a rural area and so it would be contrary to its rural zoning objective. It would be highly visible within the landscape, a fact that is not depicted in the submitted photomontages.

Increased use of the public road and overspill parking on it may hamper access by emergency vehicles to the adjacent coast guard station.

- The proposal would result in such an intensification of use of the site that it would constitute over development.
- The area to the west of the site has undergone considerable development over the years and so it is now sensitive to further change, such as that represented by the proposal.
- The submitted photomontages fail to include views of the site from further to the north and to the south and no visual impact assessment has been undertaken of the proposal.
- Attention is drawn to the Board's refusal of a proposed earth sheltered dwelling house on Reenbeg on the southern side of the Harbour from the site. This dwelling house would have been sited in the Dingle Peninsula SPA and, in the absence of a NIS, the Board was unable to conclude that a significant effect would not arise. Accordingly, it is surprising that the applicant did not submitted an AA Screening Report.

- Attention is drawn to an unauthorised steel tech shed on the site, which has not been depicted on the submitted plans.

#### **(b) Ricky & Dawn Keane of Emlagh Country House, Dingle**

- The height of the proposed extension at four storeys would be novel on the Dingle Peninsula and so it would establish an adverse precedent.
- The proposal would dominate the approach to Dingle by land and sea and it would negatively impact upon the beautiful character of the area, which hitherto has been respected.
- Increased traffic on the public road to the coast guard station could impede the progress of emergency vehicles.
- Existing high season traffic congestion at the junction between the N86 and the L-5009 would be exacerbated.
- The site of the proposed car park is on lands zoned for agricultural use only. The development of this car park would be highly visible and ruinous of the landscape's and nearby shoreline's existing beauty.
- The amenity value of a popular local walking route, which follows the line of the L-5009 between the hotel and car park sites would be impaired.
- The appellants operate a guesthouse, known as Emlagh Country House. By means of tree planting, they have been able to mitigate the visual impact of the applicant's existing building upon their property. However, the proposed four storey extension would block the view that they enjoy of the entrance to Dingle Harbour from Dingle Bay. As this view is one of the attractive features of the guesthouse, they anticipate that they would suffer a loss of business as a result of the proposal.

#### **6.2. Applicant Response**

The applicant has responded to each appellant separately.

##### **Appellant (a)**

The applicant has included under Appendix A of their submission certain information that has prompted them to request that this appeal be dismissed by the Board under Section 138(1)(a)(ii) of the Planning and Development Act, 2000 – 2017.

The applicant describes the site within its context and they draw attention to relevant planning policies and recent developments within the said context. The role of the Dingle Skelligs Hotel is set out and the impetus for the proposal is outlined with respect to its need for renewal and upgrade. Aesthetic and energy efficiency gains would ensue.

The applicant responds to appellant (a)'s grounds of appeal as follows:

- The proposals for the existing hotel would accord with the zoning of the hotel's site. The proposed car park would be on a site designated as "rural general" within which there is a higher capacity to absorb development than in more sensitive landscapes. Thus, this car park would not be precluded.
- The critique of the proposal with respect to its design and height fails to take into account the following considerations:
  - The site lies within a landscape that is designated as neither a prime nor a secondary amenity one.
  - The hotel site is a brownfield site.
  - Only a minor portion of the site lies within lands designated as "rural general".
  - Lands to the north, south, and west of the site are zoned for development.

The zoning of the hotel site and surrounding lands indicates that additional development is contemplated, some of which could entail the construction of sizeable buildings to accommodate permitted uses.

- Any assessment of the visual impact of the proposal would need to take into account the presence of the existing hotel within the landscape and the relatively modest extension that is now proposed, i.e. an increase of 20% in floorspace and 8% in site coverage. Policy TC 5 of the CDP is supportive of the development of tourist accommodation. While several extensions are proposed, only the multi-storey one is objected to by the appellant.

With respect to the height of the proposed multi-storey extension, neither the CDP nor the LAP sets out a height policy and so there is no basis for any in principle objection. Furthermore, the site is c. 5m lower than the junction between the N86 and L-5009 and so the additional height of 3m exhibited by this extension, within the context of the existing hotel, would not have a significant impact upon visual amenity.

Existing development to the north of the site is on elevated ground. Such development does not have a right to a view. Furthermore, lands between it and the site are zoned for residential development and an adjacent WWTP would be expanded in the future. Conversely, northerly views over the site toward the mountains are not protected.

Concerns over the visual impact of the proposed car park on views from the N86 are misplaced as this car park would be seen within the context of new development along the N86 and the existing hotel and it would be well landscaped. Draft conditions 9 and 11 would also serve to mitigate any impact.

Concerns specific to Emlagh Country House are misplaced, due to the clearance distance of c. 150m between this House and the proposed multi-storey extension.

Concerns over the visual impact of alterations to the exterior of the existing hotel are misplaced, as the elevations in question are “tired” and in need of refreshing in a contemporary manner that would complement the proposed multi-storey extension.

- The proposed car park would not lead to an over provision of spaces. Instead, it is needed to ensure that the existing hotel is served by sufficient spaces to meet CDP standards and to replace spaces that would be removed as a result of the siting of the proposed multi-storey extension in part of the existing car park.

Concerns over road safety and traffic generation are misplaced and unsubstantiated. No objection is raised to the proposal by either the TII or the Road Design Office. Draft condition 7 would ensure that a Stage 3 Road

Safety Audit is undertaken and that appropriate signage is erected to assist with on-site traffic management.

- The citation of PL08.244322 is misplaced, as the proposal thus referred to is not comparable with the current one.

The absence of an AA Screening prepared by the applicant has now been made good. This Screening concludes that bird species identified as qualifying interests for the Dingle Peninsula SPA would find the habitat of the site unattractive to their needs and so the proposal would be unlikely to have any significant effects on the relevant conservation objectives for these species.

- Reference to an unauthorised structure has no bearing on the current proposal before the Board.

### **Appellant (b)**

The applicant describes the site within its context and they draw attention to relevant planning policies and recent developments within the said context. The role of the Dingle Skelligs Hotel is set out and the impetus for the proposal is outlined with respect to its need for renewal and upgrade. Aesthetic and energy efficiency gains would ensue.

The applicant responds to appellant (b)'s grounds of appeal as follows:

- The proposals for the existing hotel would accord with the zoning of the hotel's site. The proposed car park would be on a site designated as "rural general" within which there is a higher capacity to absorb development than in more sensitive landscapes. Thus, this car park would not be precluded.
- The critique of the proposal with respect to its design and height fails to take into account the following considerations:
  - The site lies within a landscape that is designated as neither a prime nor a secondary amenity one.
  - The hotel site is a brownfield site.
  - Only a minor portion of the site lies within lands designated as "rural general".

- Lands to the north, south, and west of the site are zoned for development.

The zoning of the hotel site and surrounding lands indicates that additional development is contemplated, some of which could entail the construction of sizeable buildings to accommodate permitted uses.

- Any assessment of the visual impact of the proposal would need to take into account the presence of the existing hotel within the landscape and the relatively modest extension that is now proposed, i.e. an increase of 20% in floorspace and 8% in site coverage. Policy TC 5 of the CDP is supportive of the development of tourist accommodation. While several extensions are proposed, only the multi-storey one is objected to by the appellant.

With respect to the height of the proposed multi-storey extension, neither the CDP nor the LAP sets out a height policy and so there is no basis for any in principle objection. Furthermore, the site is c. 5m lower than the junction between the N86 and L-5009 and so the additional height of 3m exhibited by this extension, within the context of the existing hotel, would not have a significant impact upon visual amenity.

Existing development to the north of the site is on elevated ground. Such development does not have a right to a view. Furthermore, lands between it and the site are zoned for residential development and an adjacent WWTP would be expanded in the future. Conversely, northerly views over the site toward the mountains are not protected.

Concerns over the visual impact of the proposed car park on views from the N86 are misplaced as this car park would be seen within the context of new development along the N86 and the existing hotel and it would be well landscaped. Draft conditions 9 and 11 would also serve to mitigate any impact.

Concerns specific to Emlagh Country House are misplaced, due to the clearance distance of c. 150m between this House and the proposed multi-storey extension.

Concerns over the visual impact of alterations to the exterior of the existing hotel are misplaced, as the elevations in question are “tired” and in need of

refreshing in a contemporary manner that would complement the proposed multi-storey extension.

- The proposed car park would not lead to an over provision of spaces. Instead, it is needed to ensure that the existing hotel is served by sufficient spaces to meet CDP standards and to replace spaces that would be removed as a result of the siting of the proposed multi-storey extension in part of the existing car park.

Concerns over road safety and traffic generation are misplaced and unsubstantiated. No objection is raised to the proposal by either the TII or the Road Design Office. Draft condition 7 would ensure that a Stage 3 Road Safety Audit is undertaken and that appropriate signage is erected to assist with on-site traffic management.

### **6.3. Planning Authority Response**

None.

### **6.4. Observations**

None.

### **6.5. Further Responses**

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

- The contents of Appendix A are critiqued on the basis that the record of communications is incomplete, initial contact was allegedly made by the applicant, and Section 138(1)(a)(ii) refers to sole intent whereas the appeal in question was made on multiple planning grounds. The Board is thus requested to continue with the appellant's appeal.
- Whereas lands zoned "Rural General" generally have a higher capacity to absorb development, the subject site is an exception due to its prominence. While the CDP warns of a tipping point with respect to the cumulative visual impact of one-off dwelling houses, the visual impact would be greater again due to the scale of the proposal.

The critique of the submitted photomontages is reiterated.

- The critique of the height and design of the proposed part three/part four storey extension and the reworking of the adjoining elevations of the existing three storey building is reiterated.
- The critique of the proposed new car park is reiterated.

Appellant (b) has responded, too, and essentially reiterated points raised previously.

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, 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) Legalities
- (ii) Land use,
- (iii) Landscape and visual impacts,
- (iv) Traffic, parking, and access,
- (v) Archaeology,
- (vi) Water, and
- (vii) AA.

### **(i) Legalities**

7.2. The applicant has included under Appendix A of their response to appellant (a) certain information that has prompted them to request that this appeal be dismissed by the Board under Section 138(1)(a)(ii) of the Planning and Development Act, 2000 – 2017. I have read this information, which appears to be a print out of a series of text messages, some of which are accompanied by a date and time. This print out does not explicitly state who is communicating to whom. It refers to “phone calls” too. I have also read appellant(a)’s commentary on this information, which amongst other things, critiques its incompleteness.

7.3. In the light of the preceding paragraph, I consider that the submitted information is insufficient to provide a basis upon which the Board could reasonably dismiss



appellant (a)'s appeal under Section 138(1)(a)(ii). Accordingly, I conclude that the Board can proceed to assess and determine the appeal of appellant (a)'s in the normal manner.

## **(ii) Land use**

- 7.4. The LAP shows the town boundary around Dingle running along the route of the L-5009. To the west of the L-5009, this Plan shows that portion of the site which accommodates the existing hotel as lying within an area that is zoned for tourism and leisure. (Adjoining lands to the south west are zoned for tourism and leisure expansion). To the east of the L-5009, it shows that portion of the site which would be developed to provide the proposed new car park as lying outside the town boundary.
- 7.5. The CDP shows that portion of the site which would be developed to provide the proposed new car park as lying within a rural landscape type that is zoned as "Rural General". It also shows that south western views and prospects on the approach to Dingle Town along the N86 are protected. These views and prospects include the entire site within them.
- 7.6. Both appellants draw attention to the rural status of the proposed new car park site and they state that the development of this site as proposed would contravene the zoning objective for the site. The applicant has responded by drawing attention to advice in the CDP, which states that on sites zoned "Rural General" there is a higher capacity to absorb development than in more sensitive landscapes and so their proposed car park should not be precluded.
- 7.7. I note that the CDP does not state a zoning objective *per se* for "Rural General". In these circumstances, I consider that the Plan's objectives for this zone can be gleaned from a review of relevant objectives in the chapter entitled "Zoning and Landscaping", i.e. ZL-1, ZL-3, and ZL-5. The first of these objectives seeks to protect the landscape of the County, the second undertakes to determine the zoning of lands having regard to landscape sensitivity and capacity to absorb further development, and the third to preserve identified views and prospects.
- 7.8. I note, too, that the CDP addresses visitor accommodation in the chapter entitled "Tourism and Recreation". The objectives in this respect encourage the reuse of

existing buildings (T-68), including houses in rural areas (T-69), for the provision of visitor accommodation. Objective T-70 encourages the location of commercial visitor accommodation in settlements.

- 7.9. Bringing the former objectives together with respect to the proposed new car park site, the CDP seeks to protect the site while recognising that it is within a landscape that can absorb development more readily than in other types of rural areas and acknowledging the presence of protected views and prospects over the same. Bringing the latter objectives together with respect to the proposed new car park site, the CDP encourages the location of commercial visitor accommodation in Dingle Town.
- 7.10. In the light of the foregoing objectives, I recognised that the Dingle Skellig Hotel, including its existing car park, is appropriately located within Dingle Town and that the future expansion of this Hotel is provided for by the LAP by means of zoned lands within the Town and to the south west of the existing hotel site. By contrast, the proposed new car park would be located on a site outside the town boundary in a rural area. Thus, notwithstanding the relevant provision of the LAP, the expansion of an existing urban use into a rural area would ensue.
- 7.11. The applicant's cover letter dated 18<sup>th</sup> April 2017 refers to the possibility that the location of the proposed new car park would entail a material contravention of the CDP. The Planning Authority does not appear to have addressed this possibility. I consider that a material contravention would occur. Under Section 37(2)(a) of the Planning and Development Act, 2000 – 2017, the Board can permit the said car park even though a material contravention would occur. Whether such a course of action would be reasonable in this case is a question to which I will return in the conclusion to my overall assessment.
- 7.12. I conclude that, as that portion of the site to the east of the L-5009 is within the town boundary and on land zoned for tourism and leisure, the proposed extensions to the hotel would be appropriate in land use terms. I also conclude that, as that portion of the site to the east of the L-5009 is within the town boundary and on land zoned "Rural General", the proposed new car park would lead to a material contravention of the CDP, within which the said zoning arises.

### **(iii) Landscape and visual impacts**

7.13. Under Section 12.2 of the CDP, landscape sensitivity and landscape character areas are addressed. This Section refers in this respect to the County's Renewable Energy Strategy 2012. Map 7.5 of this Strategy shows the site as lying within a landscape sensitive area and within the landscape character area identified as Ventry and Dingle Harbours. Immediately to the east of the site lies another landscape character area identified as Gartinnny Valley. Both these areas are described in Table 7.4 as being "hilly and flat farmland, mountain moorland, and coast." In addition, Ventry and Dingle Harbours are described as being "urban".

7.14. Under Map 12.1i of the CDP, the hills/mountains to the north and north west of the site are highlighted as being prime special amenity and, to the south, on Reenbeg Peninsula lands to the south of the local road that runs along this Peninsula are highlighted as being secondary special amenity. This Map also identifies the south western views and prospects on the N86, as it approaches Dingle Town, as being ones that should be preserved. These views and prospects would include the entirety of the current application site.

7.15. In the light of the above assessments and designations, I recognise that the site lies within a setting of considerable scenic quality. During my site visit, I viewed the site from the north west on the R560 that crosses the Connor Pass, the N86, from more elevated ground to the north and the north east within Dingle Town, and from the south on Reenbeg Peninsula.

- From the more distance views on the said local road and Reenbeg Peninsula, the site is visible within the context of Dingle Town and the generously proportioned surrounding landscape, which includes Dingle Harbour.
- From more elevated ground within Dingle Town, the site is visible within the context of the eastern portion of the Town and within the context of the newly relocated hospital and a recently redeveloped petrol filling station on either side of the N86 and Emlagh Country House.
- On rounding a bend on the N86 Dingle Town becomes visible for the first time within south western views and the site occupies a central position and the existing hotel maintains a prominent presence within these views.

- 7.16. During my site visit, I also viewed the site from the shoreline to the east and south west of the site and to the north from the L-5009 beside Emlagh Country House. Within these views the existing hotel is the dominant building.
- 7.17. Following a request for further information, the applicant submitted photomontages of their proposal from vantage points selected by the Planning Authority, i.e. south western views from the N86 and southern views along the L-5009 from the vicinity of Emlagh Country House. Appellant (a) critiques the range of these photomontages and thus their adequacy as a means of assessing the landscape and visual impacts of the proposal. While I recognise the limited range of that which has been submitted, I acknowledge that, based on my own observations, the vantage points selected are the key ones for any assessment.
- 7.18. Both appellants express concern over the height of the proposed part three/part four storey extension. They state that there is no precedent for such height within Dingle Town and that it would be unduly dominant within the landscape and its presence would encroach upon views of the entrance to Dingle Harbour from Dingle Bay, which are presently enjoyed by patrons of the Emlagh Country House. Furthermore, the extension would establish an adverse precedent for four storey buildings in the Town.
- 7.19. Appellant (a) also expresses concern over the design of the said extension and the proposals for the elevations of the existing three storey building with a mansard roof. They state that this design would be out of character with surrounding traditional buildings and it would have a greater visual impact than that of the existing building.
- 7.20. The applicant has responded to the aforementioned concerns by drawing attention to the absence of a building height policy for Dingle Town in either the CDP or the LAP. Accordingly, there can be no in principle objection to their proposed part three/part four storey extension. They also draw attention to the fact that the site is some 5m lower than the junction between the N86 and the L-5009 and so the additional height of 3m over that of the existing three storey building would be seen within this context, thereby reducing the resulting visual impact.
- 7.21. The applicant addresses the specific concern over the encroachment of views from Emlagh Country House that would ensue. Thus, the absence of a right to a view and

the distance of c. 150m between the said extension and this House are cited, along with the residential zoning in the LAP for the intervening field.

- 7.22. The applicant also addresses the aesthetic critique of their proposal by referring to the “tired” appearance of the existing three storey building and the need therefore for its refreshment by means of the proposed works to its elevations and the complementary addition of the said extension.
- 7.23. During my site visit, I observed that the existing hotel comprises a complex of interlinked single storey buildings with a warp around three storey building with a mansard roof on the northern/north western side. Thus, the combination of low rise buildings and a higher building of elongated form results in a strong horizontal visual emphasis to the complex. Under the current proposal, this emphasis would be relieved by the addition of the part three/part four storey extension and the elevational treatments, which would entail the replacement of the mansard roof with a parapet and new fenestration with a vertical emphasis on that part of the existing three storey building that would adjoin the said extension.
- 7.24. During my site visit, I also observed that at present the design of the existing hotel is distinctive within the context of surrounding buildings. Thus, the only building of comparable scale is the newly built relocated hospital on the northern side of the N86. This is a single storey complex with an extensive double pitched roofscape. Other sizeable buildings are Emlagh Country House and the redeveloped former petrol filling station on the southern side of the N86. The former building, while of recent origin is of traditional design, the latter building is of modern design with a barrel vaulted roofscape. Given the baseline of the existing hotel and the variety of designs exhibited by the larger buildings in the surrounding context of the site, I do not consider that the proposed part three/part four storey extension and elevational treatments would be out of character with the area.
- 7.25. Apart from the design of the proposed part three/part four storey extension, its height has been contested by the appellants. In the light of paragraph 7.23, I recognise the rationale for this height within the context of the existing hotel. In the light of paragraph 7.15, I note that this hotel is prominent within the protected views available in a south westerly direction from the N86 on its final approach to Dingle Town. Such prominence invites the introduction of a focal point to it, which the said

extension would achieve. Dominance within these views would be avoided by the modest scale of this extension within its landscape context, the distance between the site and the N86, and the differential in ground levels noted by the applicant. The Planning Authority's draft condition 5, which requires the use of neutral finishes, would also ensure that the eye is not unduly drawn to the site.

- 7.26. The remaining concern with respect to the proposed part three/part four storey extension is the impact that it would have upon views from Emlagh Country House. The rear elevation of this House is orientated just to the east of due south towards the entrance to Dingle Harbour from Dingle Bay. The proposed extension would be built off the eastern end of the three storey hotel building to the south and so it would encroach into the available views. I anticipate that some obstruction of Reenbeg Peninsula would ensue and so the context for the key view of the said entrance would be eroded. In this respect, I acknowledge the validity of the factors raised by the applicant in their response to this concern summarised above in paragraph 7.21. I also acknowledge that the proposal would lead to aesthetic improvements to the northern elevation of the three storey hotel building, which would be visible within the said views, too.
- 7.27. Both appellants express concern that the proposed new car park on the eastern side of the L-5009 would be conspicuous within its landscape context and that it would spoil the beauty of the area. The applicant has responded by stating that this car park would be seen within the context of the existing hotel complex and that its visual impact would be mitigated by landscaping and the Planning Authority's draft condition 9, which would debar buses from using it.
- 7.28. At present the site of the proposed new car park is the southern portion of a field that is enclosed by means of earthen dykes, hedgerows, and dry stone walls. As such this field is typical of other fields that make up the open landscape to the east of the site, which accompanies the N86 and runs down to the shoreline. Given these factors, I share the appellants' concerns that the proposed new car park would be conspicuous. While it may "blend" to a degree with the existing car park and the hotel complex within longer range views from the N86, it would be highly visible within shorter range views from the L-5009 and properties in the vicinity of this local road, such as Emlagh Country House, and from along the shoreline. While some mitigation of the resulting impact would result from the proposed landscaping of the

car park and compliance with draft condition 9, landscaping that entailed taller vegetation would in itself draw the eye as being unusual within the said context and so the contribution of appropriately scaled landscaping to screening the presence of vehicles would be decidedly limited.

7.29. I conclude that the landscape and visual impacts of the proposed part three/part four storey extension and elevational treatments would be compatible with the amenities of the area. However, the landscape and visual impacts of the proposed new car park would be inappropriate to the rural area that this car park would be provided within.

#### **(iv) Traffic, parking, and access**

7.30. The proposal would entail the provision of 32 additional bedrooms. Thus, the number of bedrooms and suites would increase from a total of 120 (2 staff + 118 patrons) to 152, i.e. by 26.66%. Consequently, an increase in traffic generation would occur.

7.31. Appellant (b) expresses concern that any increase in traffic would exacerbate existing high season traffic congestion at the junction between the N86 and the L-5009 and that the attendance of emergency vehicles at the coast guard station at the end of this local road would be impeded.

7.32. The applicant has responded to this concern by drawing attention to the absence of any objection from either the TII or the Road Design Office. They also refer to on-site measures that would be undertaken to ensure that the existing and proposed car parks would be used efficiently, thereby reducing the risk that parking would occur on the local road.

7.33. I consider that the likely increase in traffic generation would not have a significant impact upon traffic movements at the said junction or along the L-5009. If parking along the local road were to occur, then the Planning Authority as Road's Authority could consider the imposition of parking restrictions along this road.

7.34. Appellant (a) critiques the proposed car park on the grounds that it would be remote from the hotel, on the opposite side of the L-5009 from the hotel, and it would not address staff car parking needs.

- 7.35. I consider that this critique is misplaced insofar as the car park would still be conveniently placed for the hotel, the L-5009 is lightly trafficked, and the CDP's car parking standards do not differentiate between staff and patron bedrooms.
- 7.36. Under the CDP's car parking standards, hotels are required to have 1 car parking space per double bedroom or twin bedroom and 1 bus space. At present the hotel is served by 97 car parking spaces. If the existing 120 bedrooms are assumed to have two bedspaces each, then a shortfall of 23 spaces or 19.17% exists. Under the proposal, the number of spaces in the existing car park would contract to 63 and the number of bedrooms would increase to 152. However, as the proposed new car park would have 138 spaces, the total number of spaces would be 201, i.e. a surplus of 49 or 35.51%. If provision for at least 1 bus space in the existing car park is "factored in" then this surplus would reduce somewhat. Likewise, if provision for cycle parking stands is "factored in" at the CDP standard of 10% of car parking spaces, i.e. 15 cycle stands, then a further slight reduction in this surplus would ensue.
- 7.37. Under the proposal, the access/egress points to the existing car park would be retained and new access/egress points to the proposed car park would be introduced. These new arrangements would be either slightly staggered or opposite the existing ones and each point would either be a dedicated access or a dedicated egress. As the only right hand access point would be staggered in relation to the egress opposite, I consider that the old and the new in combination would be satisfactory.
- 7.38. I conclude that the additional traffic generated by the proposal would be capable of being accommodated on the road network. I also conclude that the proposed level of car parking provision would be excessive and that access and egress arrangements to the existing and proposed car parks would be satisfactory.

#### **(v) Archaeology**

- 7.39. There are no recorded archaeological monuments in the site and the closest such monuments lie c. 200m to the north of this site. Nevertheless, the applicant excavated 5 test trenches as a means of investigating whether any material of archaeological interest lies within the site of the proposed new car park. The findings of this investigation are set out in an Archaeological Testing Report, which the applicant submitted under clarification of further information. Thus, two small



deposits of burnt stone and blackened soil were found in the western portion of the site and, as these may relate to fulachtaí fia or burnt mounds, the Report recommends that they be excavated in advance of the development of this site.

7.40. The County Archaeologist accepts the said recommendation and so condition 4 of the Planning Authority's draft permission reflects this approach. I concur with the same and so I conclude that the question of archaeology is capable of being satisfactorily addressed under the current proposal.

#### **(vi) Water**

7.41. The proposal seeks the extension (an increase of c. 20% in the existing floorspace) of the Dingle Skellig Hotel and accompanying car parking provision. This Hotel is served by the public water mains and the public foul and surface water sewer. It would continue to be so served under this proposal. No capacity issues in this respect have been reported by either Irish Water or the Area Engineer.

7.42. At the appeal stage, the applicant submitted additional information with respect to the handling of surface water from the proposed new car park. Thus, this water would discharge to the sea via an attenuation tank with a hydro brake and a bypass separator for oil.

7.43. With respect to flood risk, the relevant OPW PFRA Indicative extents and outcomes map (2019/MAP/56/A) shows the shoreline adjoining the site as being the subject of a coastal flood risk, which is shown indicatively as being 0.5% AEP, i.e. a 200-year event. The OPW's flood maps website shows no recorded flood events either on or near the site.

7.44. The aforementioned flood risk is borderline with respect to the site itself. As the proposal is for the extension of an existing hotel and accompanying car parking provision, I do not consider that this risk warrants further investigation.

7.45. I conclude that the proposal would be capable of being satisfactorily serviced by the existing public water mains and existing public foul and proposed private surface water sewer arrangements. I also conclude that, given the limited nature of this proposal, the marginal identified coastal flood risk along the accompanying shoreline to the site does not require further investigation.

#### **(vii) AA**

- 7.46. The site does not lie within a Natura 2000 site. The nearest such sites are the Mount Brandon SAC (site code 000375), which extends in southerly direction towards the northern outskirts of Brandon Town, and the Dingle Peninsula SPA (site code 004153), which extends over the coastlines to the east and west of the entrance to Dingle harbour, i.e. in the vicinity of Beenbane and Doonshearrie and on the seaward side of the Reenbeg Peninsula.
- 7.47. There is no source/pathway/receptor route between the site and the more elevated SAC to the north of Dingle Town. The qualifying interests in the SPA are the bird species fulmar, peregrine, and chough and the corresponding conservation objective is to maintain or restore the favourable conservation condition of these species. At the appeal stage, the applicant submitted a Stage 1 Screening for AA.
- 7.48. I will draw upon the NPWS, Bird Watch Ireland and RSPB websites and the applicant's Stage 1 Screening for AA in my own Stage 1 Screening for AA exercise set out below.
- 7.49. The site comprises two halves: a portion of a field on the eastern side of the L-5009 and the already developed site of the existing Dingle Skellig Hotel on the western side. The said field is down to grass and its low lying position means that it tends to be damp. The shoreline of Dingle Harbour lies immediately to the south of the site.
- 7.50. Turning to the three bird species cited above, fulmars are seabirds that nest in cliffs, peregrines are birds of prey that feed on wading birds, and choughs are members of the crow family, which tend to forage for food close to cliff tops.
- 7.51. The site does not provide a suitable habitat for nesting by the aforementioned bird species. With respect to foraging, the field may attract waders. However, the applicant takes the view that the number is likely to be too small to attract peregrines on a regular basis.
- 7.52. I note that the field in question is one of many similar fields that lie to the south east of Dingle Town. The envisaged loss of c. 0.45 of a hectare would remove a decidedly small portion of the overall area of these fields. Accordingly, I take the view that a significant effect upon the conservation objective for the SPA would not arise.
- 7.53. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate on order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on European Site No. 004153, or any other European site, in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Conclusion and recommendation

- 8.1. Under the second heading of my assessment, I conclude that the proposed new car park, which would be sited to the east of the existing hotel, would lead to a material contravention of the CDP. Under the third heading, I conclude that the landscape and visual impacts of this car park would be inappropriate to the rural area that it would be provided within. Under the fourth heading, I conclude that the proposed new car park would lead to an excessive provision of spaces under the CDP's car parking standards.
- 8.2. I note that the LAP zones lands to the west of the hotel for its expansion. I note, too, that the applicant has not addressed the possibility that the proposed new car park could be sited on these lands, far less demonstrated that it would not be feasible to do so. *Prima facie* access to these lands would be available along the northern portion of the current application site.
- 8.3. In these circumstances, I conclude that it would be premature for the Board to consider a material contravention of the CDP, under Section 37(2)(b) of the Planning and Development Act, 2000 – 2017.
- 8.4. I, therefore, recommend that the proposal be refused.

## 9.0 Reasons and Considerations

Having regard to the Kerry County Development Plan 2015 – 2021 and the Dingle Functional Area Local Area Plan 2012 – 2018, the site of the proposed new car park would lie outside the town boundary and in an area zoned "Rural General". The existing Dingle Skelligs Hotel lies inside the town boundary on a site zoned for tourism and leisure, which is accompanied by lands zoned for the expansion of tourism and leisure. The proposed new car park would thus entail the expansion of an existing urban use into a rural area and, as such, it would materially contravene the zoning of the site.

The proposed new car park would, under Section 13.5 of the County Development Plan, lead to a surplus of car parking provision at the Dingle Skelligs Hotel, and yet some of the spaces would be needed to accompany the proposed extension of this Hotel and so, in their absence, such extension be objectionable.

The proposed new car park would be conspicuous when viewed from local vantage points and, as an encroachment into the surrounding rural area, it would be seriously injurious to the visual amenities of publicly accessible routes and properties in the vicinity.

While the Board has the discretion, under Section 37(2)(b) of the Planning and Development Act, 2000 – 2017, to materially contravene the County Development Plan, in the absence of any demonstration by the applicant that the proposed new car park would not be capable of being sited on lands zoned for the expansion of tourism and leisure, it would be premature to consider the siting of this car park in a rural area.

Accordingly, the proposed new car park would material contravene the zoning of its site, this car park would be too large, and it would be seriously injurious to visual amenity and so the proposal would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

9<sup>th</sup> February 2018