



An
Bord
Pleanála

Inspector's Report ABP-300-281-17

Development	Change of use of house extension to one bedroom townhouse and entrance, new boundary walls and creation of two separate driveways
Location	37 Daltons Avenue, Killarney, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/937
Applicant(s)	Danielle Mannix
Type of Application	Retention Permission and Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Danielle Mannix
Observer(s)	None
Date of Site Inspection	22 nd February, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located within Daltons Avenue, a residential estate to the north of the town centre of Killarney in County Kerry. No 37 is an end of terrace two-storey house that has recently been extended to the side. Much of the front boundary wall has been removed and the curtilage to the front is primarily hard surfaced. The house has a deep back garden. Houses in the estate comprise mainly terraced and semi-detached, two-storey houses.

2.0 Proposed Development

- 2.1. The proposed development would comprise the retention of a two-storey extension to the side of a house as a one bedroom townhouse and the development of new front boundary walls and the creation of two separate driveways. The floor area to be retained is stated to be 52 m² and the area of the site to which the application applies is stated to be 0.037 hectares.
- 2.2. Details submitted with the application included a letter from the property owner allowing the making of the application.

3.0 Planning Authority Decision

3.1. Decision

On 14th November, 2017, Kerry County Council decided to refuse permission for the development for one reason relating to excessive density, the development being out of character with the existing estate, undesirable precedent arising, and conflict with Objective HSG- 09 of the Killarney Town Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, site history, and the objection made. It was noted that the site is located within a designated 'Housing Protection Area' in the Killarney Town Development Plan and that the Council is generally not in favour of the subdivision of existing houses into two or more units. It was considered

that there were no exceptional circumstances to permit the development. A refusal of permission was recommended.

3.3. **Third Party Observations**

An objection to the proposal was received from Padraig Griffin, which focused primarily on non-compliance of the development with Building Regulations.

4.0 **Planning History**

P.A. Ref. 17/515

Permission was refused for the retention of the change of use of the existing extension to a one bedroom townhouse.

P.A. Ref. 13/205449

Permission was granted for a domestic extension to the side of No. 37 Daltons Avenue.

5.0 **Policy Context**

5.1. **Killarney Town Development Plan 2009-2015**

Zoning

The site is zoned "Existing Residential".

Housing Protection Areas

The site is located within a designated 'Housing Protection Area'.

The Plan notes that the proximity of the town centre to established residential areas has generated pressures for backland and infill development not in keeping with the traditional settlement pattern of these areas. The policy for such areas is:

Policy HSG-03:

It is a policy of the Council:

- a. To preserve the residential distinctiveness and character of established residential communities by the designation of Housing Protection Areas. In general, the Council shall not be in favour, except in exceptional circumstances, the sub-division of:
 - Existing dwelling houses, located in areas zoned for residential use, into two or more separate dwelling units/apartments, or
 - Individual residential sites, in areas zoned for residential use, into two or more sites for the provision of extra dwellings on the site, where, such development would lead to congestion of layout, over development of the site and would tend to detract from the residential amenities of properties in the immediate vicinity ...

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The appellant's parents are subletting the extension to her as Killarney is too expensive for her to buy her own place or to rent.
- This is an exceptional case as she has no other housing available to her.
- She needs to live in Killarney as she works in a hotel in the town and can only afford to walk to work at present.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1. I note the appellant's grounds of appeal. I undertook a site inspection and noted that there are two separate occupancies of No. 37, one in the main house and one in the extension the subject of the appeal. The family residing in the extension did not know of the applicant/appellant and she does not reside in the extension. The grounds of

the appeal directly related to the appellant's social and economic needs are in question, in my opinion.

- 7.2. Notwithstanding the above, there are serious concerns about the subdivision of this dwelling for use by two families. There is a communal arrangement with regard to use of the front curtilage and there is access available from both the extension and the main house to the back garden. This is a small terraced property and I question the ability to provide distinctly separate subdivided plots to accommodate necessary functional private open space, adequate parking and access at this location. Subdividing this property to create independent living arrangements would provide very narrow strips of private open space to the rear of the house and would result in very confined curtilage to the front, resulting in difficulties for gaining vehicular access and parking off the street.
- 7.3. Further to the above, Daltons Avenue is a large residential estate north of, and in close proximity to, the town centre of Killarney. The precedent that would result from permitting a development of the nature proposed would be most undesirable, introducing a poor standard of accommodation for occupants in small residential units with extremely limited amenities. I have no doubt that permitting development of this nature in this location would result in significant changes to the area as developments such as this would be replicated.
- 7.4. Finally, I note that the proposed development is sited within a designated 'Housing Protection Area' in the current Killarney Town Development Plan. The Plan acknowledges the proximity of the town centre to this established residential area and the planning authority notes the generated pressures for infill development that is not in keeping with the traditional settlement pattern of the area. The applicable policy for such areas is Policy HSG-03 (not Policy HSG-09 as referenced in the planning authority's decision). The policy is to preserve the residential distinctiveness and character of established residential communities by the designation of Housing Protection Areas. The policy states that, in general, the Council shall not be in favour of, except in exceptional circumstances, the sub-division of existing dwelling houses located in areas zoned for residential use into two or more separate dwelling units/apartments. It is very clear from the occupancy of this property that the appellant has not demonstrated any exceptional circumstance that would allow for the avoidance of the application of this policy.

8.0 Recommendation

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. No. 37 Daltons Avenue is located within an area designated a Housing Protection Area in the current Killarney Development Plan, a designation which acknowledges the proximity of the town centre area to this established residential area and the pressure that results for infill development that is not in keeping with the traditional settlement pattern of the area. It is the policy of the planning authority to preserve the residential distinctiveness and character of the established residential community in this area and, in general, the Council is not in favour of, except in exceptional circumstances, the subdivision of existing dwelling houses located in areas zoned for residential use into two or more separate dwelling units. This policy is considered reasonable. Having regard to the lack of any exceptional circumstances, it is considered that the proposed development would conflict with the policy and would, thus, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, by itself and by the precedent which the grant of permission for it would set for other such development of a similar nature in the area, would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would constitute overdevelopment of a restricted site, would be substandard in terms of residential amenity and private open space, would generate problems of access and parking, and would be out of character with the pattern of

development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

5th March 2018