



An
Bord
Pleanála

Inspector's Report 300623-18.

Development	Retain elevation changes to existing houses at Gortanora, Dingle.
Location	Gortanora, Dingle, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	17/1108.
Applicant	Hawthorn Bridge Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Jerry O Sullivan.
Observer	None.
Date of Site Inspection	14 th April 2018.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site of the proposed development is an existing estate of two-storey houses located at the east of the town of Dingle. The site is at the edge of the town and development to the south / south-east comprises low density one-off houses. To the north / north-east of the estate (to the rear of houses 50-59 inclusive) and to the rear of no.s 41, 49, 50 and 51 is undeveloped agricultural lands. To the west is more agricultural lands and a recently constructed school.
- 1.2. Gortanora is a small residential estate of houses which are mostly semi-detached and which are two-storey in height but with a one and a half storey design. The signage describes the houses as holiday homes. The sloping topography is a defining characteristic of the site and the wider area.
- 1.3. The application relates to modifications which have been undertaken to the existing houses, which are all positioned towards the centre or rear of the estate.
- 1.4. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to retain elevation changes at existing houses numbers 20,22,34,35,38-47, 49-51, 53-59 inclusive. The elevation changes relate to fenestration to the side, front and rear of the various houses.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority to grant permission is subject only to the standard condition relating to plans and particulars.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planner notes that the changes for which permission is sought relate mainly to window openings and conservatories. Not likely to impact negatively on residential amenities. Third party submission is noted. The application relates solely to the retention of elevation changes. Permission recommended. No levy required.

3.2.3. Other Technical Reports

Estates Inspector – application does not relate to site development works or shared services.

Archaeologist – no mitigation required.

Biodiversity Officer – no comment.

3.3. Prescribed Bodies

No reports.

3.4. Third Party Observations

Third party resides within estate and states that the site development works is unfinished and in particular the upper part of the estate is especially neglected. No development bond. Condition requiring a bond should be attached.

4.0 Planning History

Under planning reg. ref. 04/4235 permission was granted to Southbound Properties Ltd for residential development comprising 15 no. detached storey and a half dwellinghouses, 20 no. semi-detached storey and a half dwellinghouses and 29 no. storey and a half town houses with administration office, tennis court, roads, sewers and site services.

17/827 – invalid.

17/904 relates to an application to retain elevation changes to existing houses 1-10. Permission was granted on the basis that the development would not be visually

obtrusive or out of character and would not seriously injure the amenities of the properties in the vicinity. No significant conditions were attached.

5.0 Policy Context

5.1. Kerry County Development Plan 2015

Policy relating to Bonds and Securities is to attach conditions where appropriate.

5.2. Dingle Functional Area Local Area Plan 2015-2021

Site zoned Existing Residential.

5.3. Natural Heritage Designations

Not relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant states that the estate including the communal areas is unfinished. A condition should be attached requiring a bond for completion.

6.2. Applicant Response

The response includes the following comments:

- The applicant has acquired part of the development and have been in consultation with KCC in relation to work, which we can now confirm are completed as per the requirements of KCC
- An 'as constructed' file including in relation to pipe inspections and so on is being finalised
- The upper part of the estate which is described in the appeal as being especially neglected has never been in the applicant's ownership

- The 'unfinished site development works' referenced in the appeal are not in the applicant's ownership
- A bond was in place under the previous permission (condition 15) to secure satisfactory completion of the development
- A bond would not be reasonable or enforceable.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1. Regarding the substantive matter raised in the appeal, the requirement for a financial bond to ensure completion of the development, this is largely without substance. Following inspection I can confirm that the estate appears to be completed to a satisfactory standard. There is no evidence of requirement for a bond. The planning authority has not raised any issues in this regard. I consider that this element of the appeal does not require to be addressed in the decision.
- 7.2. Regarding the specific development which is before the Board, this relates to the revised fenestration. Changes might impact in terms of visual and residential amenity.
- 7.3. In terms of residential amenity I consider that the windows in place are in keeping with the scale of the buildings. A number of the windows are to the rear and would not impact on the public realm. The development is acceptable in terms of architectural design.
- 7.4. The houses at the north and east of the site are screened from any potential overlooking to the rear. The back-to-back separation distances between houses is significant and alterations to windows at the rear ground floor level will not impact residential amenity. Any potential views from windows in the side elevations of the

houses are screened by the presence of solid timber fences. I am satisfied from my inspection that there is no potential for overlooking arising as a result of alterations to fenestration.

- 7.5. I consider that the decision of the planning authority to grant permission to retain changes to the elevation / fenestration should be upheld.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the reasons and considerations and subject to the condition below.

9.0 Reasons and Considerations

Having regard to the scale of the development, which it is proposed to retain and to the pattern of the development in the area it is considered that the development which it is proposed to retain is acceptable in terms of visual and residential amenity.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Mairead Kenny

Senior Planning Inspector

16th April 2018