



An
Bord
Pleanála

Inspector's Report ABP-301063-18

Development	Alter and extend house to side and rear and all ancillary site works
Location	Ballyferriter, Tralee, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/1206
Applicant(s)	Peter McKay and Sheila O'Reilly
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Peter McKay and Sheila O'Reilly
Observer(s)	None
Date of Site Inspection	7 th May 2018
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (0.062ha) is located along the westbound R559 after Ballyferriter in south west County Kerry. It is located on the southern side of the R559 road between Sleah Head and Ballyferriter, approx. a half a mile outside the village boundary.
- 1.2. The existing two storey dwelling sits between a collection of modest dwellings predominantly located on the southern side of the road. The road is well developed with a significant number of houses between the site and the village, there are a number of newer larger houses either side of the road as one drives to and from Sleah Head. There is a footpath and public lighting along the R559 to the front of the subject appeal site.
- 1.3. The existing two storey dwelling is of traditional farmhouse design, three bay with hipped roof profile. The dwelling has an unattractive pvc conservatory extension to the front and a double height, flat roofed annex to the rear. The dwelling is set back from the public road with a small front garden bounded by a low block wall, pedestrian entrance with piers. The large side garden hosts a flat roofed garage and is bounded by a high hedgerow and low wall.

2.0 Proposed Development

- 2.1. The proposal comprises:
 - Permission to alter and extend dwelling to side and rear
 - Remove the white pvc sunroom and the flat roof extension and to add a series of modern extensions
 - Raise the eaves level of window heads to bring them in line with modern fire standards
 - Living, dining and kitchen area moved to the first floor
 - Bedrooms to be located on ground floor
 - It is stated the existing GFA of the dwelling is circa. 124 sq. m (69 sq. m at ground level and 55 sq. m at first floor level)

- The proposed new ground floor GFA is 54.07 sq. m and 46.79 sq. m at first floor (Total new proposed circa. 100 sq. m)
- The overall increase in GFA is approx. 70.5 sq. m, taking demolition into account, giving a new GFA of approx. 195 sq. m

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons (summarised):

1. It is considered that the proposed development by virtue of its design and scale would constitute an incongruous feature in this scenic rural landscape in an area of considerable tourist and cultural importance. The proposed development would be incompatible with the existing dwelling house on site and the prevalent existing traditional house form in the locality. The proposed development would be contrary to the Design Guidelines 'Building a house in Rural Kerry...development would set a negative precedent for similar structures in this scenic rural setting...

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report considers the proposal was very similar to a recently refused planning application for extension of the dwelling. The site is located within the line of Protected Views and Prospects on the R559 Sleah Head tourist route. It is considered that the design proposed would have a significant impact upon the character of the original house on site, would conflict with the Rural House Design Guidelines and would set an undesirable precedent.

3.2.2. Other Technical Reports:

- **Conservation Officer:** Report states: 'No observation to make in relation to the demolition aspect of this development'.
- **County Archaeologist:** Report states: 'No mitigation required'.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

4.1. **Reg. Ref. 17/908** Permission refused to alter and extend existing house to the side and rear and all ancillary site works. Reason for refusal considered that the development by virtue of its design and scale would constitute an incongruous feature in a scenic landscape and set an undesirable precedent in a scenic, cultural, rural, tourist setting.

4.2. **Reg. Ref. 16/936** Permission Granted to retain a two storey extension to the rear of an existing dwelling house, a single storey extension to the front and an existing garden shed, all as constructed.

5.0 **Policy Context**

5.1.1. **Development Plan**

5.1.2. The operative plan for the area is the **Kerry County Development Plan 2015-2021**. Chapter 3, Section 3.3 sets out Rural Development Policies. Section 3.3.2 deal with Amenity Areas and policies designed to protect the landscape of the county. The Plan identifies three types of rural landscape as follows:

- a) Rural General
- b) Rural Secondary Special Amenity and
- c) Rural Prime Special Amenity

5.1.3. The proposed site is located in an area zoned Rural General which is covered by Section 3.3.2.1 of the Plan. These areas constitute the least sensitive landscapes throughout the County and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character.

5.1.4. Chapter 12 deals specifically with Zoning and Landscape. Policy relating to areas zoned Rural General in Section 12.3.1 Rural (c) states that *“it is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development”*. Policy ZL-1 states that *“it is policy to protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to people’s lives”*.

5.1.5. Chapter 13 sets out the Development Management considerations.

5.1.6. The site is within the line of Protected Views and Prospects. Section 12.4 deals with Views and Prospects. It is an objective of the Council to:

ZL-5 Preserve the views and prospects as defined on Map No.’s 12.1, 12.1a – 12.1u

ZL-6 Facilitate the sustainable development of existing viewing points as identified by Fáilte Ireland along the route of the Wild Atlantic Way, while ensuring the protection of environmental attributes in the area through the implementation of environmental protection objectives, standards and guidelines of this Plan.

5.2. Building a House in Rural Kerry – Design Guidelines

Extensions should have regard to the design of the existing dwelling house on site, the topography of the land within the site, site size, neighbouring properties, treatment system capacity and location on site.

In the case of extensions, the scale should be subsidiary to that of the main dwelling house.

5.3. **Natural Heritage Designations**

The appeal site is located approx. 2 Km east from the Dingle Peninsula SPA (site code 004153) 5.3 Km from Blasket Islands SAC (site code 002172) and approx. 10 Km from Mount Brandon SAC (site code 000375).

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised, in the First Party Appeal by David Moriarty MRIAI on behalf of the applicants, are summarised as follows:

- The design is influenced by traditional farmhouse design and materials, yet delivered in a contemporary manner suitable for modern lifestyle requirements.
- The design incorporates a traditional roof pitch and uses a simple pallet of materials typical of the vernacular architecture with white plastered walls, native limestone walls and natural blue / black slate
- The siting and reconfiguration of the proposal within the site, combined with landscaping proposals will set the building well into the landscape
- Proposal does not block any views nor does it cause any greater disruption of views than that of the current building.
- Extension is in accordance with the policies and objectives contained in the KCC Plan
- The current house is not fit for purpose and requires substantial works to bring it in line with modern living.
- A comparative analysis of recently granted planning permissions in the area shows that it does not present new or a greater threat to the objectives of ZI-I than other recently granted permissions.
- Technical deficiencies in the planners report which have impacted on the judgement
- Consider that the proposed extension is subsidiary and of appropriate scale and design.
- Proposal respects existing form
- The proposed design takes cognisance of best use of sunshine and daylight.

- The proposed GFA would increase the area of the house by approx. 70.5 sq. m, regard being had to demolition, giving a house size of some 195 sq. This is an overall reduction of 40% from the previous application.
- No objections from neighbours.
- The building is connected to existing infrastructural services.
- The dwelling is accessed via a cul de sac access to the side which is a safe means of vehicular access. No changes proposed.
- The appeal lists a number of similar developments granted planning permission and retention permission along the northern side of the R559 dating back to 2013.
- **Appeal Accompanied with:**
 - Site location plan, floor plans and elevation drawings for the existing house and proposed house.
 - A survey of recent planning applications in the immediate area
 - A Photographic study
 - Photomontages of the proposed development

6.2. Planning Authority Response

A response was received it is summarised as follows:

- No preplanning meeting took place prior to the application being submitted
- No further information meeting took place.
- It would have been advisable for the applicant's agent to seek a preplanning meeting following the first refusal by the p.a.
- Encourage the renovation and appropriate extension of the existing dwelling house on site.

6.3. Observations

None

7.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Visual Impact & Protected Amenity, View and Prospect.**
- **Appropriate Assessment**

7.1. Visual Impact & Protected Amenity, View and Prospect

- 7.1.1. The proposal seeks permission to alter and extend an existing traditional two storey dwelling house to its side and rear. I note that dwelling house lies within a cluster of housing at this location with approx. 12 dwelling houses fronting the southern side of the R559 public road, within a stretch of some 300m, including the subject appeal dwelling. The site is served with a public footpath, public lighting and it is connected to public infrastructure; mains water connection and foul sewer connection. No changes are proposed to vehicular access arrangement.
- 7.1.2. The p.a. refused planning permission for one reason related to unacceptable and incompatible design and scale of the extension which it considered would constitute an incongruous feature in this scenic rural landscape in an area of considerable tourist and cultural importance.
- 7.1.3. The site is located in an area zoned 'Rural General' which is detailed in section 3.3.2.1 of the Kerry County Development Plan 2015-2021. It is stated: 'These areas constitute the least sensitive landscapes throughout the county and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character.'
- 7.1.4. Section 12.3.1 states that: 'Proposed developments in areas zoned Rural General, should in the designs take account of the topography, vegetation, existing boundaries and features of the area as set out in the Building a House in Rural Kerry

Design Guidelines (Kerry County Council 2009). Permission will not be granted for development which cannot be integrated into its surrounding.

- 7.1.5. I consider Objective RS-4 of pertinence to the subject appeal it states that ‘the protection of the landscape is a major factor in developing policies for rural areas. It should be noted that the landscapes and scenery are not just of amenity value but constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County.’
- 7.1.6. Policy ZL-1 states: ‘Protect the landscape of the county as a major economic asset and an invaluable amenity which contributes to people’s lives’.
- 7.1.7. The site is located within the line of protected ‘amenities, views and prospects’, as per Map 12.1 of the Kerry County Development Plan and from my examination is one of ‘view in one direction only’, north off the R559. The designation ‘view and prospects in both directions’ starts a short distance to the west of the subject appeal property. This being said the subject appeal site is not directly in the line of the protected view, as the view is north from the R559.
- 7.1.8. I disagree with the planning authority that the proposed extension and alterations to the host dwelling is unacceptable and incompatible in terms of design and scale and would constitute an incongruous feature in this scenic rural landscape.
- 7.1.9. I am of the opinion that the extension proposed is well considered and architecturally designed to a high standard. It is subsidiary to the host dwelling set back from the front building line and wraps around the rear of the dwelling. The pallet of materials (timber cladding, glazing, natural stone and natural roof slate) and modern design idiom is bespoke and there is a clear separation of old and new. Cognisance is had to difficulties in sensitively extending the traditional farmhouse dwelling, which is of no particular merit, it is not a protected structure, it is one room deep with modern unattractive extensions to its front and rear.
- 7.1.10. The subject site is located within an existing cluster of houses in an area designated as ‘Rural General’ which the Plan states has a higher capacity to absorb development than more sensitive landscape designations. The designated ‘amenity, view and prospect’, defined on Map 12 1d of the Plan is in one direction, only, north from the R559 and the subject appeal site is located on the opposite side (south) of the road. From my site visit I can confirm that the proposed modification and

extension of the existing dwelling would not interrupt, hinder, obstruct or alter the view from the R559 in any significant or material way. This is an existing dwelling of traditional design, of no particular merit, it should be recognised that the applicant proposes to extend and modify the dwelling rather than demolish it. Cognisance is had to difficulties in terms of design and costs associated with the modification and extension of older housing stock. I highlight that Section 12.4 'View and Prospects' of the plan states: 'It is not proposed that the protection and conservation of these views and prospects should give rise to the prohibition of development along these routes, but development where permitted, should not seriously hinder or obstruct these views and should be designed and located to minimise their impact'.

7.1.11. The appeal site is located within a cluster of houses. I consider the scale, height, mass and architectural design treatment of the proposed extension would not have an adverse impact on the designated views and prospects at this location. The extension and modifications to the host dwelling have been designed to minimize the effect on the landscape. The proposal accords with Objective ZL-1 and Objective ZL4 of the current CDP.

7.2. **Appropriate Assessment**

7.2.1. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development 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. I recommend that planning permission should be Granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the 'Rural General' landscape zoning designation of the site, to Map 12 1d which indicates the 'amenity, view and prospect' in one direction, only, north from the R559 to the front of the site, the existing pattern of development in the vicinity and to the acceptable scale and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenity of the area and would not constitute an incongruous feature in the rural landscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension and modification to the host dwelling shall be as indicated on the submitted plans and drawings in respect of materials, colour and texture.

Reason: In the interest of visual amenity

3. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

Reason: To protect residential amenity of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interests of public safety and residential amenity

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Fiona Fair
Planning Inspector
12/06/2018