



An  
Bord  
Pleanála

## Inspector's Report ABP.301425-18

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| <b>Development</b>                  | Construct 10 no. single-storey one-bedroom dwelling houses suitable for elderly occupation, landscaped amenity area, new site entrance, paving, storage facilities for residential amenity and all associated site works |
| <b>Location</b>                     | Rear of No. 19 & 20 St. Mary's Terrace and St. Mary's Road, Inch, Killarney<br><br>Co. Kerry   |
| <b>Planning Authority</b>           | Kerry County Council   |
| <b>Planning Authority Reg. Ref.</b> | 17/693   |
| <b>Applicant(s)</b>                 | Terradaniel Ltd. C/O Daniel  |
| <b>Type of Application</b>          | Planning permission  |
| <b>Planning Authority Decision</b>  | Refuse   |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Terradaniel Ltd. C/O Daniel Culloty  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 2 <sup>nd</sup> July 2018  |
| <b>Inspector</b>                    | Mary Kennelly  |

## **1.0 Site Location and Description**

- 1.1.** The site is located in Killarney Town Centre, to the west of the main retail/commercial area. St. Mary's Road is a one-way street which links New Street to the south with New Road to the north, and is located one block to the west of High Street. The western side of St. Mary's Road comprises the boundary with St. Brendan's College, whilst the eastern side is mainly residential with a high density of 2-storey terraced houses on narrow plots. Nos. 1-20 St. Mary's Terrace is one such terrace with c. 20 houses which front onto St. Mary's Road (East-West oriented) and a further 11 houses (Nos. 21-31) on a North-South orientation, to the north of No. 20. The rear gardens for Nos. 1-20 are very long and narrow and are separated from the houses that they serve by a rear lane. Similarly, the rear of Nos. 21-33 are separated by a further lane from the rear gardens, some of which appear to have been developed with further houses. Thus Nos. 21-33 are bounded to the front and the rear by narrow cul-de-sac lanes, but as there is a gap between Nos. 25 and 26, cars can encircle the western end (21-25).
- 1.2.** The appeal site (with a stated area of 0.1002ha) is located to the rear of Nos. 17-20, on the eastern side of the rear lane. The site is bounded by a masonry wall and is secured by means of a metal gate. It was not possible to access the site at the time of inspection, but it was clear that it is overgrown. It is likely that the site would have formerly comprised the rear gardens of these properties with the exception of the north-eastern corner, whereby a number of sheds are located and these are outside of the site boundary.

## **2.0 Proposed Development**

- 2.1.** Permission is sought for the construction of a residential development of 10 houses for elderly people. The units would be accommodated in three separate blocks A-C. Each unit would be single-storey with one bedroom and would have a floor area of between 44 and 50 sq.m. The submitted drawings indicate that there would be no car parking provided on site and vehicular access would terminate at a single set-down area at the entrance to the site. It is proposed to provide new paving on the shared access lane leading from St. Mary's Road to the site.

**2.2.** The proposed layout shows Block A (2 units) centrally located with the northern elevation abutting the lane; Block C (3 units with a staggered footprint) located at the western end with elevations abutting both the northern and western lanes; and Block B (5 units) with the living areas facing the southern boundary. Circulation access is indicated on the drawings (for emergency and taxi services only) with vehicles entering the lane between Nos. 20 and 21 St. Mary's Terrace, traversing the eastern elevation of No. 25, and exiting back onto St. Mary's Road to the north of No. 21 St. Mary's Terrace. The private amenity areas generally range in area from 9.5m<sup>2</sup> to 13.5m<sup>2</sup>, apart from Units 3 and 10, with 24m<sup>2</sup> and 19m<sup>2</sup>, respectively. It is stated that the common amenity area is 262m<sup>2</sup>.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to refuse permission for two reasons which read as follows:

1. Having regard to the location of the site to the rear of St. Mary's Terrace and the pattern of development in the vicinity, it is considered that the proposed development, by reason of its layout and design and associated restricted access and car parking arrangements, would constitute undesirable backland development on a confined site which would result in a substandard level of residential amenity for prospective occupants and would seriously injure the amenities and depreciate the value of property in the vicinity.

Furthermore, the proposed development would result in piecemeal development which would prejudice the future development of land zoned for residential development located adjacent to the application site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would not comply with the minimum Development Management Standards relating to private amenity space and public open space for housing developments as set out in Objectives

12.12 and 12.13 of the Killarney Town Development Plan 2009-2015, as extended. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

It was noted that the site is located in the town centre and is zoned residential. However, concern was expressed regarding the high density of the development, the inadequacy of private amenity space and the proximity of patio doors/windows to adjoining boundary walls. Reference was made to the previous planning refusals on the site, which were predominantly refused on the grounds of inadequate vehicular access. Concern was expressed regarding the narrowness and configuration of the lanes with doorways opening directly onto the lanes, and in particular, to pedestrian safety. It was stated that the one-way system is not a viable option and that a turning head and parking spaces should be provided. Further concern was expressed regarding the means by which the occupancy would be confined to elderly people and in respect of the piecemeal nature of the development, which it was considered could affect the future development potential of other lands in the vicinity.

**Unsolicited further information** was submitted by the applicant on 1<sup>st</sup> September 2018. This was primarily in response to the third party objections which had been received by the P.A. this was mainly in the form of a rebuttal of the issues raised and indicated that Cluid Housing had expressed an early stage interest in being involved in the proposed development.

**Further information** (11<sup>th</sup> September 2018), was requested in respect of the matters highlighted above, in terms of a revised density and layout, as well as a Road Safety Audit. Revised proposals in respect of parking and vehicular access were also requested with a turning area provided within the site together with a minimum of 2 parking spaces. FI was also requested in respect of Cluid's involvement and the details of how the units would be rented to elderly residents. The P.A. also requested FI in respect of the intended private amenity space that would be remaining to serve Nos. 18, 19 and 20 St. Mary's Terrace, as well as

detailed landscaping proposals and a response to the concerns regarding the impact on the future development potential of lands in the vicinity of the site.

### 3.2.2. **Other Technical Reports**

**Housing Estates Unit** – non-compliance with Sustainable Residential Development in Urban Areas in terms of layout/design. Concerns re lack of pedestrian linkages to community facilities, public lighting, amenity areas, boundary treatment and poor access for fire fighting vehicles.

**Archaeology** – no objection to development and no mitigation required.

**Biodiversity** – no significant effects in respect of Natura sites, which are at a considerable distance, subject to best practices in environmental management of waste water at construction.

**Engineer Roads** – a one-way system is not a viable option. A turning area within the site and a minimum of 2 parking spaces required.

### 3.3. **Prescribed Bodies**

**Irish Water** – further information requested in respect of impact of additional demand on capacity of existing sewer network.

### 3.4. **Third Party Observations**

Several objections were received from local residents and others. A summary of the main objections raised as follows:

- Density proposed is excessive, exceeds that contained in the Development Plan and is out of character with the existing area.
- Inappropriate form of backland development - the site comprises the rear garden areas of existing houses. The site is located within a Housing Protection Area where the amenities of existing residents should be protected.
- Encroachment onto existing laneway.
- Inadequate access as laneway not a through road and there is no right of way. Access for construction traffic not addressed.

- Parking – neighbourhood is already congested and there is no surplus of parking spaces. Cars already park on the looped access route proposed, which would block access to the development and for other residents.
- Previous reasons for refusal, which were based on inadequacy of access, have not been addressed.

### **3.5. Response to Further Information**

The applicant responded to the FI request of the 22<sup>nd</sup> February 2018. This included a revised Site Layout Plan, a Landscaping Plan and Report, A Road Safety Audit and a letter from the applicant referencing the items raised in the FI request. The FI response may be summarised as follows:

- The density has not been reduced as the applicant feels that it falls within an appropriate use of a town centre site.
- Confirmation that Cluid is interested in acquiring the site upon grant of planning permission and that elderly developments are best managed as single landlord developments. Letter from Cluid Housing confirming interest in scheme.
- The negative planning history regarding the issue of access has been addressed by means of the elimination of the requirement for car parking.
- It is submitted that the future development potential of the area would be limited by the need for communal agreement to sell properties and the prohibitive access issues.
- It is further submitted that the appeal site is not part of properties 18, 19 and 20 St. Mary's Terrace and that the Nos. 18 and 19 were developed by the same applicant in 2002 with small back yards. No. 20 retains a garage on the laneway.
- Revised layout shows 2 no. set down spaces instead of one.
- Stage 1 RSA carried out by Coakley Consulting Engineers. 6 no. problems were identified, which generally related to potential conflicts between vehicles and pedestrians, drainage and public lighting. Proposed solutions were

offered in each case and the applicant's agent confirmed agreement with these solutions.

- 3.6.** P.A response to FI is contained in the second report of the Area Planner (21/03/18). It was considered that the FI response did not satisfactorily address the issues raised by the P.A. It was stated that the letter from Cluid Housing did not address the specific issues relating to this site. It was concluded that the proposed development represents overdevelopment of the site at an excessive density and would constitute piecemeal development, which would compromise future development potential in the area. Refusal was therefore recommended generally as in the P.A. decision.

## **4.0 Planning History**

**PL63.126070** – (PA 01.203698) Permission refused by Board for erection of a playschool and apartment and parking facilities on this site (same location). Reasons for refusal were based on substandard access and impact on residential amenity by reason of noise and traffic.

**03/4099** – P.A. refused permission for outline permission for 5 no. dwelling houses on the grounds of excessive density and substandard access, in terms of width and alignment, which would endanger public safety by reason of traffic hazard and obstruction of road users. Site was slightly smaller than the subject site, but included the red line of the current application.

**06/204549** – P.A. Refused permission for construction of 3 new buildings (Blocks A, B and C), each to comprise of 2 no. 2-bedroom apartments; a public amenity area and parking on this site (same location). Reason for refusal was based on inadequate access by reason of traffic hazard and obstruction of road users.

**10/205119** – P.A. refused permission for the construction of 2 no. detached 2-storey town houses at the rear of 20 St. Mary's Terrace (same site) for 2 reasons. Reason 1 was based on inadequate access and Reason 2 was based on piecemeal development which would prejudice the future development of other residentially zoned land to the south.

**PL63.232304** – Board refused permission for the retention of conversion of a garage to a habitable dwelling (a second house in the rear garden) at 25A St. Mary's

Terrace. The reasons were based firstly, on overdevelopment of site resulting in a poor quality environment and piecemeal development, which would be out of character with the pattern of development in the area and contrary to the provisions of the development plan, and secondly, substandard access and inadequate parking provision leading to traffic congestion.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **Killarney Town Development Plan 2009-2015**

The site is located in an area zoned as Existing Residential. The **HSG-03 objective** for this zone (as amended by Variation 1 adopted 5<sup>th</sup> December 2011) is 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 of sub-division of either existing dwellings into 2 or more units or existing sites (for the provision of extra dwellings), where such development would lead to congestion of layout, overdevelopment of the site and would tend to detract from the residential amenities of properties in the immediate vicinity. I note that proposed Variation No. 4 seeks to omit the element regarding subdivision of sites, but that Variation had not been adopted at the time of writing this report.

**Housing Protection Areas** (Section 3.6) were established arising from pressures identified in the Plan on established residential areas for back land and infill development not in keeping with the traditional settlement pattern, due to the proximity of such areas to the town centre. The subject site and adjoining lands form part of such a Housing Protection Area. It is stated (3.6.2) that such protective status will ensure that the residential nature of such areas will be protected as well as the architectural merit of dwellings.

**Land use Zoning and Development Management Standards** are contained in Chapter 12. The objective for Existing Residential is set out in **12.3.3** as To Provide and Improve Residential amenities. However, this was replaced in Variation No. 1 (Aspect 6), which inserted a more detailed paragraph relating to the retention of the existing character and the moratorium on multiple housing developments in such



areas. This will be discussed in the Assessment section of my report. Other standards include Residential densities of 30-40 units/ha, max. 50% site coverage, minimum of 48sq.m private open space in Town Centre and 15% public open space.

I also note that there is a **Draft Killarney Municipal District Local Area Plan 2018-2024**, which had not been adopted at the time of writing this report.

## 5.2. Natural Heritage Designations

The Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC and the Killarney National Park SPA are located within 500m of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first-party appeal is against the decision of the P.A. to refuse planning permission. The main points raised may be summarised as follows:

- Location of site – The site is located in the town centre, which is ideally suited for elderly accommodation. It is close to all amenities and services and is a quiet established area. The design was created in parallel with Cluid using criteria for elderly occupation.
- Backland development – the site is not backland development but is infill development as it has substantial laneway frontage with clear access.
- Appropriateness of design and layout – the design is considered by Cluid to be an ideal elderly home development capable of being managed in an uncomplicated management structure, and follows their requirements. It is a single storey community development in an established residential area of haphazard urban development.
- Residential amenity – it is disputed that the development would result in a substandard level of residential amenity or that it would not comply with the minimum standards for private amenity space. Reference is made to the Cluid handbook for elderly residential developments and to the neighbouring properties at St. Mary's Terrace, many of which have no amenity space or

parking space. Reference is also made to the high level awards that have been achieved by Cluid in various parts of the country, where private amenity space has not been provided. The applicant is guided by the requirements of Cluid and would be prepared to reduce the number of units if deemed necessary.

- Car parking and turning area – The site does not have restricted pedestrian access. Car parking and vehicular access are not required due to proximity to services and amenities, and hence was deliberately excluded from the proposal. The P.A. was insistent on set down spaces and a DMURS statement, which facilitated the P.A. requirement, and as such, is not a valid reason for refusal.
- Values of residential properties – The area is well established as a retirement location and the proposed development will further enhance this, particularly given Cluid’s excellent reputation for managing such developments.
- Prejudice future development – it is submitted that the proposal is a stand-alone development on a clearly defined private site and has no effect on adjoining lands, which are all individually and privately owned, and would be impossible to bundle.

## **6.2. Planning Authority Response to grounds of appeal**

The P.A. has not responded to the grounds of appeal.

## **6.3. Third party observations**

Observations have been received from three third parties, namely –

Julia O’Grady & Associates, 27 St. Mary’s Terrace, Killarney

Gerard McSweeney, 25 St. Mary’s Terrace, Killarney

Dr. Chris Smal and Others, – owner of No. 29 St. Mary’s Terrace.

The main points made in these observations may be summarised as follows:

1. **Principle of development** – the rear gardens of these properties form a substantial green area in the centre of town. These gardens were provided for

allotments and sheds, not for the construction of Housing Estates and the means of access confirms this. Permitting this development will negatively affect the future development potential of other rear gardens by householders on the terrace.

2. **Density of development** – The Killarney Town Development Plan includes a density restriction of 30-40 dwellings/ha. However, the proposed development would have a density of 100 dwellings/ha. Thus, it contravenes the plan. St. Mary's Terrace forms part of a Housing Protection Area as designated in the Development Plan, and the proposal would be completely at variance with this policy.
3. **Inadequate access** – the proposed one-way loop system is unworkable as neither the developer nor the P.A. has ownership/right of way over the entire route. The gap between Nos. 25 and 26 is owned by the adjoining property owners and is frequently used for parking cars associated with these properties. Similarly, the northern side of Nos. 21-33 is not in the charge of the P.A. The developer does not have the right to repave the laneway or to put a seating area there.
4. **Traffic hazard and nuisance** – several properties have doors/patio doors which open directly onto the laneway or onto a narrow footpath on the lane. Increased traffic flow will exacerbate the existing hazard. The introduction of a one-way system will cause traffic congestion. Construction traffic will not be able to access the site without severe disruption to local residents. Operational traffic will also cause a nuisance due to the proximity of windows and doors to the narrow streets.
5. **Lack of parking provision** – there is no barrier to an elderly occupant owning a vehicle, which would be parked on the adjoining streets, where the demand for on-street parking is already very high. It is not accepted that the proposed development would not generate traffic and parking demand from visitors such as health workers, food and goods deliveries, service vehicles, home help, cleaners, taxis and ambulances.
6. **Residential amenity of future occupiers** – the doors to Block B will directly abut the rear of plots Nos. 28, 29 and 30, which already have very poor

daylight, and the proposal will exacerbate this. Nos. 31-33 will be overlooked and any mitigation in the form of a wall/fence will result in overshadowing. There is no garden space for 10 units. The emergency exit from Block B is very poor as there is insufficient space.

7. **Residential amenity of existing residents** – the proposed development will result in increased traffic congestion, noise and disturbance and will exacerbate traffic hazard to pedestrians. It will result in a loss of privacy and outlook and will give rise to light pollution from the additional street lights that would be required. The proposal would also have a serious impact on the historical and architectural character of the area due to the inappropriate scale and design of the development.
8. **Sewage and drainage** – the existing sewerage system is inadequate and would not be able to cope with the additional load. The replacement of the existing vegetated surface with hard surfaces will overload the surface water drainage system and could result in a discharge to the Folly stream, with consequences for the ecology of the stream.
9. **Ownership issues** – in addition to the ownership issues in respect of access along the lane raised above, the site of the proposed development encompasses the rear gardens of Nos. 17 and 18 St. Mary's Terrace, in addition to those of Nos. 19 and 20. Clarification is sought on this matter.
10. **Planning history** – in addition to the refusal decisions outlined in the P.A. report, the board also refused permission for a second house in the rear garden of No. 25A St. Mary's Terrace (PL63.232304).
11. **Unauthorised gate and wall** – the existing concrete wall and the metal gate providing access to the site are unauthorised and were erected towards the beginning of this century.

## 7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Principle of development including compliance with Development Plan policy and a review of relevant planning history;

- Appropriateness of density, design and layout of proposal;
- Residential amenity of existing and future residents; and
- Traffic safety, access and parking.

## **7.2. Principle of development**

- 7.2.1. The location of the site in an established residential area, close to the Town Centre, and on lands zoned Residential, means that the development of the site for residential purposes, and for elderly person accommodation in particular, is considered to be generally appropriate. However, there are many other aspects that need to be considered in terms of the appropriateness of the site for the form of development proposed. These include the policy framework regarding infill development in established residential areas, the pattern of development in the area, the nature of the site in terms of its relationship with adjoining lands/laneways, and the precedent established by previous history in relation to similar type of development in the area and on the site itself. These matters will be discussed below.

## **7.3. Development Plan policy**

- 7.3.1. The site is located within a Housing Protection Area. Such areas were designated in order to protect the character and nature of established residential areas, particularly close to the town centre, from the pressure to develop backland and infill sites, with little regard for the traditional settlement patterns of the areas. Policy Objective HSG-03, accordingly, seeks to preserve the distinctive character of such areas and sets out a number of specific points, one of which was a statement that the P.A. was not in favour of the sub-division of individual residential sites into two or more sites for the provision of additional dwellings where it would lead to congestion of layout, over development of the site and detract from the residential amenities of the area. The Zoning Objective (12.3.3) (for existing residential areas, which related to such areas) was further refined and expanded in Variation No. 1 (5/12/11) as follows:-

“The objective is to provide and improve the residential amenities of existing residential areas. The existing residential character of this area shall be retained. Within these areas, there shall be a moratorium on multiple housing or apartment schemes (2 or more residential units) and should not affect infill

development, renovations or replacements. This means that applications for multiple residential development will not normally be permitted, except where they replace previously permitted development (live permissions only) consisting of the same or a higher number of units. Generally, the subdivision of a dwelling into two or more units will not normally be permitted. Subsequently, the subdivision of a site into two or more sites will not normally be permitted.”

- 7.3.2. It is clear from these policies that the Development Plan seeks to generally resist development proposals which relate to the development of additional houses in the rear gardens (or such like) of properties in these HPAs/Established residential areas close to the town centre. The site of the proposed development appears to comprise an amalgam of the entire rear gardens of two properties and part of the rear gardens of two further properties. Thus, the proposed development of the site for 10 additional units clearly contravenes this policy. As noted previously, the P.A. has proposed a further Variation (No. 4) to the Development Plan which would omit the element relating to the subdivision of sites and to amend the wording of HSG-03 to seek the preservation of the distinctiveness and character of established residential communities by requiring that residential densities reflect the densities of appropriate adjoining developments. However, the Board should note that this proposed Variation has not yet been adopted.
- 7.3.3. Other development plan provisions include recommended density of 30-40dw/ha, max site coverage of 50% and requirement to provide a minimum of 48sq.m private amenity space for each dwelling unit and 15% of the site for public amenity space. These will be discussed below.

#### **7.4. Relevant planning history**

- 7.4.1. The P.A. and the Board has previously refused several development proposals both on the site and in the vicinity, and it is considered that the decisions are particularly relevant to the current proposed development. It is noted that the previous refusals on the site (or a substantial part of the site) generally related to development of a much higher density, most of which included on-site parking provision, (see summary at Section 4.0 above). The reasons for refusal generally related to substandard access, excessive density and impact on residential amenity. Given that

the current proposal seeks permission for 10 units, whereas previous schemes related to 2, 5 and 6 units, and that there is no on-site parking or private amenity space provided, it is considered that these decisions are of particular relevance.

7.4.2. A further Board decision (232304) relating to a site to the north (No. 25A St. Mary's Terrace) is also of particular note, as it directly addresses the issue of subdividing a site in this general location for the purposes of providing an additional dwelling. The Inspector had noted that the overall layout, whereby the terraced houses were separated from their amenity areas by rear laneways, was impractical in the modern age of the motor car and considered that a comprehensive detailed design brief would be required to guide the future development of these areas, with a view to avoiding negative impacts on existing residential properties in the area. Notwithstanding this, he considered the subdivision of the original plot, (i.e. the main house and its long narrow amenity area separated by the laneway), into two independent plots constituted overdevelopment of the site which would be harmful to residential amenity, conflict with the development plan provisions and would be piecemeal development, which would prejudice the future development of the area. He further considered that the access and parking arrangements were substandard. The Board agreed with his recommendation.

7.4.3. It is considered that the decisions referred to above indicate that the Board and the Planning Authority have taken a consistent approach in the application of policy and in seeking to prevent a piecemeal and un-coordinated development of the area. In this respect, it is considered that the proposed development would establish a precedent which would make it more difficult for the planning authority to refuse similar development in the future.

## **7.5. Density, layout and design of proposal**

7.5.1. The applicant disputes that the site is 'Backland' and that the development is 'piecemeal'. I would accept that the site is not strictly backland development as it has frontage to two lanes. However, the site involves the development of the long narrow rear gardens of four properties, which are separated from the houses that they were intended to serve by a laneway, and where there is a row of similar such gardens to the south, the issue of piecemeal development is very relevant, as discussed in 7.4 above. It is further noted that the division between the rear elevations of the terraced

housing and the allotment style gardens on the far side of the lanes is very stark as the rear doors/windows face and open directly onto these lanes with no defensible space. Thus, the subdivision of these gardens from the original dwellings would potentially have significant impacts on the residential amenities of the original dwellings, which are generally very small, as they would lose their only private amenity space and would be vulnerable to overlooking, loss of privacy, loss of outlook, loss of light and loss of outdoor storage space (e.g. for bins etc.).

- 7.5.2. It is considered, therefore, that the pattern of development in the area is quite unique and contributes to the distinctiveness of the character of the area, which is worthy of the designation as a Housing Protection Area. Any development of the rear gardens should respect the traditional settlement pattern as much as possible and seek to protect the residential amenity of the existing properties. It should, therefore, ideally be guided by a detailed design brief for the area, (as previously noted by the Board). In the meantime, it is considered that the current proposal would constitute piecemeal development which would be likely to compromise the future development of the lands to the south and of rear gardens in the general vicinity of the site.
- 7.5.3. The density of the proposed development at 100 units/ha is over twice the density recommended in the Development Plan for town centre residential sites. Given that the existing pattern of development comprises terraced houses that are served by long narrow rear gardens, each of which has an area estimated to be approx. 300sq.m, the proposal to introduce 10 units on four of these gardens, with no individual private amenity space, fails to respect the prevailing density of the area.
- 7.5.4. It is considered that the single-storey one-bedroomed units, in a cottage style, are generally appropriately designed. However, the density proposed is such that the units would have inadequate private and public amenity space, no parking provision and several doors/windows would either directly open onto the narrow lanes or be very close to the boundary walls of the site. Even if the zero-parking provision proposed was considered acceptable, the number of units and the cramped and congested layout would result in overdevelopment of the site and a very poor residential environment for the future occupiers.



## **7.6. Residential Amenity of occupiers of development and of adjoining sites**

- 7.6.1. The Development Plan for the area (12.12) requires that all dwellings be provided with a minimum of 48sq.m of private amenity space and that a minimum of 15% of the site be set aside for public open space. The private garden area is required to be to the rear, not overlooked with a minimum garden depth of 11m. It is stated that exceptions may be considered for elderly accommodation. However, the proposed development makes no provision for private amenity space and the shared amenity space is very limited. The blocks are also very close together and the elevations are sited between c.2m and 3.2m from the boundary walls.
- 7.6.2. The northern unit of Block A would have one the lounge windows abutting the set down space and the bedroom window within 2.06m of the eastern boundary wall. The northern elevation would face directly onto the lane opposite No. 26/27 St. Mary's Terrace, which open directly onto the narrow lane. The windows and doors to Block B would face north and south but in each case, look directly onto a boundary wall within 2-3.2m. The western elevation of Block C includes patio doors to the single bedrooms which open onto a narrow space, c. 2.7m wide, which in turn is bounded by the narrow lane to the rear of the existing terrace. As stated previously, the terraced houses open directly onto the rear lane, with no defensible space.
- 7.6.3. It is considered that the proposed units would not be provided with an adequate amount of amenity space which would be compounded by the poor quality residential environment due to inadequate outlook and close proximity to other dwelling units, circulation space and boundary walls. The proposed layout would also result in a significant loss of amenity to the existing residential properties by reason of loss of privacy, daylight and outlook as well as increased noise and disturbance from vehicular and pedestrian traffic circulating the narrow lanes.

## **7.4 Car parking provision and traffic hazard**

- 7.4.1 The third party observers have indicated that the proposed one-way access loop is incapable of being delivered due to inadequate access rights. In particular, it is claimed that neither the applicant nor the P.A. has right-of-way over the gap space between Nos. 25 and 26 or the northern exit route. It is noted that neither the applicant nor the P.A. has responded to this issue. Although it is a matter for the applicant to ensure that sufficient legal interest exists to implement the development

as proposed, given that the applicant's justification for the lack of on-site parking and the for the proposed density, design and layout of the development is dependent on the ability to provide a one-way access route with set down spaces, it is considered that this could be problematic. The fact that the gap area is also used as ad hoc parking for the residents of the adjacent dwellings, and that parking congestion is already an issue on the laneways, means that the need to establish that safe and appropriate access can be achieved to serve the development is of significance.

- 7.4.2 I would agree with the third party observers that the designation of the housing as elderly accommodation, which may be operated/managed by Cluid Housing Association, is not sufficient to dispense with the need for any off street parking. The likelihood is that the future residents will either own a car, and/or will be dependent of visitors such as family, friends, health service personnel, service providers etc. Thus, the development would generate both a parking and a traffic demand which would have to be absorbed by the narrow and substandard laneways serving the site. This would contribute to congestion, nuisance and a traffic hazard to pedestrians.

## **7.5 Environmental Impact Assessment**

- 7.5.1 Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.6 Appropriate Assessment**

- 7.6.1 The site is located within 500m of two Natura 2000 sites, namely, the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC (Site code 000365) and the Killarney National Park SPA (Site code 004038). It is noted that there is a stream (known locally as The Folly Stream) which runs alongside the eastern boundary of the site. There is no information on the file as to whether there is any hydrological link to the SAC/SPA. However, given the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## **8.0 Recommendation**

- 8.1.** It is recommended that planning permission be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the location of this restricted site to the rear of St. Mary's Terrace, to the distinctive character and pattern of development of this established residential area, which is characterised by narrow laneways which separate the terraced houses from their rear gardens, and to the objectives of the Killarney Town Development Plan 2009-2015, (as extended), to resist the subdivision of such residential sites, it is considered that, the proposed development of 10 dwelling units, with no parking provision or private amenity space, would result in a congested layout and poor residential environment for existing and future occupiers, and would constitute overdevelopment of the site and contribute to piecemeal development of the area. The proposed development would, therefore, conflict with the provisions of the Development Plan, would seriously injure the amenities of the area, and would be contrary to the proper planning and sustainable development of the area.
2. The site is located on a laneway which is seriously substandard in terms of width and alignment, where existing pedestrian access points open directly onto the lanes and ad hoc parking occurs on the carriageways. The Board is not satisfied, on the basis of the information submitted with the application and appeal, that the proposed development, with no parking provision and 2 set down spaces, would not result in traffic and parking congestion on the lanes and give rise to a serious traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Mary Kennelly  
Senior Planning Inspector

12<sup>th</sup> October 2018