



An
Bord
Pleanála

Inspector's Report ABP 302814018

Development	Extend and make elevational changes to existing dwelling.
Location	Beechwood Avenue, Park Road, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	18/567
Applicant	Lawrence Fleming
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Patrick O'Connor
Observer	None
Date of Site Inspection	23/01/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.05 hectares, is accessed via a cul-de-sac known as Beechwood Avenue off Park Road c.1.5km to the east of Killarney Town Centre. The cul-de-sac serves a number of single, storey and two storey dwellings. It is narrow with no footpaths.

The existing single storey dwelling has a small setback from the carriageway with a side entrance providing access to its rear garden. There is a shed in the garden. The southern elevation of the dwelling bounds directly onto a lane which provides access to 4 no. dwellings of varying designs with the boundary to the rear garden delineated by a timber fence. There is a single storey dwelling to the south of the said lane with a number of door and window openings in its northern elevation facing onto the side of the site. A single storey dwelling bounds the site to the north which has a number of windows facing onto the site. A low block wall delineates the shared boundary.

2.0 Proposed Development

The application was lodged with the planning authority on the 13/06/18 with further plans and details received 29/08/18 following a request for further information dated 26/07/18.

As amended the proposal entails a single storey extension to the rear of the dwelling with a stated floor area of 82.5 sq.m. 1.8 metre high walls are proposed to the northern and eastern site boundaries.

The existing dwelling is served by a septic tank. It is proposed to decommission same and connect into the existing public foul sewer network located on Beechwood Avenue.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 9 conditions including:

Condition 9 : Requirements re. decommissioning of existing septic tank

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner in her 1st report recommends further information on the septic tank serving the site. The 2nd report following FI considers that the proposal will not give rise to overlooking of adjoining properties. The dwellings to the north and south have been extended in the past and both have numerous windows overlooking the property. The extension has been designed to be far less intrusive than the dwellings to the north and south. Most of the dwellings on the cul-de-sac do not have on site parking. It is noted that it is proposed to connect the dwelling to the public sewer. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Email stating no objection to sewer connection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the appeal summarised in section 6.1 below.

4.0 Planning History

Reference is made in the Planner's report on file to :-

03/4140 – refusal of permission for granny flat.

06/204590 – permission granted for dwelling to rear. Permission expired.

5.0 Policy Context

5.1. Development Plan

Killarney Town Development Plan 2009-2015

The site is zoned residential the objective for which is to provide and improve residential amenities.

Section 12.41.1 - Extensions to dwelling houses.

Extensions should follow the pattern of the existing building as much as possible. They should be constructed with similar finishes and with similar windows to the existing building. Any extension should have a pitched roof, especially when visible from the public road. Care should be taken to ensure that the extension does not interfere with the amenities of adjoining properties.

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Mosca McGillycuddy & Associates on behalf of the 3rd party appellant refers. The appellant owns the lands to the south of the site including the laneway leading to 4no. houses. The grounds of appeal can be summarised as follows:

- The scale of the extension is out of proportion with the existing houses in the area. There is an existing extension to the rear of the house. The design should have been set back so it does not look so linear.
- The two windows on the gable end overlook their lands and laneway. The windows should be omitted to protect their privacy.
- There are too many rooflights on the southern gable and they are out of proportion. They should be omitted.

- There is very little information on how the dwelling is to be connected to the mains sewer.
- The proposed extension is to be constructed on their boundary. It is not clear as to how roof water is to be disposed of.
- How their laneway is to be protected during construction is queried.
- Access along the laneway needs to be protected during construction.
- The extension should be stepped back to allow for maintenance to the property from the applicant's own lands.
- The wall at the southern corner will have to be constructed to ensure no traffic reverses around the corner to turn. This could cause a traffic hazard.
- No car parking is shown on the site layout. A restriction in parking should be imposed.
- The site is smaller than that subject of the application for a dwelling to the rear in 2006.

6.2. Applicant Response

The response by Hickey Design and Associates on behalf of the applicant can be summarised as follows:

- The proposal is single storey and extends in an easterly direction in a similar fashion to the appellant's dwelling directly to the south. The proposal is in keeping with existing and permitted development in the area and will be located on site which has a larger area than any other house on Beechwood Avenue.
- The proposed house and alterations do not incorporate a gable as a hipped roof is proposed. One of the windows in the southern elevation is existing and serves a bedroom. The 2nd window as proposed is high level and will not overlook adjoining property. It faces directly onto the laneway. The appellant's property has windows looking onto the laneway.

- The existing house has 3 no. rooflights in the south elevation. The proposal will result in 8 rooflights in the elevation. They are located at a high level in order to protect the privacy of adjoining property.
- The existing septic tank is to be decommissioned and the dwelling will be connected to the public sewer. The site layout plan submitted by way of further information shows the location of the public foul sewer manhole relative to the existing dwelling and route of proposed connection. The proposed connection has been agreed in principle with Irish Water.
- The proposed extension is located in line with the southern wall of the existing house which is offset from the southern boundary in such a fashion that all rainwater disposal is located within the applicant's property.
- The development is wholly located within the applicant's property. Construction traffic will be via the northern side of the existing dwelling. It will not require foundations which will cause damage to the applicant's access road.
- No walls will be constructed that will cause a traffic hazard.
- The dwelling will be occupied by the applicant. The existing parking to the front/west and side/north of the dwelling are adequate.
- The permission granted in 2006 has expired. There is no overlap with the boundaries of another planning application.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of Development
- Impact on Amenities of Adjoining Property
- Other issues

7.1. Principle of Development

The site subject of the appeal is within the mature residential area of Beechwood Avenue off Park Road zoned residential in the current Killarney Town Development Plan. The stated purpose of the zoning is to protect and improve residential amenities. Whilst an extension and alterations to the existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the requirement that such works should maintain the visual amenities and scale of the parent building whilst not compromising the residential amenities of adjoining property.

7.2. Impact on Amenities of Adjoining Property

The proposal entails a single storey extension to the rear of the dwelling extending 13.5 metres from the existing rear wall. Adequate private amenity space is to be maintained and the works will entail the removal of an existing shed. The extension is to maintain the same height and building line as viewed from the lane bounding the site to the south. The appellant's property which is also to the south has been extended and has a comparable length to that proposed on the subject site, albeit with a building line set back from the lane. There are windows and doors in its northern elevation facing the appeal site. The lane is in the appellant's ownership which facilitates both access to his property and to the dwellings to the south-east. I submit that whilst the lane may be in private ownership, by reason of its purpose serving multiple dwellings, does not present as a private space serving the appellant's dwelling only.

The existing dwelling is served by a window serving a bedroom looking onto the lane. The extension proposes one further additional opening which is to be at high level which will not give rise to concerns in terms of overlooking or loss of privacy. The additional roof lights, due to their angle and orientation, would also not give rise to overlooking and their size and number is considered acceptable. Located to the north of the appellant's property no issues in terms of overshadowing would arise. I consider the extent of the extension to be acceptable.

The single storey dwelling to the north of the site has been extended with a number of windows serving habitable rooms in the southern elevation directly overlooking the site with a low block wall, only, delineating the shared boundary. I submit that this existing configuration should not prejudice the development potential of the site. The proposed extension and alterations would provide for a new window opening serving a bedroom in the existing dwelling in addition to French doors serving the new kitchen/dining area. A 1.8 metre high wall is proposed to be erected along the boundary which would preclude overlooking. This is considered reasonable.

7.3. Other Issues

The existing dwelling is served by a septic tank. It is proposed to decommission the system and connect into the public foul system along Beechwood Avenue, details of which were given in the plans submitted by way of further information. This is acceptable. I note no objection from Irish Water.

The issues of use of the lane during construction and its maintenance in addition to surface water disposal are noted. I note that access is proposed from the west along Beechwood Avenue and from within the site itself whilst surface water is to be disposed within the site boundary. The applicant should be advised of section 34(13) of the Planning and Development Act 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

On street parking is prevalent along Beechwood Avenue. Parking is available to the front and side of the existing dwelling. This is acceptable.

Reference is made to a permission for a dwelling to the rear of the dwelling granted in 2006. This permission has expired. I am not aware of any conflict in terms of site boundaries.

As the extension is over 40 sq.m. the current Kerry County Council Development Contributions Scheme applies.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

The proposed residential extension does not fall within a class of development for which EIA is required.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

9.0 Reasons and Considerations

Having regard to the existing residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 and completed in accordance with

the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th day of August, 2018, 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 shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 agreement has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The existing septic tank shall be decommissioned and removed from the site prior to commencement of development to the written satisfaction of the planning authority.

Reason: In the interest of public health

6. Water supply and drainage arrangements, including the 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

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Pauline Fitzpatrick
Senior Planning Inspector

February, 2019