



An
Bord
Pleanála

Inspector's Report ABP 304617-19

Development	Retain dwellings with revised site boundaries and retain and complete partially constructed 1 ½ storey extensions to rear.
Location	2 & 3 The range, Tarbert Island, Tarbert, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/259
Applicant	T & B Mackessy
Type of Application	Retention
Planning Authority Decision	Refuse permission
Type of Appeal	1 st Party v. Grant
Appellant	T & B Mackessy
Observer(s)	None
Date of Site Inspection	13/08/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The appeal site comprises two terraced dwellings, Nos. 2 & 3 The Range, which are located at Tarbert Island c. 2km to the north of the village of Tarbert accessed via the N67 which terminates at the Tarbert-Killimer ferry at Tarbert Pier c.400 metres to the east. The site is within the 60kph speed limit.

The dwellings are accessed via a short cul-de-sac. In addition to the two dwellings to which the appeal refers there are a further two dwellings accessed from the lane, one which is attached to the dwellings and the 2nd which is further to the west. The dwelling which forms the terrace with the appeal site has been extended with the original roof raised. It has a plaster finish. The cul-de-sac is roughly surfaced with a stone wall delineating its boundary to the south.

The dwellings which front directly onto the cul-de-sac are partially extended. The original dwellings shared a small rear garden area immediately abutting a stone boundary wall. The rear boundary has been extended northwards and is delineated by an embankment. The site has a stated area of 0.0608 hectares.

The existing power station forms the backdrop to the houses with an access to same immediately to the east of the cul-de-sac. The dwellings have views of the Shannon Estuary to the east.

2.0 Proposed Development

The proposal entails:

- Retention of revised site boundaries to the north.
- Provision of 2 metre retaining wall to the northern boundary.
- Retention and completion of the alterations to the dwellings comprising a dormer extension to the rear and changes to the roof profile. The dwellings are to have a stated floor area of 75.7 sq.m. each with rear private amenity space of 46 sq.m. and 27 sq.m. respectively. The dwellings are to have a stone finish.

As per the details given on the planning application form wastewater treatment is to be via an existing septic tank system.

The application is accompanied by an Architect's Report.

A letter of consent from the landowner to the extension of the rear site boundary which would be transferred to the ownership of the applicants should permission be granted.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The extensions by reason of their scale, design and form would not integrate with the original dwelling and would detract from their character and that of the surrounding landscape. The proposal would contravene objective H-45 of the County Development Plan which seeks to encourage the protection, appreciation, retention and appropriate renovation of vernacular buildings.
2. The planning authority is not satisfied that the effluent can be adequately disposed of on the site. The proposal would, therefore, be prejudicial to public health.

3.2. Planning Authority Reports

Planning Reports

The Planner's report considers that the extension above the ridge roof of the dwellings will have a significant impact on the character of the original buildings on the site. The cottages date back to the 19th century and add greatly to the character of the area particularly having regard to the surrounding landscape of the River Shannon and the power station. The proposal would set an undesirable precedent. A single storey extension not extending over the ridge of the original dwellings can be considered. No details are provided in relation to the septic tanks system(s). A refusal of permission for 2 reasons recommended.

Other Technical Reports

Biodiversity Officer considers that having regard to the nature and scale of the development no significant effects on designated sites are identified.

Roads Section has no comment.

3.3. Prescribed Bodies

TII has no observations.

3.4. Third Party Observations

None

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2015 refers.

The site is located in an area zoned Rural General.

Section 3.3.5 addresses Renovation or restoration of existing and vacant buildings situated in rural areas.

The Planning Authority shall give positive consideration to the renovation and restoration of existing structures and to the completion of derelict and vacant buildings in the rural countryside for use as permanent primary residences and as holiday home accommodation. Consideration will be related to the specific location and condition of the structure and the scale of any works required to upgrade the structure to modern standards.

Replacement of an existing dwelling house will also be considered where the renovation or restoration of the building is not feasible for structural reasons. The Planning Authority will require a Structural Engineers Report to support this position.

The following provisions shall apply:-

- The structure to be restored/renovated shall constitute an identifiable dwelling, with the walls being generally intact.
- In the case of refurbishment and extension proposals, the scale and architectural treatment of proposed works shall be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.

Restored or renovated dwellings shall be located where safe access, acceptable wastewater disposal arrangements can be put in place and where specific development objectives outlined in the County Development Plan are not contravened.

Chapter 11 addresses Built and Cultural Heritage

Vernacular architecture includes buildings of significant local interest within a settlement that may not be recorded on the list of protected structures.

Nevertheless, these buildings of significant local interest contribute to the overall architectural heritage of the area and contribute to the streetscape and local identity of the area. The Planning Authority will seek to preserve these buildings and investigate their inclusion on the Record of Protected Structures.

Objective H-45 Encourage the protection, appreciation, retention and appropriate renovation of vernacular buildings throughout the County.

5.2. Natural Heritage Designations

The Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077) are approx. 25 metres to the east (opposite side of road).

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Carey Architects on behalf of the 1st party against the decision to refuse permission can be summarised as follows:

Reason for Refusal No.1 – Character and Visual Impact

- The extensions as constructed are no taller than the extension to the property at the end of the terrace. It has a roof similar in design which breaks the ridge line of the original terrace. The proposal does not detract from the character of the main dwellings. The visual impact is not worsened.
- The applicants would consider the removal of the dormer windows to the side and rear.
- The proposed development would prevent the dwellings becoming derelict and is in line with development plan objective H-45. The works seek to carefully renovate the dwellings.

Reason for Refusal No.2 – Effluent Disposal

- Prior to the works the dwellings contained two bedrooms, a bathroom, kitchen and living area. The increase in floor area is to provide for more usable living space. As the number of bedrooms remains unchanged the wastewater arising from the development will not increase. Therefore, the proposed development is no more prejudicial to public health than the original dwellings.
- The applicants propose to retain the services of a suitably qualified site assessor to design and supervise the installation of an on site waste water treatment system located either in the garden to the west of the properties or in lands to the rear with the agreement of the adjoining landowner. This would improve the waste water situation on site.

6.2. Planning Authority Response

The response can be summarised as follows:

- No permission exists for the works that have been carried out to No.1 raising the ridge line beyond that of the original terrace and are unauthorised.
- The terrace represents a good example of vernacular architecture in the area. The works would interfere negatively with their character and would set an undesirable precedent.
- The unknown situation in relation to waste water treatment is not acceptable.

6.3. Observations

None.

7.0 Assessment

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

- Suitability of works to be retained and completed
- Effluent treatment
- Appropriate Assessment

7.1. Suitability of Works to be Retained and Completed

The works pertain to 2 of the 3 dwellings that form a terrace at The Range on Tarbert Island. No.1 to which they are attached has been extended in terms of a garage to the side and alterations to the roof profile. As per the planner's report on file the said works were not subject of a planning application. The dwellings were originally single storey with a plaster finish.

It is on the basis of the said alterations to the roof profile to No.1 that the justification is made for the changes to the roof profile of the two dwellings allowing for the insertion of living accommodation at 1st floor level to the rear.

Whilst I note that the dwellings are not listed as protected structures in the current Kerry Development Plan nor listed in the National Inventory of Architectural Heritage they have an innate vernacular quality which contribute to the character of the area which is somewhat unique with its backdrop dominated by the power station.

As per the current County Development Plan positive consideration will be given to the renovation and restoration of existing structures subject to the scale and architectural treatment of the proposed works being sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development. In this context I also note objective H-45 which seeks to encourage the appropriate renovation of such vernacular buildings.

I submit that the alterations to the roof profile, especially when viewed when travelling northwards along the N67, are inappropriate and detract from the character

of the dwellings. The fact that No.1 to which they are attached has altered its roof profile cannot be considered as sufficient justification for such an insensitive intervention. The proposal to expose the stone in the external finishes is also problematic and appears to run counter to what originally prevailed although this could be addressed by way of condition should permission be granted. The removal of the dormer windows as suggested by the applicants in their appeal would not address the primary concerns in terms of the roof profile.

On this basis I consider that the proposal is contrary to the relevant development plan policies and objectives as referenced above and I therefore concur with the planning authority's reason for refusal in this regard.

7.2. Effluent Treatment

No details are provided as to the existing measures in terms of effluent disposal save reference in the planning application form to connection to the existing septic tank. In view of the nature and extent of the sites prior to the extension, notably the restricted rear yards, they may have not been served by any system or possibly were served by a combined system elsewhere, possible on the lands to the west.

The applicants in their appeal submission consider that the proposed works to the dwellings, whilst increasing the floor area to provide for more usable living space, would not increase the number of bedrooms. On this basis it is stated that as the wastewater arising from the development will not increase, the proposal is no more prejudicial to public health than the original dwellings. This, in my opinion, is not an acceptable approach. Notwithstanding the expected occupancy the proposal to renovate the dwellings to bring the accommodation up to modern standards will inevitably give rise to increased effluent over that which was historically the case. Such an application must be accompanied by relevant details of either the adequacy of the existing system(s) to accommodate the development or proposals for the installation of an appropriate system(s) to relevant standards. The proposal to address this matter at a later date is not sufficient. On this basis the Board cannot be satisfied that effluent can be adequately treated and disposed of so as not to give rise to public health concerns. I would also submit that this failure to address the issue is contrary to current development plan requirements with respect to

renovation of dwellings whereby evidence that acceptable wastewater disposal arrangements can be put in place is a prerequisite.

Appropriate Assessment

Having regard to nature and extent of the development separated from the Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077) by the national secondary road N67 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 the European sites.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development by reason of its design and roof profile would be out of character with and would constitute a visually discordant feature that would be detrimental to the distinctive vernacular architecture of the terrace which it is appropriate to preserve. The proposed development would therefore contravene materially objective H-45 of the current County Development Plan which seeks to encourage the appropriate renovation of vernacular buildings and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and extent of the works to the dwellings to be retained and completed the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health

Pauline Fitzpatrick
Senior Planning Inspector

August, 2019