



An  
Bord  
Pleanála

## Inspector's Report ABP 304642-19

<b>Development</b>	Retain domestic storage shed, retain storage shed and existing dwelling within revised site boundaries and permission for new entrance.
<b>Location</b>	Caherulla, Ballyheigue, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	19/97
<b>Applicant</b>	Joe Styles
<b>Type of Application</b>	Permission & Retention Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant</b>	Joe Styles
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12/08/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.381 sq.m., is within the townland of Caherulla accessed from regional road R551 c. 3km to the north-east of Ballyheigue in north County Kerry. The road in the vicinity of the site is governed by a central solid white line and is narrow with no hard shoulders. The 80kph speed limit applies.

The site is roughly rectangular in shape on which there is a single storey dwelling and small detached shed. Access to the site is currently from a track which bounds the site to the west and which serves an agricultural holding to the north. The front boundary wall is set back from the road edge with a grass verge inbetween. A post and wire fence delineates the rear boundary with a hedge delineating the eastern boundary to the front of the dwelling. The lands surrounding the site are in agricultural use with the nearest dwelling to the south-east, on the opposite side of the road.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 04/02/19 with further plans and details received 18/04/19 following a further information request dated 28/03/19.

The proposal entails three components:-

- (1) Retain domestic storage shed and dwelling as constructed
- (2) Increase the site area and extend the boundaries to the north and east. A 2 metre high timber fence is to be erected along the extended boundaries to the north, east and west.
- (3) Construct new splayed entrance in the south-western most corner of the front boundary with 1 metre high walls and pillars. The existing entrance from the access track to the west is to be closed up. Sight lines of 60 metres to the east and 80 metres to the west from a setback of 2.4 metres can be attained. The front boundary is to be setback to attain these sightlines to the east.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Split decision:

Refuse permission for the new entrance on the grounds that it would endanger public safety by reason of traffic hazard due to inadequate sight lines.

Grant retention permission for the shed and dwelling as constructed within revised site boundaries subject to 4 conditions including:

Condition 4: Boundary treatment to be supplemented with thick native hedges.

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

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

The 1<sup>st</sup> Planner's report dated 28/03/19 recommends further information on sight lines and extent of the proposed 2 metre fence to the west boundary. A concrete post and panel fence is not acceptable. The 2<sup>nd</sup> report dated 13/05/19 notes the proposed timber fencing. The sight lines are inadequate. It is considered that owing to the proximity of the entrance to the bend in the road to the east that it is not possible to achieve better sightlines on site. It is recommended that this element of the application be refused. The retention of the dwelling, domestic shed and proposed boundary alterations are acceptable. A split decision recommended.

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

Roads Report dated 28/03/19 recommends further information on the attainment of the required sight lines. A 2<sup>nd</sup> report dated 07/05/19 states that the 60 metre sightlines are inadequate. Further drawings required.

### **3.3. Prescribed Bodies**

None

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

None

## 4.0 Planning History

79/1745 – permission granted for a dwelling on the site.

## 5.0 Policy Context

### 5.1. Kerry County Development Plan 2015

The site is within an area designated Rural General. This constitutes the least sensitive landscape throughout the County and from a visual impact point of view has the ability to absorb a moderate amount of development without significantly altering its character.

In terms of Roads Infrastructure and Regional Roads:-

**Objective RD-25** - applications for development shall comply with the standards (sight distances, boundary treatment, surface water etc.) specified in the Development Management, Standards and Guidelines section.

Chapter 13 sets out the Development Management Standards and Guidelines

In terms of access onto public roads all applications involving access onto public roads or the intensification of the usage of an existing access point will be assessed having regard to the following criteria:-

- the classification of the public road,
- the speed limit which applies at the point of access,
- the width and carrying capacity of the road,
- the nature, scale and layout of the development,
- the volume and nature of traffic likely to be generated by the development,
- the design of the access and the sight line visibility available,
- the number of access points in the vicinity,
- the level of parking required and the provision of on-site parking,

Rural Housing - Entrance gates shall be recessed 4.5 metres behind the line of roadside hedgerow with side boundary wing walls splayed at an angle of 45 degrees to the public road carriageway. Opportunities for shared use of access or combining access points should be availed of.

## 5.2. **Natural Heritage Designations**

None in the vicinity

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The 1<sup>st</sup> party appeal is against the planning authority's notification of decision to refuse permission for the new access. The submission can be summarised as follows:

- The dwelling is now separate from the farm of which it originally formed part.
- The removal of the front boundary would increase the sight lines in an easterly direction by 35 metres to 60 metres. Sight lines of 80 metres in a westerly direction are available. The sight line to the east from the farm entrance would also be improved by approx. 35 metres. As such, the proposal will improve sightlines for both the proposed new entrance and the existing farm entrance thereby increasing public safety.

### 6.2. **Planning Authority Response**

The revisions put forward in the further information response were deemed to be inadequate. It is considered that the current shared vehicular access onto this regional road is the most suitable option.

### 6.3. **Observations**

None

## 7.0 Assessment

At the outset I submit that the nature and extent of the development as given in the public notices is somewhat confusing in that the revisions to the site boundaries and fencing to be erected along same have not yet been carried out. As such permission rather than retention permission would more appropriately refer.

As can be extrapolated from the details on file the site formed part of an original farm holding accessed via the track bounding the current site to the west. The site is now separate from the said holding and the proposal is seeking to retain the domestic shed and dwelling as constructed and permission to increase the site boundaries from that originally permitted under file ref. 1745/79. The said amendments to be retained and the new site boundaries which are to be delineated by a timber fence are acceptable. I concur with the planning authority that the said fencing should be backed by planting so as to reduce the visual impact of same and to allow for its integration into the rural environment.

I consider that the substantive issue arising in the case pertains to the new entrance. Currently the dwelling is accessed from a point off the farm access along the western boundary. In view of the proposed boundary treatment which would include the closing up of this entrance it is reasonable to conclude that the proposal is so that the site can be accessed independently without recourse to the farm access. It is proposed to position the proposed access in the south-western most corner immediately adjoining the farm access.

As noted on day of inspection the R551 in the vicinity of the site is relatively narrow with no hard shoulders and is governed by a central solid white line. The 80kph speed limit applies with traffic levels noted to be relatively light. Sight distances both at the existing farm access and along the road frontage of the appeal site are constrained due to the horizontal and vertical alignment of the road in the vicinity.

By way of further information the applicant proposes to remove and setback the front boundary wall and hedgerow which would allow for 60 metre sightlines in an easterly direction. 80 metre sightlines are available to the west. These fall materially short of the sightlines of between 120 and 160 metres required for design speeds of 70-80kph as per the NRA's DMRB, TD 41 Table 2/1. The relocation of the access in an easterly direction would only reduce the sight lines available in that direction due to

the bend in the road. The requirement to remove the bend would require works to lands not within the site boundary. Whilst the proposed boundary setback may improve the sightlines from the existing farm access I would have reservations as to the undue proximity of the two entrances and the potential for conflicting vehicular turning movements. Therefore, I would not subscribe to the view that the proposal would contribute to increased public safety at this location.

On this basis I would concur with the planning authority's reason for refusal on the grounds of traffic hazard. The prevailing situation with the one access onto the regional road is the optimum scenario, albeit with the limited sight distances available to it to the east.

#### *Appropriate Assessment*

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the distance 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.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that a split decision be issued in this instance granting permission for the retention of the dwelling and shed as constructed and permission for the revised site boundaries and fencing for the stated reasons and considerations subject to conditions and refuse permission for the new entrance for the stated reasons and considerations.

## 9.0 Reasons and Considerations

### Schedule 1

**REFUSE** permission for new entrance to serve the existing dwelling house for the following reasons and considerations.

#### Reasons and Considerations

It is considered that the proposed entrance, in close proximity to an existing access would endanger public safety by reason of traffic hazard and conflicting vehicular movements at a point on regional road R551 where sightlines are restricted in both an easterly and westerly direction.

### Schedule 2

**GRANT** retention permission for domestic storage shed and existing dwelling house and permission for revised site boundaries for the following reasons and considerations subject to conditions.

#### Reasons and Considerations

Having regard to the planning history on the site and the nature and scale of the development proposed and to be retained it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 18<sup>th</sup> day of April, 2019 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 proposed boundary treatment shall be in accordance with the plans and particulars submitted to the planning authority on the 18<sup>th</sup> day of April, 2019 and shall be backed by indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**August, 2019**