



An  
Bord  
Pleanála

## Inspector's Report ABP-305902-19

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<b>Development</b>	Permission for retention of first-floor gable window, two rooflights, detached domestic shed/utility, and detached vehicle maintenance shed.
<b>Location</b>	Kilcooly, Ballydavid, Dingle, County Kerry.
<b>Planning Authority</b>	Kerry County Council.
<b>Planning Authority Reg. Ref.</b>	19/560
<b>Applicant</b>	Noel Russell
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellant</b>	Ashling and Mairtin O'Shea
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> January, 2020
<b>Inspector</b>	Fergal O'Bric

## 1.0 Site Location and Description

- 1.1. The appeal site comprises a single storey dwelling house with a domestic shed/utility to its east and a vehicle maintenance shed further south-east on the site (0.225 hectares) at Kilcooly, Ballydavid, Dingle, Co Kerry. The site is located circa 1.4 Kilometres south of the settlement of Feothanach, and approximately nine kilometres north-west of Dingle in west Kerry. The site is located to the northern side of a local minor road. The area is remote., rural and agricultural in nature with a number of one-off rural dwellings in the vicinity of the site.
- 1.2. The ground level across the site falls very gradually from the public road to the rear (north) of the site. The roadside boundary comprises a low wall to the front of the house and some planting adjacent to the vehicle maintenance shed and some low-level laurel hedging immediately south of the vehicle maintenance shed.

## 2.0 Proposed Development

- 2.1. Permission for retention of:
  - First floor gable window and roof lights in rear roof slope;
  - Detached domestic shed/utility (stated area 38 square metres);
  - Detached vehicle maintenance shed. (stated area of 12.57 m x 9.15 m = 115 square metres).
- 2.2. Further information was submitted to the Planning Authority on the 5<sup>th</sup> September 2019. This addressed the following: the red line application site boundary was extended in a northerly direction to encompass the full extent of the hardstand area; management of run off from truck washing; the number of trucks to be stored on site; extent of plant/equipment on site used in connection with the truck maintenance and the decibel level associated with same.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Planning permission was granted subject to five number conditions. Conditions are summarised as follows:

Condition 1: Development to be retained in accordance with the plans and particulars submitted except for any alterations/modifications specified below. Area of hardstand to north of septic tank to be removed within three months of the date of the decision of the Planning Authority.

Condition 2: Surface water management.

Condition 3: External lighting on site to be cowled and directed away from the public roadway.

Condition 4: Use of the vehicle maintenance shed restricted to maintain the applicant's own truck and that the vehicle maintenance shed not to be used for any commercial, habitable or agricultural purposes.

Condition 5: Storage of oils/greases on site to be managed and stored within bunded secure areas.

### Planning Authority Reports

#### 3.1.2. Planning Reports

- Planning Report: The Planning Officer recommended that planning permission be granted following clarification on the matters raised within the further information request.

#### 3.1.3. Other Technical Reports:

- Environment Department:- No objections, subject to conditions.

#### 3.1.4. Prescribed Bodies:

- None

### 3.2. Third Party Observations

A number of submissions were received. The concerns raised are similar in nature to those raised in the third-party appeal, summarised below.

## 4.0 Planning History

No recent relevant planning history associated with the appeal site.

## 5.0 Policy and Context

### 5.1. Development Plan

The site is located outside of the settlement boundary for 'Feothanach' as governed by the policies and objectives contained in the Kerry County Development Plan 2015-2021. The site is located in an area zoned 'Rural General' which is detailed within Section 3.3.2.1 of the Plan. These areas constitute the least sensitive landscapes through the county. From a visual impact perspective, they have the ability to absorb a moderate amount of development without significantly altering their character.

The following sections of the Development Plan are of relevance:

Chapter 12 Zoning and Landscape Protection

Objective ZL-1: Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to people's lives.

Chapter 13 Sets out the Development Management considerations

The appeal site is not within the line of Protected Views and Prospects. The designated views in this area are along the coast road to the west, north and south of Feothanach. These views do not affect the appeal site. The designated views are in the opposite (westerly) direction towards the coastline/Smerwick harbour as set out within Map 12.1d Amenities /Views and Prospects.

## 5.2. Natural Heritage Designations

The site is located approximate to the following Natura 2000 sites:

- Special Protection Areas: Dingle Peninsula SPA approximately 0.6 Km distant
- Special Area of Conservation: Mount Brandon SAC approximately 3.9 Km distant

## 5.3. Environmental Impact Assessment-Preliminary Examination

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal has been made by Ashling and Mairtin O'Shea, who reside to the south of the appeal site. Their concerns are summarised as follows:

- Vehicle maintenance shed is located in proximity to the public road.
- The scale, bulk, mass and height of the vehicle maintenance shed is excessive.
- Vehicle maintenance shed does not respect the established building line.
- A devaluation of neighbouring residential properties arises as a sea view is blocked by the vehicle maintenance shed.
- It has a negative impact on the amenities of residents on the opposite side of the public road.
- The vehicle maintenance shed is an eyesore and not integrated within the local landscape.
- There are more appropriate locations within the appeal site to locate the vehicle maintenance shed.

- The construction of such a large shed is not in keeping with the proper planning and sustainable development of the area.
- It is obtrusive on the skyline when viewed from the public road quite a distance away.

## 6.2. Planning Authority Response

The Planning Authority made the following observations:

- The nearest dwelling to the appeal site is approximately 30 metres to the south, and therefore if any overshadowing is to occur, it would be in the late evening.
- There is no legal entitlement to a view.
- The vehicle maintenance shed is clustered adjacent to a number of other structures and integrates into the local landscape in terms of the external finishes and is akin to agricultural buildings in the countryside.
- The development is not considered to negatively impact upon the visual or residential amenities in the area.
- The Planning Authority conditioned that the area of hardstand to the north of the septic tank be reinstated to its original state to the satisfaction of the Planning Authority.

## 6.3. First Party Response

6.3.1. A response was received from the first party, it is summarised as follows:

- The vehicle maintenance shed is screened by existing mature landscaping on approach from the west which in turn acts as a backdrop on the approach from the east.
- The scale, mass and height of the structure were dictated by the servicing needs of the applicant's truck. The body of the truck has to be raised within the shed to enable the applicant to carry out the necessary maintenance and road

worthiness checks which are a statutory requirement of the Road Safety Authority (RSA).

- The screen planting and colour of the external finishes all assist in integrating the structure within the local landscape.
- The Kerry County Development Plan 2015-2021 sets out the following in relation to building line: Local surroundings will determine the appropriate building line when dealing with individual planning applications. A planning application must be assessed on its own unique individual merits. The location is considered appropriate having regard to the servicing the needs of the applicant and the existence of natural screen boundary planting which minimises the visual impact of the structure upon the local landscape;
- The landscape is open, and the building alters the local landscape, but the impact is not considered to be significant and the O'Shea property maintains wider views within the local landscape from their property even with the construction of the vehicle maintenance shed;
- The shed by virtue of its design and siting is not a dominant feature within the local landscape and its siting was carefully considered having regard to the existence of the mature screen planting on site;
- The shed was not located further back on the site to take advantage of the existence of the natural screen planting on site. The vehicle maintenance shed is located 30 metres from the nearest dwelling which is considered to be acceptable.

## 7.0 Assessment

It is noted that the appellant does not raise any concern regarding the first-floor gable window, rear roof slope rooflights or domestic shed/utility immediately east of the domestic dwelling. Therefore, this assessment will focus primarily on the vehicle maintenance shed. I consider the key issues in determining this appeal are as follows:

- Design and Layout.
- Impact Upon Residential Amenity & Traffic.
- Appropriate Assessment.

## 7.1. Design & Layout

- 7.1.1. The vehicle maintenance shed is located in proximity to the public roadway. However, on the western approach to the site, the shed is screened by the existence of the mature landscaping on site and from the eastern approach the planting provides a backdrop for the shed. There are some young laurel hedging to the south of the shed. The scale of this shed is considered to be acceptable at 115 square metres with a maximum ridge height of approximately 6.95 metres. The colours and materials used are similar to those used within agricultural buildings throughout the Kerry countryside.
- 7.1.2. The applicant has stated that the scale, mass and height of the vehicle maintenance shed was dictated largely by the maintenance requirements for the truck. When the truck is parked within the shed, the applicant needs some space on all sides of the vehicle in order to gain access to the chassis, suspension and tipping functions so that the truck can be maintained to the standards set out by the Road Safety Authority.
- 7.1.3. The appellants property is located some thirty metres south of the vehicle maintenance shed. Given the height of the proposed vehicle maintenance shed is less than seven metres to the ridge, I am satisfied that shed will not unduly impact upon the neighbouring properties to the south in terms of impacting upon their residential amenities.
- 7.1.4. In terms of blocking views, it is noted that there is no legal entitlement to a view, and given the openness within this local landscape, I am satisfied that the neighbouring properties to the south retain significant views of the local landscape.
- 7.1.5. A planning condition could be included which requires additional natural screening to be put in place to the south and east of the vehicle maintenance shed. The planting should include indigenous species only..Such a condition is reasonable and enforceable and should be included in any decision to grant permission forthcoming from the Board.



7.1.6. I consider, given the landscape character of the area and existing and proposed planting, that the vehicle maintenance shed has a minor visual impact and does not give rise to a visually incongruous feature within the local landscape. The vehicle maintenance shed is, therefore, consistent with the visual character of the area. As such, I consider the development is acceptable in visual terms.

## **7.2. Impact Upon Residential Amenity**

7.2.1. By virtue of the acceptable design, height and scale, and given that the vehicle maintenance shed is located approximately thirty metres removed from the nearest residence, on the opposite side of the road to the south, I am satisfied that the development, does not unduly impact negatively on the residential amenity currently enjoyed by existing neighbouring dwellings.

## **7.3. Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the development and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

## **8.0 Recommendation**

8.1.1. I recommend that planning permission be granted for the retention of the development.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the 'Rural General' landscape zoning designation of the site, the separation distances to neighbouring dwellings, the pattern of development in the vicinity, the existing screening and planting on the site, 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. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained 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. (i) Within three months of the grant of permission, the applicant shall submit, for the written agreement of the planning authority details including photographs of the hardstand area to the north of the septic tank area reinstated to its original state and level with the adjoining ground. Cross – sections through the site indicating the ground levels and public road levels shall also be submitted.

(ii) The levels shall be referenced to a clearly identifiable and easily located benchmark on the public roadway. The location and value of the benchmark shall be indicated on the drawing.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(i) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and

(ii) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interest of environmental protection and public health.

4. (i) No oil, grease or other deleterious matter shall be discharged from the site to any drain, sewer or watercourse.

(ii) No silt/sediment laden water shall be discharged from the development to any water course in the vicinity of the site.

(iii) Any liquids (other than water) which are stored on site shall be stored within specified, impermeable, bunded and secure areas within the site. Bunds shall provide for the retention of, at a minimum, 100% of the volume being stored.

**Reason:** In the interest of environmental protection and public health.

5. The existing on-site mature planting shall be retained.

**Reason:** In the interest of visual amenity.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:]

(a) the establishment of a hedgerow along all southern and eastern boundaries of the site, and

(b) planting of trees along the southern boundary of the site.

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.

7. Any external lighting shall be properly cowled and directed away from the public roadway. It shall also not be visible from any point more than 100m away from the light.

**Reason:** In the interest of traffic safety and to control light pollution in the rural environment.

8 The use of the vehicle maintenance shed shall be strictly limited to use for the maintenance of the applicant's truck only and shall not be used for any commercial, industrial, habitable or agricultural purposes.

**Reason:** In the interest of proper planning and sustainable development of the area.

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Fergal O'Bric

Planning Inspector