



An
Bord
Pleanála

Inspector's Report ABP-307563-20

Development	Retention and completion of ground floor entrance hall and conversion and extension of attic space
Location	3 Barr na Coille, The Wood, Dingle, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/219
Applicant(s)	Liam Murphy
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	
Appellant(s)	Liam Murphy
Observer(s)	John & Joan O'Connor John Prendergast Barr na Coille Management Ciompany Austin Ó Briain

Date of Site Inspection

22nd September, 2020

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1. No. 3 Barr na Coille forms part of a small housing estate of detached, single-storey dwellings located to the north-west of Dingle town centre in County Kerry. The existing house is to the front of the estate (i.e. to the north) and faces the main entrance from the public road and the estate's principal public open space. Panoramic views are available southwards in this location over Dingle Harbour.

2.0 Proposed Development

- 2.1. The proposed development would comprise the retention and completion of a ground floor entrance hall and the conversion and extension of an attic space. The total floor area of the additional development is stated to be 97 square metres. The attic space is intended to be used as a lounge area and a study area.

3.0 Planning Authority Decision

3.1. Decision

On 15th June 2020, Kerry County Council decided to refuse permission for the proposed development for two reasons relating to overlooking and the development being out of character with the established pattern of development in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, and third party submissions. It was considered that the as-constructed development has resulted in a significant departure in house style from the remainder of the dwellings within the estate, eradicating the A-roof profile of the house. It was submitted that the ground floor entrance porch extension would have been acceptable but it is now integrated with the attic space overhead and cannot be assessed in isolation. It was considered that the proposed development overlooks the garden space of dwellings to the south and south-west and thus interferes with the privacy of those dwellings. A refusal of retention of permission was recommended.

3.3. **Third Party Observations**

Objections to the proposed development were received from Barr na Coille Management Company, Austin Ó Briain, John Prendergast, and Joan and John O'Connor. The observations to the Board reflect the principal planning concerns raised.

4.0 **Planning History**

P.A. Ref. 97/730

Permission was granted for 12 single-storey dwellings.

P.A. Ref. 00/391

Permission was granted for a dwelling.

ABP Ref. PL 08.248735 (P.A. Ref. 17/290)

Permission was granted by the Board for an attic conversion.

5.0 **Policy Context**

5.1. **Dingle Functional Area Local Area Plan**

Zoning

The site is zoned 'Existing Residential'.

5.2. **Appropriate Assessment**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The primary reason for the proposal is to provide additional space for a growing family and the need to work from home given the recent change to the working lifestyle during the global pandemic of Covid-19.
- The development comprises minor modifications to the existing dwelling. The retention proposed provides a similar form and layout to previous permission granted under ABP Ref. PL 08.248735. The minor modifications relate to the dormer window being flush with the proposed wall and the dormer window facing south being smaller in area than that previously permitted. Both the area of the proposed study and the main entrance are north facing and do not impact on the amenity of the residential area.
- The development will not be out of character with the area. The character of the existing residential area is mixed in terms of design, size and height. Given its context, the proposal is considered to be respectful to its surrounding character. The development is in keeping with the existing dwelling, with fenestration and external finishes being consistent. The height of the development is well below the standard height for a proposed two-storey dwelling. The flat roof extensions respect the amenity of the surrounding area and the design is subordinate to the overall ridge height of the existing dwelling.
- The development will not have an adverse impact on the residential amenity of the area. The rear elevation of the house overlooks a large established green area which provides amenity space for the family. The rear elevation is

12 metres back from the rear boundary and hedge forms the boundary with adjoining property to the south. Given the scale of the extensions, they would not burden the adjoining properties in terms of overshadowing and the development would not result in any significant negative impacts on the residential amenities of the area. The extensions on the northern boundary overlook a large green space and entrance to the housing estate.

6.2. **Planning Authority Response**

The planning authority reiterated the concerns raised in the Planner's report and considered the correct decision was issued.

6.3. **Observations**

6.3.1. Observation from John and Jean O' Connor

The observers, residing at No. 7 Barr na Coille, raise concerns that query the appellant's claims relating to the minor modifications associated with the proposal and submit that the proposal is visually obtrusive and overlooks their property.

6.3.2. Observation from John Prendergast

The observer, residing at No. 4 Barr na Coille and noting the Board's previous decision, considers the proposal to be out of character with the other single storey houses in the estate, could not be considered limited in nature, is intrusive and results in overlooking, and stands out as an eyesore when viewed from the road.

6.3.3. Observation from Barr na Coille Management Company

The residents of seven of the houses in the estate query the appellant's submission in relation to the context of the proposed development and query the need for the development. The proposal is considered to be out of character with adjoining properties, is not a minimal modification, and results in overlooking of neighbouring properties.

6.3.4. Observation from Austin Ó Briain

The observer raises concerns relating to the development being out of character with the estate design and the existing house and causing injury to the setting of surrounding dwellings. Reference is also made to overlooking and reduction of neighbouring property values.

7.0 **Assessment**

7.1. I first note that the Board previously decided under Appeal Ref. PL 08.248735 that an attic conversion and provision of a dormer window to the rear of the house to serve the dormer extension were acceptable and would not result in serious injury to the residential amenities of adjoining properties. It is further acknowledged that the footprint of the building has only marginally changed to the front of the house under the current proposal and that the dormer window on the rear elevation is not altered in scale, form, or location since the making of the Board's previous decision. While I note that the development of the main entrance at ground level facilitates the development of more floorspace overhead, it is evident that the degree of overlooking to the rear would not alter over that previously permitted. Given the Board's previous decision in 2017, the necessity for consistency in decision-making, and the lack of any material changes to the degree of overlooking arising from the first floor development, there are no reasons, in my opinion, to merit the overturning of the Board's previous decision in relation to the development at first floor level based upon adverse impact on residential amenity.

7.2. The second issue relates to the visual impact of the proposed development and the impact on the character of the area. The principal changes occur to the central core of the building to the front by enclosing a recessed area in front of the original house entrance and by extending the floor area to the front at first floor level over this new enclosed area. The changes in presentation of the rear elevation of the house are minor and it is noted that they are not discernible from the public realm to any significant degree. The lands in this area fall from north to south, with the ground floor level of the existing house being below the public open space and roadway that are to the front of the property. The site is screened along its boundaries by

hedgerow and is bounded by other residential properties to the west and south. The effect of these features is to minimise the visibility of the gable elevations of the house on this site on the approaches from east and west within the estate. Thus, the varied roof design and extended roofspace to accommodate the additional living space at first floor level are not particularly visually prominent. The highest level of visibility of the proposed changes relate to the front elevation. This is an elevation that faces northwards towards the estate road and public open space. With the house lying below the level of the road and the front boundary taking the form of a hedgerow screen, it is apparent that views from the public realm of much of the ground floor level of the house are somewhat obscured. It is further noted that there is a variety of roof forms associated with the established structure. It is my submission to the Board that the changes to the central component of the front elevation of the house can reasonably be construed as minimal. I cannot reasonably conclude that the proposed changes are at significant variance with the design of the existing permitted house. Furthermore, the range of house types and roof designs that prevail in the immediate vicinity are varied such that it would not be reasonable to determine that the minor presentational changes are distinctly out of character with the prevailing pattern of house development in this location.

- 7.3. Having regard to the above, notably the Board's previous decision and the limited visibility of the proposed changes, I consider that a refusal of permission in accordance with the planning authority's decision is not merited.

8.0 Recommendation

- 8.1. I recommended that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the site's planning history, to the limited nature and scale of the proposed development, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions as set out below, would not seriously injure the residential amenities of the adjoining properties

or the visual amenities of the area. 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, 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 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 and to ensure a proper standard of development.

Kevin Moore
Senior Planning Inspector

30th September 2020