



An
Bord
Pleanála

Inspector's Report ABP 307614-20

Development

- (a) Demolish two semi-detached houses and staff accommodation
- (b) Construct 2-storey detached dwelling over basement with roof space
- (c) Construct single-storey garage with boiler
- (d) Construct new vehicular entrance with new boundary wall and all associated site works

Location

Dunboy House and Lorenzo House
Lewis Road, Killarney, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

19/1169

Applicant

Alan Ring

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions

Type of Appeal

3rd Party v. Grant

Appellants

Taal Burke & Margarita Mulcahy

Date of Site Inspection

2nd October 2020

Inspector

Mary Kennelly

1.0 Site Location and Description

- 1.1.1. The site is located on Lewis Road (R876) which is largely a residential road providing access to a number of housing estates. Lewis Road comprises an established residential area located between the Killarney Bypass to the north and the junction of College Road to the south. It is a main road close to the centre of the town, approx. 300m from the main shopping streets. Lewis Road is subdivided in the middle at the junction with St. Ann's Road, which is defined by a small roundabout. It is a mature residential street with several substantial houses on generous plots along the eastern side of the road. The residential development to the south of the junction with St. Ann's Road is generally more densely developed, particularly on the western side of the road, with several developments of small, terraced houses.
- 1.1.2. Lorenzo House and Dunboy House were formerly used as accommodation for hotel staff (13 no. bedrooms). They comprise two large semi-detached houses which are set well back from the road on large, elongated sites. The sites immediately to the south consist of large houses on substantial and secluded plots. The houses immediately to the north comprise a pair of semi-detached houses on a site which is more open in character. The houses on the opposite side of the road are mainly detached and terraced houses on much smaller plots and are generally two-storeys in height with a more suburban character.
- 1.1.3. The appeal site has a stated area of 0.239ha. It is currently surrounded by a hoarding and is in a vacant and derelict state. The gardens at the front and the rear are overgrown and neglected and the rear extensions and outbuildings are in a dilapidated state. The dwelling houses are 2-storeys in height with flat roofs and rendered facades. The main structures contained living room accommodation and bedrooms (9 in total) and there were a further 4 bedrooms in the single-storey extension to the rear.

2.0 Proposed Development

- 2.1.1. The proposed development seeks to demolish the two semi-detached buildings (total floor area of 240m²) and associated extensions and outbuildings and to construct a single dwelling house with a garage and a new vehicular entrance and boundary wall. The proposed dwelling is quite substantial with a stated floor area of 1,195m². It

comprises two main floors of accommodation with living rooms of various descriptions on the ground floor (420m²) and four bedrooms on the first floor (241m²). The proposed basement contains a swimming pool and private gym (420m²). There are a further two bedrooms and some storage areas proposed at roof level (114m²). The proposed vehicular access would be at the southern end of the road frontage, with parking in the front garden and a driveway down the northern side of the proposed dwelling. It is proposed to build a garage (80m²) and a garden shed with a boiler house (32m²) in the rear garden.

- 2.1.2. The red-line boundary plan submitted with the application incorrectly showed just one of the two properties within the red line. The proposed dwelling was initially set back from the front boundary by c.15m. The further information submitted on 11th May 2020 included a set of revised plans, including a revised red line boundary which correctly showed the extent of the site. The building has been set back by a further 4.225m to align with the existing dwellings on either side.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission subject to 17 conditions including:

Condition 2: Development contribution of €29,560.00.

Condition 5: Required neutral tones and black/dark coloured roof slates, and no white UPVC.

Condition 6: Required revisions as follows: - contemporary style dormers at rear to be fitted with standard window openings/windows; Provide more standard type windows at FF at rear.

Condition 7: Required materials of garage/boiler house to match main dwelling.

Condition 8: Use of garage/boiler house for domestic purposes only.

Condition 9: Roadside boundary (Lewis Rd) to be set back in agreement with town engineer.

Condition 12: No overnight commercial guest accommodation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report noted that the site is zoned residential and is fully serviced and that the development was acceptable in principle, particularly as it would replace hotel staff accommodation with a single residential dwelling. The previous planning decision on the site was referenced (15/565), whereby a similar proposal was refused on the grounds of excessive bulk, height and scale which would have seriously injured the residential amenities of adjoining properties to the north and south by reason of overlooking and overshadowing, and would have been out of character with the area.

It was considered that the current proposal had sought to lessen the visual impact of the dwelling and to address the issues that had given rise to the previous reason for refusal. The depth of the building has been reduced which would address overshadowing. However, it was considered that the proposed dwelling would protrude forward of the established front building line and should be amended to match that to the north and south. It was also considered that the height differential with the dwellings to the north was excessive at 4 metres, and that the overall height should be reduced. A revised red line boundary was also requested, as one of the original dwelling houses was omitted.

It was requested that **further information** (20th January 2020) be provided in respect of the following

- Revised red-line boundary to correspond with submitted floor plans and site layout plan.
- Revised site layout plan showing building to be set back to match building lines of adjoining properties.
- Revised plans showing a reduction in overall height of building.
- Submit 3D/photomontage of dwelling.
- Revise the proposed Juliet balcony window features on first floor to more standard type windows. Clarify extent of contemporary dormers.

The **Further Information Response (11th May 2020)** was considered to constitute significant additional information and republication was required. The re-advertisement took place on 25th May 2020. The submission included revised plans as requested, (note ridge height reduced by 500mm), 3D photomontages and a shadow impact analysis. Unsolicited further information had also been submitted on **9th December 2019**, comprising a Design Statement and Structural Engineer's Report. Further submissions were received from the third-party appellants on the 4th June 2020.

The FI was considered to be satisfactory by the Area Planner. It was considered that the revised plans had addressed the design issues and that the removal of the balcony features would address the overlooking issue. However, it was considered that the rear windows at first floor level should be required to be fitted with standard opening only. A **grant of permission** subject to conditions was recommended.

3.3. **Other Technical Reports**

3.3.1. None on file.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water (18/12/19)** - No objection was raised. It was stated that the developer would need to enter into a connection agreement with IW. It was further stated that IW infrastructure capacity requirements and proposed connections to same will be subject to the constraints of the IW Capital Investment Programme.

3.4.2. **Transport Infrastructure Ireland (10/12/19)** – no observations.

3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeal received and summarised in section 6 below. The concerns raised related to the following issues

- Excessive height, bulk and scale of dwelling and inappropriate design and materials. Out of character with area.
- Concern regarding overlooking and overshadowing.

4.0 Planning History

15/565 – planning permission refused for demolition of two dwellings and construction of single dwelling unit for one reason. The floor area was 1,284m² comprising accommodation on four floors, including basement and attic, and the height and depth of the building was c.10m and 23m, respectively. The reason for refusal was based on excessive height, scale, bulk which would give rise to unacceptable levels of overshadowing, overlooking and hence loss of residential amenity of adjoining properties to north and south, and would be out of character with existing development on Lewis Road, which would seriously injure the amenities of the area and create an undesirable precedent.

5.0 Policy Context

5.1. National Planning Framework 2018

The NPF seeks to focus growth on cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located

development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha.

5.3. **Kerry County Development Plan 2014**

Chapter 3 – Housing – sets out the housing policies and objectives including the following:

HS-2 - Facilitate the housing needs of people in their local communities through actively providing/assisting the provision of housing in settlements.

HS-4 - Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (DoEHLG).

US-1 – Ensure that future housing in urban areas in the County is located on lands zoned for residential use. In towns and villages residential development shall be located in town/village centres or immediately adjacent to town/village centres, on serviced lands, and in accordance with the Development Guidance of this document.

US-3 – Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual.

US-4 – Promote development which prioritises walking, cycling and public transport use in a sustainable manner, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes.

US-7 – Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities.

Chapter 13 – Development Management Standards includes the following:-

Infill Sites – Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees, built and natural heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

Building lines and private open space – A minimum of 22 metres shall generally be provided between directly opposing first floor habitable rooms. This may be reduced subject to good design and the individual design requirements of the site where it can be demonstrated that residential amenity and adequate light is not compromised.

5.4. **Killarney Town Development Plan 2009 – 2015 (as extended)**

Killarney Town Development Plan was extended by Variation 4, which was adopted in December 2018. This Variation replaces the zoning maps and many of the other maps of the original Development Plan. It also includes the population allocation and housing land requirement as contained in the Core Strategy of the Kerry County Development Plan 2014. It also addresses the Killarney Municipal District LAP 2018-2024, which was adopted at the same time, and several other planning issues.

In respect of residentially zoned lands, Variation 4 redesignates lands in Killarney from Residential Phase 1 & 2 to 'Residential' and is based on the sequential approach and lands with extant permissions. Revision 1 of this Variation designated lands as 'Residential' which relates to all lands which are centrally located within walking distance of the town centre.

The site is shown on the New Killarney Zoning Map B (Variation 4) as being located in an area zoned as 'Existing Residential' (R2). Revision 6 replaced HSG-03-D with a revised HSG-03-C, which states –

Ensure that residential densities reflect the density of appropriate adjoining development. Higher densities will be considered in the town centre or within close proximity to the town centre.

The objective for Existing/Developed/Residential Areas is to protect and improve these areas and to provide facilities and amenities incidental to those areas.

5.5. **Natural Heritage Designations**

The site is located within c.600m of Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038).

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been received from the owners of the property to the immediate north of the site. The submission can be summarised as follows:

- **Previous reason for refusal still valid** – the proposed development is not sufficiently different to the previously refused scheme (15/565) and the reasons for refusal have not been adequately addressed. The level of accommodation, the height, scale and bulk are very similar and are excessive. The proposed height has been reduced by merely 15 inches.
- **Height and scale** – the proposed development would result in a structure which is excessive in terms of height and scale relative to the established pattern of development. The existing building to the south is substantial but it is very well screened by mature hedging. The existing buildings on site are flat roofed, the height of which matches the eaves height of the appellants' house. The proposed development would be c.4 metres higher than this.
- **Overlooking** – The scale and siting of the development will result in overlooking of the appellants' rear garden. The privacy and amenity of the adjoining dwelling, with its extensive glazing at the rear and private and peaceful rear garden would also be adversely affected. Condition 6 is welcomed but the nature of the replacement for the patio doors is uncertain and this should have been resolved prior to the making of the decision.
- **Overshadowing** – the shadow study is too small in scale to decipher the likely impact. There are discrepancies between this shadow study and the study submitted in respect of the previous refusal (15/565), which are greater than one would expect.
- **Risk to foundations** – the proposed development will pose risks to the foundations of the adjoining dwelling, as it will be c.5m in depth at a distance of 4.25m from the boundary. There has been no site investigation to demonstrate that this depth of excavation is feasible without encountering a substantial amount of rock.

- **Drawings** – the elevational drawings do not clearly show what is being proposed in terms of hip roofs and dormers and is misleading.

6.2. Response from first party (14/08/20)

A detailed response to the grounds of appeal have been received from the first party. This was accompanied by additional information and two revised drawings as follows:

Appendix 1 - Drawing No. D1156 A10-B showing compliance with Condition 6, deletion of hip to north side elevation, correction of dormer units in section and privacy screens.

Appendix 2 – Drawing no. D1156 B13-B showing comparison of contiguous elevations between 2015 application and the present application.

Appendix 3 – Shadow diagrams.

Appendix 4 – Structural Engineers Report – construction methodology for basement excavations.

The response was mainly in the form of a rebuttal of the grounds of appeal. The following points of note were made –

Height and scale – the floor area of the current application has been reduced by 100m² and the front elevation has been significantly revised since the previous proposal was refused. Other significant differences include a reduction in the width and height of the building, the breaking up of the scale of the front elevation by introducing 3 bays and the recessing of the front building line, all of which serve to reduce the overall height, scale and bulk of the building. It is pointed out that changes in Building Regulations necessitate higher floor to ceiling heights than would have been achieved when the adjoining house to the north was constructed.

Overshadowing – a shadow analysis of the proposed scheme, which is at a larger scale than submitted to the P.A. and includes a comparison with the existing development on site, has been provided. This confirms that any alteration to the shadow regime is negligible. The only possibility of overshadowing is from the south when the sun is at its highest elevation, casting its shortest shadow. There would be no impact on the appellants' rear garden, other than shadow from their own dwelling.

Overlooking – there will be no direct overlooking. In an urban context, overlooking from rear windows at an oblique angle is to be expected. Revised drawings to comply with Condition 6 are attached.

Minor discrepancies – a hip was incorrectly shown to the roof on the north elevation. This has now been removed.

Structural stability arising from excavations for basement – the applicant would be happy to comply with a condition requiring the submission of a construction management plan, should the Board deem this to be necessary. In the meantime, a Structural Engineers Report addressing this issue has been submitted. There will be no interference with the adjoining property and the only measures that will be required are temporary propping of the boundary wall to the south during construction.

6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

6.4. **Third party response to First Party Submission (15/09/20)**

The third-party appellant made a further submission on 15th September 2020 following the first party response to the grounds of appeal. No further substantive points are made, and many of the previously made points are re-iterated. The lack of a site investigation study is reiterated as being problematic, particularly if rock is encountered in excavations, which would have an impact on vibration levels.

7.0 **Assessment**

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

- Principle of development
- Visual amenity
- Residential amenity of adjoining properties
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of development

- 7.1.1. The site is located in an established, mature residential area and is within close walking distance of the main shopping streets of the town centre, and the wide range of facilities on offer there. National policy, as expressed in the National Planning Framework (2018) and Sustainable Residential Development in Urban Areas Guidelines (2009) emphasises the need to make the most efficient use of zoned and serviced lands, which are close to towns and villages, with a good range of services and facilities. It is noted that Variation 4 of the Killarney Town Development Plan (adopted Dec. 2018) has zoned the site as 'Existing Residential' in the Zoning Map E, which relates to residential lands within walking distance of the town centre. The site is quite substantial in area (2,390m²) and has been derelict for many years. It was formerly used as staff accommodation for a hotel, with 13 bedrooms. The gardens are overgrown, and the buildings are dilapidated. It is considered that the redevelopment of a vacant and under-utilised site for residential use is acceptable in these circumstances.
- 7.1.2. National and local policy encourages increased densities in centrally located and easily accessible residential areas such as this. Thus, the proposal, which would see a reduction in density from two units to one, is not generally in accordance with these policies to seek sustainable development at such locations. However, the NPF and the Sustainable Residential Development guidelines also seek to reduce vacancy, re-use of old buildings, encourage infill development and offer alternatives to urban generated housing in rural areas, provided that the scale is in proportion to the pattern and grain of existing development.
- 7.1.3. The appeal site is situated in a prominent location on Lewis Road, where the pattern of residential development is quite varied. However, there is an established pattern of substantial houses on large plots, particularly on the eastern side of the road. The proposed development would address the issues of vacancy and dereliction on the site and would offer an alternative to urban generated housing in a rural area. It is considered, therefore, that on balance, the development of the site for a single two-storey dwelling unit, (albeit with accommodation at basement and attic floor levels), with a large footprint, which is set back from the road in line with the established building line is appropriate in principle and would generally be in accordance with the planning policy framework for the area.

7.2. Visual amenity

- 7.2.1. The site is irregular in shape and is very long and narrow. It is approx. 23m wide at the roadside boundary, increasing to c.27m at the site of the existing/proposed dwellings, and tapering off to c.11.5m at the rear boundary, some 110m to the east of Lewis Road. The existing buildings on the site comprise a pair of semi-detached flat-roofed dwellings which are set back from Lewis Road by c.20m, in line with the established front building line to the north and south. The flat roof of the dwellings is approx. 1.8 metres taller than the eaves line of the appellants' property. There is a further long and narrow single-storey building in the rear garden which is separated from the rear façade of the northernmost dwelling by approx. 6m, but extends the built form into the rear garden by a further 16 metres (approx.). This structure is located on the boundary between the two semi-detached houses and previously contained four bedrooms. It faces the appellants' boundary but is set back from that boundary by c.5m. However, the built form on the site extends to approx. 50m from the front boundary with Lewis Road.
- 7.2.2. The footprint of the proposed dwelling house would generally occupy the footprint of the two dwellings and the chalet building combined and would extend to approx. 3 metres beyond the rear wall of the chalet structure. The proposed dwelling is designed as a two-storey main block, with further accommodation in the roof space and at basement level, and a significant element of the structure is single-storey to the rear of the 2-storey main block. The setback from the side boundaries is similar to the existing setbacks, but the main difference is in the scale, bulk and mass of the building of the larger two-storey element, which extends into the site by c.18.8m, (with the single-storey element extending a further c.16.7m.). This results in a substantially larger and bulkier structure than the existing dwellings. From the street, however, the building will appear to be similar in scale to that of the existing pair of semi-detached buildings on the site.
- 7.2.3. The height, scale, mass and bulk of the building has been reduced to a considerable extent from the proposal that was before the planning authority under 15/565. The proposed eaves line, (as amended in the FI submitted on 11/05/20 and in the revised drawings submitted to the Board), will be c.6.29m, which is slightly higher than the existing flat roofs (6.128m). The ridge line (now proposed at 9.261m) has also been reduced from 9.837m in the proposal that was refused by the P.A. (15/565) and as

originally submitted to the P.A. under the current proposal (9.685m). The scale and bulk of the front elevation has also been significantly reduced by means of the introduction of 3 bays, with the central porch recessed. The existing buildings on either side are similar in terms of the scale of their footprints, but different in terms of the design and age of the buildings. The pair of semi-detached houses to the north date from the 1960s and have low floor-ceiling heights, shallow pitched hipped roofs and a generally open character. The building to the south is considerably older with a steeply pitched roof and larger window openings, an eaves height of c.6.2m and a ridge height of 9.48m, but is very well screened from the public road by mature hedging and trees. It is considered that the varied grain and pattern of development presents an opportunity to provide a built form which would help to bridge the gap between the two architectural styles, and that the design and scale of the proposed dwelling achieves this in an acceptable manner.

- 7.2.4. It is considered, therefore, that the established grain and pattern of development in the area combined with the large size of the site and the nature of the existing development on the site, are such that the proposed dwelling can be absorbed into the site without detracting unduly from the character of the area. It is further considered that the proposal would not result in overdevelopment of the site or in a visually obtrusive element in the streetscape and would not injure the visual amenities of the area.

7.3. Residential amenity

- 7.3.1. The appellants on the northern boundary have expressed concern regarding loss of privacy and loss of light. The applicant has provided a detailed shadow analysis which shows that the impact on the adjoining site to the north would be minimal. This is largely because of the relative orientation of the buildings and garden areas and the proposal to set the proposed dwelling back from the common boundary by c. 4.25m. In addition, the appellants have extended their property to the rear and have an outbuilding which is located immediately adjacent to the boundary. Given the generous size of the plots and rear gardens, it is considered that the proposed development would not give rise to a significant level of overshadowing.
- 7.3.2. The first-floor rear bedroom windows and the proposed dormers on the rear roof slope were identified by the planning authority as a potential source of overlooking.

The issue was first raised in the request for further information, which resulted in the Juliet balconies being removed. However, the P.A. had acknowledged that the size of the windows at First Floor level and the nature of the dormer windows were still problematic and had attached a condition requiring these to be revised to standard sized windows. The first-party response to the grounds of appeal (14/08/20) resulted in further revisions to these windows. The first-floor windows have now been reduced in size from patio door size to two pairs of windows with dimensions of approx. 7.5m wide x 4.0m high. The dormer windows are to be fitted with a cladding frame of 400mm as a privacy screen to prevent oblique overlooking. This is generally acceptable, but it is considered that detailed drawings of the proposed screening should be required as a condition of any permission.

- 7.3.3. It is considered that the proposed first-floor windows, as revised, are still overly large, and could not be described as 'standard sized window openings'. The proposed windows are to provide light to two bedrooms which are generously sized and include ensuite bathrooms. However, the scale of the building is such that the rear elevation at first floor level is significantly further to the east than the existing rear elevation of the semi-detached dwellings. It is considered that the combined effect of the overly large windows and the projection of the rear elevation deeper into the site would be likely to result in overlooking and loss of privacy to the appellants' rear garden. Thus, the solution put forward by the developer in response to the grounds of appeal is unacceptable.
- 7.3.4. It is noted that there is a first-floor window on the side elevation of the appellants' dwelling house and the single storey extension/outbuilding has several windows which overlook or open directly onto the common boundary with the appeal site. These windows are, however, either fitted with frosted glass or have blinds, and as such, do not result in a loss of privacy of the appeal site. It is considered, therefore, that the introduction of large-scale bedroom windows in the proposed dwelling house, at a point which is well beyond the established rear building line, would be inappropriate unless measures are taken to mitigate the potential loss of privacy. It is considered that these windows should be significantly reduced in size to openings similar to those on the side elevation, and that privacy screens should be introduced to prevent overlooking to the north-east. Alternatively, these windows could be redesigned as high-level windows or be fitted with obscure glazing.

7.3.5. It is considered, therefore, that the residential amenities of adjoining properties would not be unduly affected by the proposed development, provided that appropriate measures are taken as discussed above to prevent overlooking at the rear.

7.4. **Other matters**

7.4.1. **Construction phase**

The appellants have raised concerns regarding the depth of excavation for the basement in such close proximity to the common boundary, particularly is rock is encountered. As pointed out above, the common boundary comprises the side wall of an extension and outbuilding on the appellant's property, which could give rise to potential impacts in terms of noise and vibration during construction. It is considered that once site investigations are complete, and a contractor in place, the developer will be in a position to provide a detailed construction method statement for the proposed development. It is considered reasonable that this should be required to be submitted to the planning authority for agreement, prior to the commencement of any development on the site.

It is considered that noise emissions and vibration during construction, together with dust and hours of operation, can be adequately addressed by means of conditions requiring best practices to be adhered to and monitoring of works. There is no reason to expect that, with the use of best practice methodologies and appropriate safety measures in place, that the foundations of adjoining properties would be affected by the construction of the proposed development. Should the Board be minded to grant permission, appropriate conditions should be attached to this effect.

7.4.2. **Boundary treatment and landscaping**

The proposed development will result in the removal of the front boundary wall, (which has largely been replaced by a hoarding), and it is not clear how the remaining boundaries are to be delineated. It seems that some mature trees have been severely pruned on the western side of the former front garden area, which is covered in tarmac. The overall layout indicates that a new wall will be constructed at the roadside edge with a single vehicular entrance leading to a large driveway and manoeuvring space with four parking spaces set into the proposed lawn area. The

proposed layout includes a long driveway along the western side of the proposed dwelling leading to the proposed garage at the rear of the site. A landscaping plan has not been provided and no details of the proposed front boundary wall are included. The P.A. decision included a condition requiring the roadside boundary to be set back in agreement with the Town Engineer (Cond. 9).

I note that Section 12.43 of the Killarney Town Development Plan states that proposals for off-street parking in front gardens need to be balanced against the loss of amenity, that gates and walls should be made good and that the balance of the space should be suitably landscaped. It is considered that these matters should be addressed by means of appropriately worded conditions of any planning permission. However, it is considered that the proposed inclusion of 4 car parking spaces within the front lawn is excessive and would detract from the visual and residential amenities of the site and the area.

7.5. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Killarney town on serviced lands, 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.

7.6. Appropriate Assessment

- 7.6.1. The site is located within 600m of two European sites, Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038), which are situated to the south, to the west and to the northwest. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

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 planning history of the site, to the location of the site within an established, mature housing area in close proximity to Killarney Town Centre, which is zoned 'Established Residential' in the Killarney Town Development Plan (2009-2015, as extended and varied), and to the national and local policy objectives to encourage the use of vacant and derelict sites in such locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area 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 to the planning authority on the 9th day of December 2019 and the 11th day of May 2020 and by the further plans and particulars received by An Bord Pleanála on the 14th day of August 2020, 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 development shall be amended as follows:-
 - (a) The double windows to the Master Bedroom and to Bedroom 2 on the first-floor rear elevation shall be omitted and shall be replaced by individual windows of a standard opening size. Alternatively, these windows shall be re-designed as high-level windows or shall be fitted with obscure glazing.
 - (b) The front garden area shall accommodate a maximum of two parking bays and the balance of the area to the front of the house shall be appropriately landscaped. Details of the proposed layout of the front garden, the parking and manoeuvring area and the vehicular entrance shall be agreed with the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential and visual amenity of the area and of traffic safety and convenience.

3. The proposed dormer window openings at second floor level at the rear shall be reduced in size to a standard opening size and privacy screening measures shall be put in place prior to the occupation of the dwelling. Details of the revised window openings and screening measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent overlooking of adjoining residential property

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

5. Water supply and drainage arrangements, including the attenuation and 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.

6.
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Roof colour shall be blue-black, black, dark brown or dark grey in colour only.
 - (c) No white UPVC shall be used.
 - (d) The materials and finishes of the boiler house/shed and garage shall match those of the proposed dwelling house in respect of colour and texture.

Reason: In the interest of visual amenity.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed garage/boiler house and garage shall be restricted to domestic use only and shall be jointly occupied as part of the single residential unit hereby permitted.

Reason: In the interest of residential amenity.

8. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no room in the proposed dwelling unit shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission

Reason: In the interest of residential amenity.

9.
 - (a) The height of the front boundary wall and gate piers shall be 1200 millimetres and 1800 millimetres, respectively. The wall and gate piers

shall be constructed as shown on Drawing no. D1156-A10-A submitted to the planning authority on the 11th day of May 2020, and shall be suitably capped and finished in a material that matches the external finish of the dwelling house.

- (b) Screen walls shall be provided along the side and rear boundaries of the site. Such walls shall be 2 metres in height above ground level. Details of the layout, the materials and external finishes of the screen walls shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

11. The site shall be landscaped, using only 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. This scheme shall include the following:

- (a) the establishment of a hedgerow along the front boundary of the site,
and
(b) planting of trees at 2 metre intervals along the northern boundary of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 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 the interest of visual amenity.

12. 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 approval has been received from the planning authority.

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

13. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including
- (a) hours of working,
 - (b) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels
 - (c) a construction methodology statement indicating the proposed means of excavation and construction of the basement of the dwelling, and
 - (d) details of off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be

generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

15. 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.

Mary Kennelly
Senior Planning Inspector

4th November, 2020