



An  
Bord  
Pleanála

## Inspector's Report ABP-307622-20

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<b>Development</b>	Demolition of house and outbuildings and construction of a new house with attached garage
<b>Location</b>	Ardroe, Inch, Annascaul, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	19/945
<b>Applicant(s)</b>	Mahmood & Iris Hussain
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mahmood & Iris Hussain
<b>Date of Site Inspection</b>	22 <sup>nd</sup> September, 2020
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

- 1.1. The 0.14 hectare site is located on a hillside adjacent to the northern end of Inch strand south-east of Annascaul in County Kerry. The site has frontage onto Regional Road R561 on a bend in the road opposite the junction with the access to Inch strand. There is an existing single-storey, detached cottage on the site which overlooks the strand which has been constructed into the hillside. There are sheds on the site to the front and to the west of the house. Development in the vicinity includes sporadic housing, a caravan park to the east and the Strand Hotel to the west.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of an existing dwelling and outbuildings and the construction of a new detached house of contemporary design. The proposed house would be a two-storey over basement, four bedroom unit with a stated gross floor area of 465.6 square metres (of which 171 square metres forms the basement area). It would replace a single-storey, three bedroom cottage. The house would be served by a mains water supply and public sewer.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 18<sup>th</sup> June 2020, Kerry County Council decided to refuse permission for the proposed development for one reason relating to adverse visual impact.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner noted development plan provisions and the reports received. It was considered that the site was in a very sensitive location. Noting the existing house is of traditional design and is not a protected structure, it was submitted that a replacement dwelling could be considered. There was concern relating to the scale of the development at such a prominent location and a development of a more

appropriate scale could be considered. Further details on sightlines were also recommended. A request for further information was recommended.

### 3.2.2. Other Technical Reports

The Biodiversity Officer noted the site is adjacent to Castlemaine Harbour SAC/SPA, would be a replacement house, is sited a considerable distance from the habitats for which the SAC designated, and that the site is not suitable foraging habitat for the wintering waterfowl/waders for which the SPA is designated. No significant effects on the SPA were considered likely.

The Environment Engineer requested further information relating to wastewater treatment and demolition and excavation waste.

3.3 A request for further information was sought on 1<sup>st</sup> November 2019 relating to waste water treatment, demolition and excavation waste management, the extent of proposed excavation on the site, clarity on the demolition of the outbuilding to the east, availability of sightlines, and further visual details in the form of a contiguous elevation/photomontage. A note was attached expressing concerns in relation to the scale of the proposed development at such a sensitive location and it was advised that the design and scale of the development be reconsidered.

3.4 A response relating to wastewater disposal was received on 28<sup>th</sup> November 2019, noting that the applicants' wastewater pipe is connected to the septic tank serving a public toilet block and that this toilet block is located on the applicants' lands. A further response was received on 30<sup>th</sup> April 2020. This included a letter from an engineer referring to the established arrangements for wastewater treatment, the proposals to manage waste arising from the construction of the development, confirmation that there would be no rock blasting associated with the development, and details on sightlines and addressing access. It was confirmed that part of the outbuilding to the east was outside the site boundary and would remain in place. A contiguous elevation drawing was also submitted.

3.5 The reports to the planning authority following the receipt of the further information were as follows:

The Biodiversity Officer stated she had no further comment to make.

The Environment Engineer noted the proposal would be a replacement house and that there would not be an increase in the design wastewater loading. There was no objection to the proposal subject to a schedule of conditions.

The Roads Section recommended the attachment of conditions if permission is to issue.

The Planner noted the reports received. It was considered that the scale of the proposed dwelling for the sensitive hillside is significant and would have a negative visual impact on the area. It was further submitted that the scale is akin to a building of a commercial nature and that it would set an undesirable precedent. A refusal of permission was recommended.

#### **4.0 Planning History**

I have no record of any planning application or appeal relating to the site.

#### **5.0 Policy Context**

##### **5.1 Kerry County Development Plan**

###### Zoning

The site is located in an area zoned 'Rural General', north of Inch Strand which is zoned 'Secondary Special Amenity.

###### Landscape Protection

It is an objective of the Council to:-

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

###### Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas

The Plan states that 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.

The site will be assessed in terms of acceptable site suitability in terms of access, car parking, open space, wastewater disposal and of maintaining the setting and amenities of the main structure.

Any proposal will be subject to the Development Management requirements set out in the Plan.

Restoration & Renovation objectives are as follows:

***It is an objective of the Council to:-***

**RS-16** Give favourable consideration to applications for the conversion and reuse of existing traditional farm buildings or rural houses. These properties should be

structurally intact and exhibit essential physical characteristics of a dwelling house.

**RS-17** Resist the demolition and replacement of traditional or vernacular rural housing, whose character merits retention.

## 5.2 Tralee Killarney HUB Functional Area Local Area Plan

Inch is defined as a 'Development Node' in this Plan.

The overall vision and development strategy for Development Nodes is to ensure that they retain their rural service centre function and develop sustainably as an attractive location for residents and visitors and that any future development preserves their existing character.

## 5.3 Appropriate Assessment

I note that the proposed development would constitute a replacement dwelling for an existing serviced dwelling. 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.

## 5.4 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 synthesised as follows:

- Having regard to 171 square metres of the development comprising basement which is underground with no visual impact, the 293 square metre house is of medium size in terms of scale.
- The scale of the house is broken down into different volumes and voids which will make the house appear smaller in the landscape than the original house. The house is set back 5.4m from the front face of the existing house and is nestled further into the hill. Unlike the existing house which is raised up from the front garden level and reads as 6.2m in height, the proposed house is accessed on the level and is 6m in height. The site coverage is 26% less than the original site coverage. The proposed house is 1.54m wider and has a ridge height 1.14m above that of the existing house. This is not significant. It will have a similar visual impact. It will be of high quality design and finish. It will have a vast improvement on visual impact from Inch Strand.
- The proposed house is significantly smaller than the other buildings adjacent to it.
- The appellant attaches revisions to the design for the Board's consideration. The revisions include reducing the width of the house to match the existing house, reducing the ground floor level and ridge height by 350mm and reducing the area of the proposed house. However, the Board is asked to consider the original design first.
- A photomontage is attached to show how the proposed development integrates with the landscape, together with a photographic record of the original house.
- The applicant's further information response relating to wastewater and access is attached also with the appeal submission.

## 6.2. Planning Authority Response

The planning authority submits that the existing dwelling on the site represents one of the traditional buildings in the area. The proposed new house is deemed to be not in keeping with the site and surrounding area due to its scale and would not be sympathetic to the scale of the original dwelling in accordance with Section 3.3.5 of

the County Development Plan. A house two storeys over basement is not deemed appropriate. A single storey over basement is considered more in keeping.

## 7.0 Assessment

- 7.1. I first note that the proposed development constitutes the replacement of an existing house. This existing house is a single-storey vernacular cottage that is perched above the public road in a prominent location overlooking Inch Strand at the road junction with the access to the beach area. It is a very distinctive building due to its siting and proximity to the major amenity of Inch beach. While distinctive, it is long-established and is of traditional built form and character, with a substantial backdrop of the hill into which it has been constructed and is reflective of the traditional rural buildings that have developed at this beachside location. The significant question to be asked is why is this building being replaced? There is clearly the opportunity to renovate and extend this structure, retaining the traditional character and providing for any additional needs of the applicant by way of extensions to the building. This, I suggest to the Board, is wholly in keeping with Kerry County Development Plan provisions as they relate to renovation and restoration of existing vacant buildings. This approach would protect the important contribution the traditional dwelling makes to this sensitive rural location and it would be in keeping with Objectives RS-16 and RS-17, with the latter expressly seeking to resist the demolition of traditional or vernacular rural housing whose character merits attention.
- 7.2. The character of the building cannot reasonably be under-estimated. While not a protected structure, it reflects many of the traditional cottage features in terms of scale, built form, and overall design. It is sensitively built into the hill on which it is sited, is well sheltered and does not seek to stand out in the context of the grouping of buildings that have developed over time at this location.
- 7.3. With regard to the proposed house, I first submit to the Board that there is not a necessity to replace the existing house. The second observation to make is that the proposed house would be a large house on this site. It would require substantial earthworks to accommodate a basement at this location and I would have significant concerns relating to the developability of this site in this manner, to the issue of the stability of the hillside at this location, and to the consequential scarring that would

result from the significant works that would be required to allow for the development as proposed. Further to this, it is my submission that the proposed house of contemporary design at such a conspicuous location would be prominent, visually strident and completely at odds with the form and character of development that has evolved at this location, where there are a number of buildings that have retained their traditional character, others that have been extended but have maintained their traditional core structure, and more modern buildings that are more reflective of the established character of the longer established houses. As a result, I submit to the Board that the proposed house is somewhat misplaced in probably one of the most sensitive locations in the vicinity of Inch Strand. I do not accept that the proposal or the revised provisions of the appellant represent a suitable qualitative addition to the sensitive landscape at Inch Strand. It is my submission that the proposed development would be at variance with Objective ZL-1 of Kerry County Development Plan which seeks to protect the landscape of the county as a major economic asset and invaluable amenity.

- 7.4. Finally, I note the sensitivity of this site in terms of its proximity to the beach and its location adjoining a bend on the public road. There is an existing house on the site and matters relating to accommodating wastewater and vehicular access are matters that could reasonably be resolved, as is clear from the various relevant sections of the planning authority with responsibility for such issues.

## **8.0 Recommendation**

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. The site of the proposed development is on a prominent hillside location in a highly sensitive area overlooking and adjoining Inch Strand in County Kerry and on which there is an existing dwelling of traditional built form and character. It is an objective of the Kerry County Development Plan to resist the demolition and replacement of traditional or vernacular rural housing whose character merits

retention (Objective RS-17). Having regard to the potential redevelopment of this structure to accommodate residential needs, it is considered that its replacement would contravene the objective of the Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the form, scale, design, height and required earthworks associated with the development of the proposed dwelling on a prominent and sensitive hillside location adjoining Inch Strand, it is considered that the proposed development would constitute a highly obtrusive structure which would undermine the landscape character of this sensitive area, would be contrary to Objective ZL-1 of Kerry County Development Plan which seeks to protect the landscape of the county as a major economic asset and invaluable amenity, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector

30<sup>th</sup> September 2020