



An
Bord
Pleanála

Inspector's Report

ABP-308174-20

Development	Retention permission to retain the existing house within revised site boundaries and permission to construct an extension to the rear of the existing house.
Location	Aughacasla South (10 Carraigín), castlegregory, Co Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2023
Applicant(s)	Celine Lonergan and Vincent O' Brien.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Tim Goldman.
Observer(s)	None.
Date of Site Inspection	20 th November 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to an established dwelling site located within the townland of Aughacaslá South circa 3.2km south east of Castlegregory on the Dingle Peninsula, County Kerry. The site extends to 0.118 hectares and is occupied by an end of terrace dwelling which incorporates accommodation in the attic space 106.2 sq.m. and the site also includes agricultural lands to the west and south of the appeal site. The site is at the southern end of a 10-unit development, Carraigín, and the area to the south of the appeal site adjacent to the public road forms part of the public open space for the overall development.

2.0 Proposed Development

- 2.1. The application as set out in public notices seeks to (a) retain the existing house within revised site boundaries, (b) Construct an extension to the rear of the existing house, (c) create a new access to the rear garden from the public road including all necessary site works.
- 2.2. The proposed extension extends to an area of 68.5sq.m, is a single storey structure to the rear of the dwelling, incorporates a flat roof and provides for an extended kitchen living dining lounge and playroom. During the course of the application to the Council the proposal to provide an access to the rear garden was eliminated from the proposal.

3.0 Planning Authority Decision

3.1. Decision

By order dated 20th August 2020, Kerry County Council issued notification of the decision to grant permission for the development and six conditions were attached including condition 3 requiring payment of contribution of €342,00 in accordance with the Development Contribution Scheme. Condition 6 stated that vehicular entrance off the public road to the proposed back garden of the site is not permitted.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The initial planning report sought additional information regarding ownership, a shadow assessment in relation to the properties to the north, details of sightlines at the proposed new entrance and cross sections through the site. Final planning report recommends permission.

3.2.2. Other Technical Reports

No submissions

3.3. **Prescribed Bodies**

No submissions

3.4. **Third Party Observations**

3.4.1 Submission from Liam O Brien, 8 Carraigín, objects to the proposal on grounds of negative impact arising from overlooking, overshadowing, diminution of privacy and adverse impact on value of dwelling. The house is one of a multi-unit development designed to achieve a consistent and unifying character. The proposed development is inconsistent with the overall design intention and character.

3.4.2 Tim Goldman, 9 Carraigín objects on grounds of impact on light and privacy. Given issues arising for management company with regard to sewage treatment system question capacity for further development. Proposed entrance is located on a bend.

4.0 **Planning History**

05/607 Permission granted to Club Kerry Ltd. to (a) Demolish existing two storey dwelling / shop, sheds and outhouse, (b) construct 10 dwellings to consist of (1) A terrace of four bungalows with attic accommodation. (2) Two semi detached storey

and a half dwellings (ii) a Terrace of with one storey and half dwelling with three bungalows with attic accommodation (c) to connect the dwellings to an upgraded existing wastewater treatment system (d) to construct a new entrance and car parking area and (e) landscaping and other ancillary works.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2015-2021 refers.

5.2. Natural Heritage Designations

The site is not within a designated site. The Tralee Bay Complex SPA (Site Code 004188) and Tralee Bay and Maghareea Peninsula West to Cloghane SAC (Site Code 003070) is within 800m to the north east of the site and the Mount Brandon SAC (Site Code 000375) is within 2.3km to the west of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, 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

- 6.1.1 The appeal is submitted by Tim Goldman 9 Carraigín. Grounds of appeal are summarised as follows:

- Proposal would prevent light to the property for over half the year

- Due to the elevation of the existing property the extension would have a negative impact on three properties.
- Overlooking and loss of privacy.
- Oil tank is within 1.8m of the extension and the ventilation from the boiler from no 10 is on the corner of the planned extension. Concern arises regarding lack of air circulation.
- Extension has not allowed for adequate distance between it and the management company land.
- Negative impact on property value.

6.2. Applicant Response

6.2.1 The response by Moriarty Design Consultants on behalf of the first party is summarised as follows.

- Design has been carefully carried out to ensure no overshadowing of any neighbouring properties.
- Shadow study submitted shows that the existing boundary fence between the properties casts a shadow across the entire garden of the adjoining dwelling site as sun is so low in mid-winter afternoons.
- No additional shadowing arises for spring autumn equinox and mid-summer.
- The proposed extension due to location and design does not adversely affect the adjoining or adjacent properties.
- No objection from other residents and residents of no 7 have indicated support.
- Proposal will result in more privacy to the back garden. Extension is 2.1m from the boundary fence and the window is at a high level to mitigate overlooking.
- Oil tank is located on the appellant's site at the other side of a concrete boundary fence 2.1m from the extension . Boiler flue is at a high level at the rear of the house and more than 2.1m from the extension.

- Extension is location on the first party property.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1 None

7.0 Assessment

7.1 Following my inspection of the site and consideration of the documentation on file and the prevailing local and national policies and plans, I consider that the main issue in this appeal relates to impact on adjacent residential amenity arising from the proposed extension.

7.2 Clearly the proposed development will improve the residential amenities of the dwelling on the appeal site by increasing the level of accommodation provided to what is a modest family dwelling however I also note that it is reasonable, in assessing an application for an extension, that the amenities and privacy of adjacent dwellings and the established character of the area be protected. The question arising therefore is whether the benefit for the applicant is adequately balanced with the impact on the adjacent properties.

7.3 In the case of the appeal site the dwelling is part of a 10-unit multi house development which consists of three blocks with 4 different house types with consistent character but a slight variation in design and finish. In terms of the design of the proposed extension, I am satisfied that the scale and simple design of the proposed extension can be accommodated on the site without detracting from the overall design of the Carraigín estate. On the issue of the site capacity to accommodate the extension I note that the established dwelling and site are modest

in scale and hence the proposal to increase the overall site size to accommodate the extension and provide for additional private amenity space which is appropriate. As regards capacity with respect to the wastewater treatment system serving Carraigín I note that given the nature of the proposed extension the proposal does not give rise to additional loading. On the matter of set back from the appellants oil tank and boiler flue I note that as outlined in first party response the separation distance is adequate.

7.4 As regards the light impact and potential for overshadowing of the established dwellings to the north I note that as outlined in the shadow assessment, submitted in response to the Council's request for additional information, there is no affect in summer, spring and autumn, with a slight effect on these properties in winter. It is noted that the existing fence panels have similar such effect on the immediately adjacent site. I am satisfied that by way of design and siting including the setback of the extension of 2.1m from the adjoining dwelling site boundary the effect of overshadowing has been appropriately mitigated and no undue loss of amenity arises. As regards overlooking and loss of privacy, I note that given the restricted size of the rear gardens and level difference from the adjoining dwelling site to the north the proposal to provide a high-level window seeks to mitigate the potential overlooking impact arising. Having regard to the detailed design and layout I do not consider that the proposal would give rise to an undue loss of residential amenity. I consider that the proposal is acceptable and appropriately protects established residential amenity.

7.5 As regards the issue of Appropriate Assessment, having regard to the nature of the development and the site and the lack of connectivity with a Natura 2000 site it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1 Having read the file, inspected the site and considered the grounds of appeal, I am on balance of the opinion that the proposed development would not seriously injure

the amenity of property in the vicinity or the character of the area and would accord with the proper planning and sustainable development of the area.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below the development would not seriously injure the amenities of adjoining neighbours or the character of the area. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

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 on the 10th June 2020 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The external finishes shall match the existing dwelling in respect of materials colour and texture.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including 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.

4. 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.

Bríd Maxwell
Planning Inspector

9th December 2020