



An  
Bord  
Pleanála

## Inspector's Report ABP-308647-20

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<b>Development</b>	Two semi-detached houses
<b>Location</b>	Fairfield Close, Goat Street, Dingle, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	20/812
<b>Applicant(s)</b>	Conor Cremin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Conor Cremin
<b>Observer(s)</b>	Jonathan Moriarty
<b>Date of Site Inspection</b>	16 <sup>th</sup> February, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The 0.061 hectare site is located at the north-western end of the residential estate of Fairfield Close at the northern end of the town of Dingle in County Kerry. It comprises a triangular plot of open space that is unmaintained at present. It is bounded along its western flank by a stone wall which backs onto a lane leading to a small housing complex to the south and behind Fairfield Close. There is a stone-faced boundary wall onto Goat Street to the north which abuts a public footpath and the site is open to the estate road to the east. The site slopes gently from north-west to south-east. The estate of Fairfield Close comprises two-storey terraced houses to the south-east of the site which front onto the estate road and beyond which lies a large open space adjoining Gaol Street. Gaol Street is a main road into the town from the west. There is a wide range of building types along its northern side on the approach to the town centre.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the construction of two semi-detached houses. The houses would be two storeys in height, with one being a three bedroom unit and 135 square metres in area and the other containing two bedrooms and 146 square metres in area. The development would be served by a mains water supply and public sewer.
- 2.2. Details submitted with the application included 3D rendered views and photomontage of the proposed development, a granted certificate of exemption under section 97 of the Planning and Development Act, and a copy of pre-planning communication with the Area Planner. The covering letter refers to revisions now being provided to a proposal recently refused permission under P.A. Ref. 20/380

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 30<sup>th</sup> October 2020, Kerry County Council issued a split decision and decided to grant permission for “1 number semi-detached, 2 storey dwelling house” and to refuse permission to construct “1 number semi-detached, 2 storey dwelling house”.

It is apparent from this decision that the Council decided to grant permission for one detached house.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted the site’s planning history, development plan provisions, reports received and a third party submission. It was noted that the site is zoned ‘Residential Existing’ and was permitted as public open space to serve the existing housing development permitted under P.A. 99/1277. It was further noted that permission was granted for one dwelling on the site under P.A. Ref. 09/206 and that two subsequent applications were lodged, with each increasing the floor area of the first dwelling permitted. It was considered that the proposal is an attempt to revert back to the original proposal for two houses that was refused for density and visual impact reasons. It was submitted that one dwelling is acceptable and it was recommended that permission again be granted for one house only, resulting in change to the north elevation to be addressed by condition. The direct vehicular access from House 2 onto Goat Street was not seen to be desirable. It was noted that the site is prominent in Goat Street and that the proposed vehicular entrance through the stone wall of Fairfield Close would have a negative visual impact. It was considered that the proposal constituted overdevelopment and would impact negatively on residential amenities in the area. A grant of permission for one house was recommended subject to a schedule of conditions.

#### **3.2.2. Other Technical Reports**

The Housing Estates Unit noted that the development is proposed on a permitted public amenity space and queried whether it would be a traffic hazard having cars

reversing out of houses at a junction. A refusal of permission was recommended. On the event that permission was to be granted, a schedule of conditions was set out.

### 3.3. **Prescribed Bodies**

Irish Water had no objection to the proposed development.

### 3.4. **Third Party Observations**

A submission was received from Jonathan Moriarty referring to the proposed development being located on a section of ground which was originally to be part of the overall amenity space serving Fairfield Close. The observation to the Board reflects the concerns raised.

## 4.0 **Planning History**

### P.A. Ref. 20/380

Permission was sought for two semi-detached houses and permission was granted for one house.

### P.A. Ref. 13/732

Permission was granted for a two-storey house.

### P.A. Ref. 10/1

Permission was granted for a dwelling.

### P.A. Ref. 09/206

Following an application for two dwellings, permission was granted for one only.

### ABP Ref 08.120324 (P.A. Ref. 99/1277)

This is the parent permission for Fairfield Close. Permission was granted by the Board for 18 houses, 20 apartments, and a shop with two apartments overhead. Condition 2(a) of the Board's decision required two houses that were proposed on the appeal site to be omitted and the ground to be landscaped as public open space. The reason for this condition was "In the interest of the visual amenities of the area and traffic safety".

## 5.0 Policy Context

### 5.1. Dingle Functional Area Local Area Plan

#### Zoning

The site is located on lands zoned 'Residential Existing'. The Plan states that it is the purpose of the residential zoning to provide for new residential areas, to protect and improve existing residential areas and to provide facilities and amenities incidental to those residential areas.

#### Residential Occupancy

It is an objective to ensure all residential units are permanent places of residency (Objective OO-46).

### 5.2. Appropriate Assessment

The site of the proposed development is located close to the centre of the serviced urban area of Dingle within an established residential estate. This is a location which is separated from Mount Brandon SAC remote to the north of the town and Dingle Peninsula SPA distant to the south by extensive buildings, infrastructure and other developments. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 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. The submission of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The site is an infill site in a built up area.
- The site can meet all proper development standards and does not constitute overdevelopment.
- Permission exists for a house on this site but the applicant's family requires two houses.
- The floor area of the house permitted on the site is only marginally smaller than the floor area of the two proposed houses.
- Specific attention was made to address compliance with the requirements set out in the pre-planning consultation.
- The amenity area and design are not different to any house within the estate.
- The houses were carefully considered with regard to site context, scale, massing, density, the estate's development history, visual impact, and the surrounding pattern of development.
- Reference is made to the provisions of the National Planning Framework, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and to provisions of Kerry County Development Plan in support of the appeal.

### 6.2. Planning Authority Response

The planning authority noted the site was part of the amenity space for the original Fairfield Close estate, with one house being permitted subsequently on the plot. It was submitted that it could be questioned if this was appropriate given the plot was permitted as amenity space. A further house on the plot is considered unacceptable on what was originally amenity space to serve existing housing. It is submitted that the Council's decision is considered correct.

### 6.3. **Observations**

The observer raises concerns relating to the proposed development being on amenity space, the increase in floor area of single house developments on the site, the proposal constituting overdevelopment, and the proposed development resulting in overlooking, loss of privacy, injury to amenities, and depreciation of the value of his property. The site's changing planning history and the report and recommendation of the Housing Estates Unit of the planning authority were noted. The revised proposals seeking to address issues arising from P.A. 20/380 are considered unacceptable. It is also noted that the Fairfield Close amenity area has been reduced through the realignment of the Dingle Relief Road along the boundary with Goat Street. It is requested that the opinion in the Planner's report from 2009 and the report of the Housing Estates Unit be given consideration. The Board is asked to refuse the proposed development on this site.

### 7.0 **Assessment**

- 7.1. I first note the Board's decision to omit two houses previously proposed on this site under the parent permission ABP Ref. PL 08.120324. However, I must also acknowledge that there is an outstanding planning permission for a house on this site. This was recently granted under P.A. Ref. 20/380. I further note that this site has previous planning permissions for a house, with permissions granted under P.A. Refs. 09/206, 10/1 and 13/732. While the site was formerly part of the original open space provision for the Fairfield Close estate, it is apparent that it has been accepted by the planning authority as being suited for residential development. It is evident from these permissions that the whole site has been deemed suitable for residential development, as it is clear from the site areas associated with the permitted detached houses.
- 7.2. It would be reasonable to ascertain from the above that the planning authority, in considering the acceptability of the development of this site for residential use, has previously determined that the remaining open space within Fairfield Close is adequate to meet the needs of the residents of the estate. It is somewhat out of place that the planning authority now submits, in its response to the appeal, that it could be questioned if it was appropriate to permit a house on this site given the plot

was permitted as amenity space. Regarding the open space serving the estate, I note that there is a large open space onto which the existing houses in the estate face. This large space would serve as both an amenity and recreational open space. The land area forming this open space is a substantial part of the overall estate lands and it can reasonably be determined that this large space would adequately meet the needs of residents. Further to this, I note this site is proximate to the town centre and Main Street and the need for further serviceable lands to provide additional open space is questionable and, in my opinion, not desirable when pursuing sustainable development within the town of Dingle. Regarding the appeal site itself as open space, I note that this space was viewed as amenity space to contribute to the visual presentation of the estate when permission was first granted. The site is located at the north-western end of the estate, bounded to the north, east and west by roads and a lane. The functionality of this space is very limited and, even as an amenity space to contribute to the visual presentation of the estate, it is somewhat restricted due to it being tucked into the extreme end of the overall estate. Its contribution as open space would not be significant for the functionality of the estate.

- 7.3. Having regard to the outstanding permission and the planning history of this site which has permitted residential use of all of this site, I can see no reason to warrant a refusal of permission for residential use on this site or, indeed, to limit any permission to one section of the site or to one house only. The principle of two semi-detached houses is not in question, in my opinion, and what is required to be established is whether the site can adequately accommodate the two houses now proposed in terms of meeting the needs of the future occupants, providing safe access, and tying in with the character of the estate.
- 7.4. It is evident that the proposed housing units would meet acceptable standards in terms of residential accommodation and this is not in question. Each plot provides sufficient private open space and adequately accommodates off-street parking. The southernmost house would provide vehicular access onto the internal estate road close to its junction with Gaol Street. The northernmost house would provide direct vehicular access onto Gaol Street. Given that the remaining frontage for this plot onto the internal estate road is restricted and effectively adjoins the junction with Gaol Street, it would be more desirable for access to a plot such as this seeking to



accommodate two parking spaces to be moved away from this junction in the interest of traffic safety and potential conflict with the functioning of the junction. I note that this proposed entrance would access Gaol Street within the speed limit control zone for the town and that it proposed to provide adequate area to accommodate vehicular turning within the plot to avoid the need to reverse out onto Gaol Street. However, it would not be desirable to allow for direct access onto Gaol Street, in my opinion, as it would likely lead to conflict with traffic on this main road, would require removal of a substantial length of the roadside boundary wall to achieve adequate sightlines, and it would not be in keeping with the manner in which access for residential development onto Gaol Street has generally been controlled, i.e. via junctions with estate roads.

7.5. In seeking to address this issue of parking and access, I must acknowledge that this site is close to the town centre, within a short walk to the centre. The need to be accommodating four car parking spaces for two houses at such a location could not be seen to be sustainable. In addition, I note that there is substantial parking adjoining the open space within the estate for residents. The ability to accommodate parking to serve the needs of two houses in the form of one space per unit via two shared spaces to the front of the houses, and avoiding any direct access onto Gaol Street, would adequately address traffic concerns and the needs of future occupants. A condition attached with a grant of permission and compliance therewith would facilitate this option. Indeed, the Board may consider that there is adequate accommodation within the estate which would avoid the need for any specific on-site parking. I also note that there is available on-street parking on Gaol Street opposite this site. However, given that it is an objective of the Local Area Plan that all residential units are to be permanent places of residency (Objective OO-46) and the likelihood of additional parking being required to serve the new residents, I submit that the pursuit of one space per unit with access onto the internal estate road would be appropriate and sufficient to meet needs.

7.6. Regarding the proposed development's compatibility with the character of the established estate, I acknowledge the submitted drawings and photomontages. The design, scale, form and character of the houses could not reasonably be seen to be incongruous and would sit comfortably with the established pattern of development at this location.

7.7. I note the observer's submission and I submit to the Board that there would be no concern relating to any impact on established residential amenities. The development would be remote from the residential complex to the south of the site and would cause no notable overshadowing or loss of privacy to neighbouring properties. Regarding the south-east boundary of the site with the No. 31 Fairfield Close, the provision of a suitable wall or fencing could be provided to ensure orderly separation of properties.

7.8. Having regard to the above considerations, I submit to the Board that the development of the proposed two-semi-detached houses would constitute sustainable development and would be in the interest of the proper planning and development of this area.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

Having regard to the planning history of the site and to the design, character and layout of the proposed development, it is considered that the proposed development, subject to the conditions set out below, would not adversely impact on the residential or visual amenities of adjoining properties, would be acceptable in terms of traffic safety, and would otherwise be in accordance with the provisions of the Dingle Functional Area Local Area Plan as they relate to the town of Dingle. 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 proposed dwellings shall be occupied as places of permanent residence and shall not be used as holiday home development without the prior grant of planning permission.

**Reason:** To ensure compliance with the provisions of the Dingle Functional Area Local Area Plan as they relate to Dingle and in the interest of providing for local permanent housing need within the town.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwellings.

4. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

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

5. Two off-street communal parking spaces in total shall be provided to the front of the houses with access onto the internal Fairfield Close estate road. The provision of vehicular access directly onto Gaol Street shall be prohibited. Details of the form and layout of the on-site parking spaces shall be submitted

to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development and traffic safety.

6. Prior to the commencement of development, a comprehensive boundary treatment scheme shall be submitted to and agreed in writing with the planning authority, setting out details of all proposed treatment bounding the site and between the two houses, including wall/fence heights, materials and finishes. The boundary treatment shall be carried out in accordance with the agreed scheme.

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

7. 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.

8. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

9. 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.

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Kevin Moore  
Senior Planning Inspector

24<sup>th</sup> February 2021