



An
Bord
Pleanála

Inspector's Report ABP-308983-20

Development	Retain and complete shed and construct extension to house
Location	36 Monalee, Monavally, Tralee, County Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/975
Applicant(s)	Brian Duncan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary & Billy Galvin
Date of Site Inspection	16 th February, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 36 Monalee is sited within an established residential estate to the north of Tralee town centre in County Kerry. It consists of a detached, two-storey house with a large back garden. A single storey shed is under construction at the rear of the garden. There is a small shed sited closer to the house along the eastern flank. The house is flanked by detached two-storey houses, each with deep back gardens. The house to the west has a long outbuilding butting the boundary with the applicant's property. The house to the east is the appellants' property and there is a low block wall partially backplanted on the appellants' side forming the flank boundary.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of an extension to the rear of the house and the retention and completion of the shed for domestic purposes. The single storey extension would have a stated floor area of 51.48 square metres and would incorporate a kitchen/dining area and a utility area. The floor area of the shed would be 46.55 square metres built to a height of 5.6 metres over ground level.

3.0 Planning Authority Decision

3.1. Decision

On 9th December 2020, Kerry County Council decided to grant permission for the proposed development subject to four conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Senior Executive Engineer noted the site's planning history, development plan provisions and third party submissions. The principle of the extension was seen to be acceptable. The extension and shed were seen to create a minor and local visual impact and they were not seen to be injurious to the residential amenities of the

area. It was also considered that adequate open space was being retained to serve the needs of the occupants of the house. A grant of permission was recommended.

3.3. Third Party Observations

An objection was received by the planning authority from Billy and Mary Galvin. The grounds of the appeal reflect the main concerns raised.

A further objection was received from Simon and Helen Coffey raising concerns relating to the shed, including reduction in garden area, the size of the shed, impact on visual amenity, light impact, and potential use of shed as a residential unit.

4.0 Planning History

P.A. 1461/88/77

Permission was granted for a dwelling.

5.0 Policy Context

5.1. Tralee Town Development Plan 2009-2015 (as extended)

Zoning

The site is zoned 'Existing Residential'.

It is the policy to facilitate development that supports in general the primary land use of the surrounding existing built-up area. Development that does not support or threatens the vitality or integrity of the primary land use of these existing built-up areas shall not be permitted.

Extensions to Dwellings

The design and layout of extensions to houses should respect existing residential and visual amenity. The existing character and form should be respected. The urban design principles required to apply for extension proposals include:

- Extensions that overshadow windows, yards or gardens and new windows in flank walls, which would reduce a neighbour's privacy, should be avoided.
- External finish and roof materials should match that of the existing structure.

- Positioning and size of windows and other openings should reflect the existing character of the structure.
- Retain a 1m gap between the extension and neighbouring dwellings to prevent dwellings from becoming a terrace and to facilitate access to the rear of the dwelling.
- Flat roofs are not recommended as visually they can detract from the external appearance of a dwelling and can lead to maintenance problems. The use of hipped or pitched roofs is generally recommended.

5.2. **Appropriate Assessment**

Having regard to the nature, scale, and location of the proposed development and its siting within an existing residential estate within the serviced settlement of Tralee remote from 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. No EIAR is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appellants reside at No. 35 Monalee to the east of the appeal site. The grounds of the appeal may be synthesised as follows:

- The rear garden is being overdeveloped and it is questioned if 25sq.m of open space will remain.
- The appellants' garden will be darkened as a result of the development.
- The appellants' property will be devalued as a result of these impacts.

- The door and window of the shed is overlooking the appellants' garden, conservatory and kitchen, resulting in a loss of privacy.
- There is a flooding concern for the appellants' garden due to overdevelopment.
- As the shed was built without planning and outside of regulation it should be reduced in size to bring it in line with regulations for a domestic shed.

6.2. Applicant Response

I have no record of any response to the appeal from the applicant.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. I note that the focus of the appeal is mainly on the development of the domestic shed. Notwithstanding this, I will first consider the development of the proposed extension to the rear of the house. In this regard, I note that the site is on lands zoned 'Existing Residential' in the Tralee Town Development Plan and it is reasonable to determine that the residential extension would be acceptable in principle in such a location. I further note the relevant provisions of the Development Plan as they relate to extensions to dwellings. The following observations are made:

- The design and layout of the single-storey extension to the rear respects the character of the existing house and would not adversely impact on existing residential or visual amenity.
- The extension would not overshadow neighbouring windows, yards or gardens and it would not result in any loss of privacy for neighbouring residential properties.
- The external finishes and roof materials would be compatible with those of the existing dwelling.

- The positioning and size of the windows in the extension and other openings would reasonably reflect the existing character of the house.
- The proposed extension would retain a gap well in excess of one metre between it and neighbouring dwellings.
- The extension would have a pitched roof and would be visually compatible with the existing house.

Having regard to these observations, it is reasonable to conclude that the proposed extension would be compatible with the relevant development plan provisions and would not adversely affect the residential amenities of neighbouring properties. Further to this, I note the existing shed adjoining the eastern flank boundary. It is evident that this small structure would interfere with the developability of the extension and would require to be removed. The submitted proposed layout plan clearly indicates that this structure would not form part of the completed development.

With regard to the domestic shed, I note that this appears to be a principal concern for the appellants. I first note that the provision of the extension and the shed sited at the end of the deep rear garden would still retain substantial private open space, well in excess of the 25 square metres referenced by the appellants. The shed itself has been sited at the end of the garden. It is proposed to be used for domestic purposes. It would be a single-storey structure. It would have no overlooking gable windows. Having regard to its siting, its limited height of 5.6 metres, and its orientation west of the end of the appellants' garden, it is reasonable to determine that there would not be any significant degree of overshadowing of the neighbouring garden. Finally, I note the low block wall which forms the boundary between the appeal site and the appellants' property. There is the opportunity to either increase the height of the boundary wall in order to reduce any perceived overlooking and privacy impact or alternatively to provide additional fencing on the applicant's side of this wall and/or introduce trees/hedgerow to act as an additional screen. Such an approach would be reasonable and would significantly address the concerns about impact on the amenity of neighbouring properties.

In conclusion, I am satisfied to determine that the proposed development would not give rise to adverse impacts on the residential amenities of neighbouring properties.

Appropriate physical screening measures could reasonably be required by way of a condition with any grant of planning permission. The use of the shed should be restricted solely to ancillary uses to the residential use to further protect amenity by way of a condition.

Note: Under Kerry County Council's Development Contribution Scheme planning applications for residential extensions are subject to development contributions.

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 siting of the proposed development, and its design, character and layout, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be consistent with the provisions of Tralee Town Development Plan, and would otherwise 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 external finishes of the proposed extension and shed shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The shed shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used for human habitation or for the carrying on of any trade or business.

Reason: In the interest of orderly development.

4. Additional boundary treatment shall be provided along the eastern flank boundary between the area adjoining the rear of the new extension and the rear site boundary and shall comprise additional fencing / capped wall up to a height of 2 metres. Details of the form, scale and finish of the additional boundary treatment shall be submitted to and agreed in writing with the planning authority within one month from the date of this order.

Reason: In the interest of residential amenity.

5. 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.

6. 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.

Kevin Moore
Senior Planning Inspector

24th February 2021