



An
Bord
Pleanála

Inspector's Report ABP-309281-21

Development	House Extension
Location	Ballyferriter, Tralee, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	201098
Applicant(s)	Hilda O Driscoll.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party
Appellant(s)	Hilda O Driscoll.
Observer(s)	None
Date of Site Inspection	13 th April 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1 This appeal relates to an established dwelling site located on the northern side of the R559 between Sleah Head and Ballyferriter approximately 500m to the west of the centre of Ballyferriter village in County Kerry. The appeal site which has a stated area of 0.075 hectares is occupied by a modest two-storey dwelling with a single storey rear annex and with lawned garden to front and rear. Two garden sheds occupy an area adjacent to the north-western boundary to the rear of the dwelling. Side and rear site boundaries are defined by mature hedging and trees, with a plastered concrete front roadside boundary wall incorporating a vehicular and separate pedestrian entrance. The dwelling is serviced by public watermains and is also connected to the public sewer. There are a significant number of individual houses of varying age style and design in the locality predominantly on the southern side of the R559. A footpath and public lighting extends from the village on the southern side of the R559.

2.0 Proposed Development

2.1. The proposed development involves permission for the construction of a 2-storey extension to the rear of the dwelling house to incorporate the existing rear single storey flat roof structure and will also necessitate the addition of a first-floor window serving the existing shower room within the main body of the house, also to include all associated site works. The proposal involves an extension of 40.6sq.m to the existing dwelling of 87.3sq.m.

3.0 Planning Authority Decision

3.1. Decision

By order dated 18th January 2021, Kerry County Council decided to grant permission and 4 conditions were attached including condition 2 (I note that Condition 2a(i) is the subject matter of this appeal) as follows:

2(a) Proposed development shall be in accordance with the design drawing received on 16/11/2020 except for the following modification:

- (i) The dormer window protrusions to east and west elevations of extension (3 in total) shall be omitted and replaced with combination style sloping and vertical Velux type rooflights or other similar flush style opening to the satisfaction of the planning authority.

Revised elevations in compliance shall be submitted for the written approval of the Planning Authority within 4 weeks of receipt of this decision.

(b) The external materials and finishes to walls and roof to the proposed extension shall match the existing dwelling houses.

(c) All external finishes shall be neutral in colour tone and texture.

Reason: To integrate the structure into the surrounding area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report considers that that the proposed dormer window protrusions would be visually obtrusive and recommends omission and replacement with flush windows.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

No submissions

4.0 Planning History

20/696 Mirror application. Permission granted 29th September 2020 for construction of 2 storey extension to the rear. Granted subject to conditions including condition 2 requiring omission of dormer window protrusions to the east and west elevation of the extension and replaced with combination style sloping and vertical velux type rooflights or other similar flush style opening.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative plan for the area is the Kerry County Development Plan 2015-2021.

Chapter 3, Section 3.3 sets out Rural Development Policies.

Section 3.3.2 deals with Amenity Areas and policies designed to protect the landscape of the county.

The proposed site is located in an area zoned Rural General. These areas constitute the least sensitive landscapes throughout the County and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character.

Chapter 12 deals specifically with Zoning and Landscape. Policy relating to areas zoned Rural General in Section 12.3.1 Rural (c) states that "*it is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development*". Policy ZL-1 states that "*it is policy to protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to people's lives*".

Chapter 13 sets out the Development Management considerations.

The site is within the line of Protected Views and Prospects. ZL-5 Preserve the views and prospects as defined on Map No.'s 12.1, 12.1a – 12.1u

ZL-6 Facilitate the sustainable development of existing viewing points as identified by Fáilte Ireland along the route of the Wild Atlantic Way, while ensuring the protection of environmental attributes in the area through the implementation of environmental protection objectives, standards and guidelines of this Plan.

Building a House in Rural Kerry – Design Guidelines

Extensions should have regard to the design of the existing dwelling house on site, the topography of the land within the site, site size, neighbouring properties, treatment system capacity and location on site. In the case of extensions, the scale should be subsidiary to that of the main dwelling house.

5.2. Natural Heritage Designations

The site is not within a designated Natura 2000 site, The nearest such sites include the Dingle Peninsula SPA is within 2km to the west. The Blasket Islands SAC 4.3km southwest and approx. 10 Km from Mount Brandon SAC .

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Declan Noonan and Associates on behalf of the first party. The appeal is in respect of condition 2(a)(i), Grounds of appeal are summarised as follows:

- Condition is an unnecessary compromise to the design proposal.
- The height of the extension is in line with the original house ridge line and provision of dormer protrusions sought to increase head space to first floor living area.
- Elimination of protrusions significantly limits the usable space and head room to a level rendering the space unusable, not fit for purpose and project unviable.
- Design with the protrusions is in no way more visually obtrusive than when compared to development with dormers excluded.

- Visual difference is minor and acceptable in the context of the site setting and existing mature boundary hedge row.
- Dwelling is within a semi urban location being served by public footpath public lighting and connection to public infrastructure mains water and foul sewer.
- Recently renovated two storey traditional farmhouse in proximity as shown in backdrop of photographs attached to the appeal shows precedence for modern features and significant protrusions.
- Dormer protrusions are in keeping with the existing pattern of development in the vicinity and to an acceptable scale and design of the proposed extension

6.2. Planning Authority Response

The Planning Authority response asserts that the reasoning behind the omission of the three large dormer protrusions relates to the interruption of the original ridge roofline of the dwelling when viewed from the front roadside. and impact on the design and scale of the main dwelling house. The minor change by way of condition 2(a)(i) is a 'win-win' type situation resulting in a more sympathetic design and scale of extension relative to the main dwelling house on site while achieving the same amount of light entering the upper floor. Condition is considered appropriate and effective.

7.0 Assessment

7.1 Having regard to the nature of the development and the grounds of appeal I consider it that determination by the Board of the application as if it is had been made to it in the first instance would not be warranted and therefore in accordance with Section 139 of the Planning and Development Act 2000 it is appropriate that consideration is confined to assessment of the condition under appeal namely condition 2. This is also appropriate in light of the previous grant of permission in September 2020 for this extension under 20/699.

7.2 Condition 2 is as follows:

2(a) Proposed development shall be in accordance with the design drawing received on 16/11/2020 except for the following modification:

- (i) The dormer window protrusions to east and west elevations of extension (3 in total) shall be omitted and replaced with combination style sloping and vertical Velux type rooflights or other similar flush style opening to the satisfaction of the planning authority.

Revised elevations in compliance shall be submitted for the written approval of the Planning Authority within 4 weeks of receipt of this decision.

- (b) The external materials and finishes to walls and roof to the proposed extension shall match the existing dwelling house.

- (c) All external finishes shall be neutral in colour tone and texture.

Reason: To integrate the structure into the surrounding area.

7.3 I note the main requirements for extensions and alterations to dwellings as set out within the Kerry County Development Plan 2015-2021, and Kerry County Council Rural Design Guidelines, namely that extensions should have regard to the design of the existing dwelling house on site, the topography of the land within the site, site size, neighbouring properties, treatment system capacity and location on site. The scale should be subsidiary to that of the main dwelling house.

7.4 The first party, within the grounds of appeal outlines the justification for the proposed dormer windows which seek to increase headspace at first floor level. I note that the Council's main concerns with regard to the dormer protrusions relates to the visibility from the front of the established dwelling. I note that the site is within the line of protected 'amenities, views and prospects', as per Map 12.1 of the Kerry County Development Plan. This protected view relates to views to the north of the R559. Having visited the site I note that the existing trees to site boundaries provide a good level of screening to the existing dwelling. In terms of the protected view, I consider that it is the southwestern elevation side elevation of the dwelling which is that which will feature most prominently within the protected view. I disagree with the planning authority that the replacement of the dormers with combination style sloping vertical velux type or other flush style opening would improve the visual impact arising, particularly in light of

the balcony space and roof design to the rear. I consider on balance that the benefits to the applicant in terms of increased head height outweigh any visual mitigation provided by omission of dormer windows. I note that the permission requires the retention of existing site boundary screening which is quite effective in terms of design mitigation. The appeal site is located within a cluster of houses characterised by a mix of scale and design. In light of the context, I consider the dormer windows would not have an adverse impact on the designated views and prospects at this location.

- 7.5 As regards Appropriate Assessment I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

7.6 Recommendation

- 7.6.1 I have read the submissions on file, visited the site, and have due regard to the provisions of the Kerry County Development Plan 2015-2021 and all other matters arising.
- 7.6.2 Having regard to the nature of the condition the subject to the appeal, determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below I recommend that the Board directs the said Council under Section 139 of the Planning and Development Act 2000 to Amend the condition no 2 as follows:

Reasons and Considerations

Having regard to the planning history on the site in particular permission 20/696 to the character of the existing dwelling and to the established pattern, scale and architectural character of the area, and to the pattern of permissions granted in the

area, it is considered that the proposed development would not injure the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Condition 2

2.	(a) The external materials and finishes to walls and roof to the proposed extension shall match the existing dwelling house. (b) All external finishes shall be neutral in colour tone and texture. Reason: In the interest of visual amenity.

Bríd Maxwell
Planning Inspector

19 April 2021