



An  
Bord  
Pleanála

## Inspector's Report ABP.309870-21

### Development

- (a) Permission to retain various elevational changes to building
- (b) Permission to construct an extension to the rear of the building
- (c) Permission to extend the floor area at the front of the building
- (d) Permission to make elevational changes including new windows, signage, ramp, steps and planter

### Location

Henry Street, Kenmare

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

21/11

### Applicant(s)

Kenmare Family Resource Centre

### Type of Application

Planning permission

### Planning Authority Decision

Grant s.t. conditions

### Type of Appeal

Third party

### Appellant(s)

Fiona O'Sullivan

### Observer(s)

None

### Date of Site Inspection

7<sup>th</sup> June 2021

### Inspector

Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on Henry Street in Kenmare Town, at the southern end of the main shopping street in the Town Centre. Henry Street is one-way going north and there is a mini-roundabout at its junction with Shelbourne Street. The site is located to the west and south of the roundabout. It is situated at the end of the traditional streetscape and comprises a detached building constructed in the 1970s, which was formerly used as a Community Health Centre, but is now vacant. The adjoining property to the north is a 3-storey end-of-terrace shop with living accommodation overhead. The western and southern boundaries are with the appellant's lands and comprise a large vacant site with a derelict building at the southern end. These lands are in the ownership of Kenmare Motor Works Ltd. and are screened with a solid timber fence.
- 1.2.** The site area is given as 0.0378ha. The existing structure is single-storey and comprises two individual blocks which are separated by a passageway leading to the back garden (112m<sup>2</sup>). The southern block is c.46m<sup>2</sup> and has a mono-pitched roof which slopes towards the south. It was formerly used as a day room with a kitchen and toilets. The northern block is c.84m<sup>2</sup> and was formerly used as consultation rooms for a doctor, a dentist and a nurse with a waiting room. The rear section of the northern block has a mono-pitched roof sloping towards the rear garden and the front section has a mono-pitched roof with a dormer/set of high-level windows facing the street. The two blocks are joined by a flat roof porch with a gate leading to the rear which was locked at the time of my inspection.

## **2.0 Proposed Development**

- 2.1.** Permission is sought to use the premises as a family resource centre and to alter and extend the property as follows:
- Construct a single-storey rear extension (84m<sup>2</sup>) to the southern block which would extend westwards for a distance of c.10.9m beyond the existing rear elevation of this block. This will create a courtyard space to the rear of the northern block (67m<sup>2</sup>).

- Insert five roof windows into the existing and extended southern roof slope which would provide natural light to 2 no. family rooms and one office. Provide high level windows on northern upstand of roof to southern block.
- Insert two roof windows to the western roof slope and one to the eastern roof slope of the northern block, which would provide natural light to two counsellors/ meeting rooms and one staff office.
- Provide new ramp and stair access to front entrance and enclose the front entrance with a glazed door. Provide planter and signage.
- Upgrade all existing windows with upvc and provide new window to manager's office on front elevation of northern block.
- Replace asbestos roof slates with fibre cement slates and all fascias and soffits to be replaced with upvc. All wet dash plaster to be hacked off and replaced with smooth render.
- Retain existing boundary walls along the western and part of the southern boundaries. Construct new external boundary wall around entire southern block, which would be inside the existing external boundary.

**2.2.** The applicant is Kenmare Family Resource Centre Company Limited by Guarantee. It is a local community based voluntary organisation which is funded by TUSLA. It offers facilities for learning, information, social activities, affordable services and support for families, individuals and groups. It is managed by a voluntary board of directors and currently employs one full-time and three part-time workers. The emphasis is on helping disadvantaged groups. Examples of activities include parent and toddler groups, knitting group, drumming group, family support, CV preparation support, gardening project etc. It is stated that the existing premises comprise two prefabricated buildings located on the grounds of a school and are entirely unsuitable and in a poor condition.

**2.3.** It is stated in the covering letter that the building has had some elevational changes which were not authorised, and the application seeks to regularise these changes. It is considered that a change of use is not involved as both uses fall within Class 8. It is not envisaged that there will be any additional parking demand generated by the proposed use.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant subject to six conditions, in accordance with the recommendation of the Area Planner. These were generally of a standard type.

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

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

It was noted that the third-party objection had raised objection to the insertion of roof lights into the south-facing roof slope and possible impacts this may have on future development potential of the adjoining property.

#### **3.2.2. Unsolicited Further Information**

Unsolicited further information was submitted (04/03/21) in respect of the third-party objection. It was stated that the rooms that would be lit by the rooflights in question are 2 no. family rooms and an office, and that without these windows the proposed development would be unviable. Although there would be some additional natural light provided by the proposed windows in the monopitched roof, these would be north facing and would not be a substitute for the proposed rooflights. It was stated that the applicant had already given an undertaking to the objector that no objections would be raised in respect of impact on light to any future proposal on the adjoining site, and a letter to this effect is enclosed with the unsolicited FI.

#### **Other Technical Reports**

**Fire Services** – both a fire Safety Certificate and a Disability Access Certificate would be required.

**Archaeology** – no recorded monuments. No mitigation required.

**Roads Dept.** – no objection

### **3.3. Prescribed Bodies**

**Irish Water** – no objection subject to conditions.

**TII** – no observations to make.

### 3.4. Third Party Observations

Fiona O'Sullivan (appellant) – Objections raised as follows:

- Kenmare Motor Works Ltd. – The lands to the south and west are owned by Kerry Motor Works, who have been supportive of the proposed development.
- Insertion of roof windows – there are currently no windows on the roof of the southern roof slope. The inclusion of the proposed roof windows may limit the potential of their site and impact on the continuity of the streetscape. Buildings along the street cannot rely on adjoining properties for light.
- Northern windows – the drawings indicate proposed windows on the high wall of the monopitched roof on the northern side, which serve the same rooms. It is suggested that these windows could be enlarged and that the rooflights could then be omitted.

## 4.0 Planning History

**Reg. Ref. 77/903** – planning permission granted for the construction of a new health centre.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Kenmare Functional Area Local Area Plan 2010-2016**

- 5.1.1.** The site is located in an area zoned as **Town Centre**. The objective for this zone is to primarily provide for mixed uses including retailing, residential, commercial, office, civic buildings, financial institutions, professional services and any other uses appropriate to the town centre. There is an emphasis on the maintenance of the vibrancy and vitality of the town centre and protecting the built heritage of the town. The development plan also seeks to utilise key town centre sites which are vacant to ensure that the existing compact urban core is fully utilised.
- 5.1.2.** The pedestrianisation of Henry Street is an option that may be considered during the lifetime of the plan provided that alternative centrally located parking facilities are

available (3.1). The parking regime on the main streets are seen as problematic and it is intended to provide replacement car parking on several identified sites including P4, which is the site immediately to the south of the appeal site (3.4.4). There is also a commitment to ensure that all new development is accessible to all, including people with disabilities, as far as is practicable.

**5.1.3.** The following objectives are relevant -

- TC-1 Promote the development of the town centre as an attractive location for shopping, business, tourism and community life.
- TC-2 Promote the re-use and regeneration of key town centre sites. Facilitate a range of appropriate uses as outlined in the Zoning Matrix table.
- TC-5 Facilitate the alleviation of traffic congestion and the restructuring of parking spaces in the town centre.
- TM-1 Facilitate the provision of sites as indicated on the Zoning Map for car parking.

## **5.2. Natural Heritage Designations**

Kenmare River SAC (002158) lies approx. 300m to the west and south-west. The Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC (000365) is located c.5.5km to the north.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The third-party appeal was submitted by Fiona O'Sullivan. It is re-iterated that the appellant has been supportive of the proposed development in general. The main points raised may be summarised as follows:

- **Rooflights on southern slope** – The existing does not include any rooflights on the southern roof slope. The introduction of rooflights on the roof slopes of both the existing structure and the proposed extension may have a negative impact on the adjoining site in terms of the possible implications in relation to planning in the future. The appellant's concerns have been made know to the

developer and the fact that windows facing their property may limit the potential of their site and the continuity of the streetscape. Proposals should not be dependent on adjoining sites for light.

- **Alternative option available** – the proposed development includes additional windows on the northern elevation of the southern block, just below the mono-pitched roof. These windows will provide light to the same rooms that would be served by the proposed rooflights. It is suggested that if these windows are enlarged, it would increase light to these rooms without the need for the roof lights.
- **Town Centre zoning** – the site that is owned by the appellant is zoned Town Centre. Sites within the town centre should be capable of being developed to their maximum potential to prevent urban sprawl. The location of the proposed windows could compromise any future development of this site.

## **6.2. Planning Authority Response to grounds of appeal**

The P.A. has not responded to the grounds of appeal.

## **6.3. First party response to grounds of appeal (9<sup>th</sup> April 2021)**

The grounds of appeal are strongly refuted. However, the response is mainly in the form of a rebuttal of the grounds. A number of points of relevance have been made as follows:

- **Purpose and need for the rooflights** - The proposed rooflights are to be installed in the mono-pitch roof which faces in a southerly direction. The alternative suggested by the appellant relates to north-facing windows at a high level which would not provide the same level of light required for these family rooms and office as there is no direct sunlight from the north. The design of the proposed development only works if there is sufficient light coming into these rooms, which need to be bright, spacious environments.
- **Angle of light** – the proposed rooms will be used between 9am and 5pm, which means that the sun will be directly overhead for most of the time that they are being used.

- **Continuity of streetscape** - The scale of the adjoining site (1.47ha) is such that there is no likelihood that the proposed rooflights would make any difference to the development potential of that site. Prior to the site being cleared, it contained a 2-storey dwelling house and a single storey garage/workshop (photos enclosed). Any proposal to re-establish the continuity of the streetscape by reinstating this form of development would not affect the appeal site.
- **Development potential of adjoining site** – a possible impact on some unspecified future development on the adjoining site is not a valid reason for objection. The implications for the planning system would be that anybody could veto a development on the grounds of something they might want to build in the future. The applicant has written to the appellants assuring them that there would be no objection in the future to any such development on the grounds of loss of light.
- **Zoning and past history** – The appellant's lands are zoned 'Indicative car park'. Should the lands be used for this purpose in the future, the presence of rooflights will be irrelevant. It is noted that the site has been vacant since the buildings were demolished in 2005/6 and when permission was refused for a proposed road to access lands to the west.

## 7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows: -

- Compliance with Development Plan policy
- Impact on development potential of adjoining site

### 7.2. Compliance with Development Plan policy

7.2.1. The site is located within the Town Centre zone, where the development plan seeks to utilise town centre sites which are currently vacant or under-utilised. The intention is to ensure that the compact urban core, which is seen as one of the town's principal assets, is maintained. The proposed development which involves the renovation, restoration and re-use of the vacant health centre building for community



use is considered to be in accordance with these aims and in particular, with Objectives TC-1 and TC-2, as outlined in 5.1 above.

**7.2.2.** The development plan also highlights the weaknesses and opportunities in the town centre, which include a lack of a pedestrian-friendly environment which is related to the heavy reliance on on-street parking along the main shopping streets. The plan seeks to address this by means of several measures which include pedestrianisation of Henry Street. It further indicates that in order to pursue these objectives, it will be necessary to provide for dedicated car parking areas close to the town centre, as demand for parking during the summer season is not adequately addressed at present within the town. The site immediately to the south (appellant's lands) is one of the sites that is earmarked for the provision of such car parking. The first party has pointed out that should this objective be achieved, any impact on the use of the appeal site would be immaterial. This seems to be a reasonable observation.

**7.2.3.** In conclusion, it is considered that the proposed development would comply with the development plan objectives for the town centre, including the zoning objective.

### **7.3. Impact on development potential of adjoining site**

**7.3.1.** The existing building is a disused community facility which has been vacant for several years. The building is single-storey and of a poor structural quality with inadequate fenestration and building materials. It is clearly in need of modernisation in order to bring it back into beneficial use. It is considered that its disused state and poor-quality structural qualities detract from the visual amenities of the area. Thus, the renovation and restoration of the building would be likely to benefit not only the town centre, but also adjoining properties.

**7.3.2.** The first party is adamant that the project would only be viable if the roof lights are permitted in order to provide for adequate natural light to the rooms in question. It is difficult to see how the introduction of roof lights would affect the use or amenities of the adjoining site, which is currently a vacant, overgrown site, and for which there is no current planning permission or planning application to redevelop the site. I would agree with the planning authority and the first party that it would be unreasonable to refuse permission for the proposed development, and/or to require the omission of the roof lights, in these circumstances.

- 7.3.3.** In conclusion, it is considered that the proposed development would be appropriate in terms of its design and scale and would not injure the visual or residential amenities of the area.

#### **7.4. Environmental Impact Assessment**

- 7.4.1.** Having regard to the nature and scale of the development, 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.

#### **7.5. Appropriate Assessment**

- 7.5.1.** The site is located within 300m and 5.5km of two European sites. The Kenmare River SAC (002185) is located approx. 300m to the west. The Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC (Site code 000365) is located c.5.5km to the north. Given the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

### **8.0 Recommendation**

- 8.1.** It is recommended that planning permission be granted for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

Having regard to the provisions of the Kenmare Functional Area Local Area Plan 2010-2016 (as extended), to the nature and scale of the development and to the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and 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. No plant or equipment, including satellite dishes, shall be erected on external walls or roofs without a prior grant of planning permission.

**Reason:** In the interest of the residential and visual amenity of the area.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No development shall commence until such a Connection Agreement for the provision of water and sewerage services has been obtained from Irish Water and the development shall be connected to the public water supply and public foul sewerage system to the satisfaction of Irish Water.

**Reason:** To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

4. Water supply and drainage arrangements, including the attenuation and 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.

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Mary Kennelly  
Senior Planning Inspector

1<sup>st</sup> July 2021