



An
Bord
Pleanála

Inspector's Report ABP.309948-21

Development	(a) Construct a family flat extension to existing guesthouse (b) Retain 2 private bedrooms in attic space of guest house and all site development works
Location	Ardshanavooley, Park Road, Killarney Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/766
Applicant(s)	Pauline Lyne
Type of Application	Planning permission
Planning Authority Decision	Grant s.t. conditions
Type of Appeal	Third party
Appellant(s)	Mike Hegarty
Observer(s)	None
Date of Site Inspection	9 th June 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on Park Road in Killarney Town, approx. 900m to the east of the Town Centre. Park Road (R876) links the town centre with the Killarney Bypass and the N22 (Cork Road). The site is on the northern side of the road halfway between the junction with the Bypass/N22 and the town centre. Park Road is characterised by a mix of detached houses a significant number of which are guest houses and B&Bs and small housing estates. The surrounding area is largely residential, although construction is underway on a site to the east/north-east for a discount store.
- 1.2.** There is a housing estate, Ardshanavooley, to the north-west, the entrance to which is immediately to the west of the appeal site. The entrance to the housing estate is flanked by a green open space on either side of the estate road entrance. The majority of the green space is located to the west of the entrance with a small pocket park to the east. The side boundary of the appeal site abuts the pocket park at the southern end and the rear of House No. 113 of the estate at the northern end. There is a large, detached house immediately to the east of the appeal site and the site of the discount store bounds the northern boundary of the site.
- 1.3.** The site area is given as 0.085ha. The site is in use as a B&B, 'Parkfield House B&B' with 5 existing guest bedrooms. It is a large 2-storey building, (264.33m²) which has been extended to the side and into the roof space. It is set back approx. 15m from the roadside boundary. Access is gained from Park Road to a tarmac driveway and off-street car-parking area to the front of the guesthouse. There are two existing single storey side extensions, one on each side of the building. The eastern side extension is recessed by approx. 5.5m behind the front building line and is used as a sunroom and utility. The western side extension is 2-storeys in height and is also recessed c.6m behind the front building line. The attic space has been converted into two bedrooms with a dormer window on the front elevation and velux windows on the rear, eastern and western roof slopes.

2.0 Proposed Development

- 2.1.** Permission is sought to construct a single-storey self-contained apartment on the western side of the house which would be to the front(south) of the existing western extension for the private use and occupation of the owners of the commercial B&B

establishment. It is also proposed to retain the two additional bedrooms in the attic roof space.

- 2.2.** The proposed apartment consists of a kitchen/dining and living room which would be accommodated within the new extension and an existing bathroom and ground floor bedroom at the rear of the existing house. The proposed development would result in 5no. guest bedrooms, including the attic rooms. The proposed extension would be set back from the western side boundary by 1168mm (on average).

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant subject to ten conditions. These were generally of a standard type. **Condition 2** required the payment of a general development contribution of €1,884.00. **Conditions 5 and 6** required that the proposed apartment and the existing B & B shall remain as an integral unit in one ownership and that the apartment shall not be used for commercial guest accommodation. **Condition 8** required a setback of the front boundary by 2 metres to accommodate the provision of a cycleway along Park Road in compliance with INFRA-04 of the Killarney Town Development Plan 2009-2015 as extended. **Condition 10** prohibited the use of the attic rooms as overnight commercial guest rooms without a further grant of planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that the third-party objection had questioned whether the attic space was being used for commercial guest accommodation. Clarification was needed whether this was the case, and it was stated that the application should be amended accordingly. Clarification was also required regarding the need for the family flat and details of the intended occupant.

Further information was requested in respect of the matters highlighted above on the 20th of October 2020.

3.2.2. Further information response

A response was submitted on 5th February 2021. It was stated that the applicant has operated the guest house for many years but had recently developed some health issues and wants to take a step back. The proposed family flat is for her own private use. Revised plans were also submitted in respect of the 2 attic bedrooms, which it was stated are for private use and for which permission is being sought for retention. A request for new notices was issued on 10/2/21 and it was republicized on 22/02/21. A further response from the third party was received on 8th March 2021. The third-party submissions will be summarised below.

Permission was recommended subject to conditions.

3.2.3. Other Technical Reports

Operations Health & Safety – requirement for 2m setback of front boundary wall to accommodate a cycle lane along Park Road.

3.3. Prescribed Bodies

Irish Water – no objection subject to conditions.

3.4. Third Party Observations

Mike Hegarty (appellant) – Objections raised as follows:

- Overdevelopment of restricted site.
- Residential amenity – The existing development has little garden space which is overshadowed by the main dwelling.
- Intended use of apartment – it is claimed that the apartment is to be used for Air BnB. There is already a sunroom and living room on the eastern side of the dwelling which could be used for private apartment use.
- Insufficient parking – the proposed development has only 3 parking spaces which is inadequate.
- Inadequate drawings – the existing attic space is used as guest accommodation. There are no plans of the first and second floors.
- Too close to the Ardshnavooley green space.

A further submission was made by the observer, but no new material issues were raised.

4.0 Planning History

Reg. Ref. 95/2823 – planning permission granted for a guesthouse.

5.0 Policy Context

5.1. Development Plan

Killarney Town Development Plan 2009-2015

The site is located in an area zoned as **Existing Residential**. The objective for this zone is to provide and improve the residential amenities of existing residential areas.

12.64 addresses Commercial Guest Accommodation, which are normally allowed in residential areas. However, the amenities of existing residential areas should be preserved and improved, and adequate private amenity and car parking space should be provided. One space per guest room and one private space is required.

12.41.2 addresses granny flat extensions and sets out the following criteria:

- Bona fides of need for such a unit to be demonstrated.
- Full integration between existing and proposed accommodation.
- Such accommodation to be located on the ground floor.
- Should be capable of reintegration into the main dwelling after the cessation of the use as a granny flat.
- The entrance to the granny flat should be through the main dwelling.

5.2. Natural Heritage Designations

The Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC (000365) lies approx. 1km to the southwest and south-east and the Killarney National Park SPA (004038) is located approx. 1km to the southwest of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by Mike Hegarty, a local resident. The main points raised may be summarised as follows:

- **Overdevelopment** – the proposal would constitute significant overdevelopment of the site having regard to the restricted nature of the site.
- **Residential amenity** – The existing development has little garden space which is overshadowed by the main dwelling. The proposed extension would be too close to the Ardshnavooley green space.
- **Intended use of apartment** – it is claimed that the apartment is to be used for Air BnB. There is already a sunroom and living room on the eastern side of the dwelling which could be used for private apartment use. The existing attic space is used as guest accommodation. It is difficult to believe that these two rooms would be retained as private rooms given that it is a busy guesthouse.
- **Insufficient parking** – the proposed development has only 3 parking spaces which is inadequate and is contrary to the development plan requirements. No effort has been made to address these concerns raised in the original objection.
- **Inadequate or insufficient levies** required which did not take account of parking levies of the Killarney hub.

6.2. Planning Authority Response to grounds of appeal

The P.A. has responded to the grounds of appeal on the 7th of May 2021. It has confirmed its decision and has made no new comments.

6.3. First party response to grounds of appeal

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 development** - The proposed development is to provide separate in-house accommodation for the owner and operator of the guesthouse, which is long established and within walking distance of the town centre. The owner has had some health issues and wishes to create a private space so that other family members can take over operating the B&B if needed in the future. There is no granny flat on the western side of the house. The appellant is clearly mistaken as there is no intention that the extension would be used for Air BnB.
- **Attic rooms** - The attic rooms are within the building envelope. They have existed for many years, and it is merely proposed to regularise the situation.
- **Site layout** – the proposed extension would be between 946mm, 1168mm and 1419mm from the western boundary with the green space, which is more than adequate to allow access to the rear. The proposed extension does not project beyond the rear building line. The rear garden is more than adequate in size with a width of 24m and a depth of 9m. It is disputed that the proposal would result in overdevelopment of the site.
- **Car parking** – there is adequate parking on site, both to the front and to the rear and side, and there is rear access available to the site. There will be no change to the parking demand. There is also a parking available in the area. The site is also within walking distance of the town centre and the railway station. Should the requirement to set the front boundary back result in a loss of on-site parking, provision will be made for alternative car parking on site.
- **Legitimacy of appellant** – it is understood that the objector has raised objections to several developments on Park Road including the Aldi development to the east (18/337) and Care Plus Pharmacy (10/312).

7.0 Assessment

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

- Compliance with Development Plan policy
- Overdevelopment and residential amenity
- Adequacy of parking provision

7.2. Compliance with Development Plan policy

- 7.2.1.** The site is located in an established residential zone, but the character of the area is not homogenously residential. Park Road is a long straight road with a wide carriageway which is flanked by many large plots with mature gardens. A significant number of the houses fronting Park Road have been converted to guest houses and the area is easily accessible from the train station. There is a shopping centre across the road and an Aldi store is under construction on an adjacent site to the east. The Development Plan (12.64) states that commercial guest houses will normally be allowed in residential areas subject to the proviso that the residential amenities of existing properties are preserved. The zoning objective for this zone also seeks to protect and improve residential amenities. Thus, it is considered that any development which relates to the expansion or consolidation of the guest house use would be acceptable in principle, provided that the residential amenities of the neighbouring properties were not adversely affected.
- 7.2.2.** The proposed extension is stated to be for the private use of the owner/operator and would come within the definition of a granny flat. The criteria set out under Objective 12.41.2 require that a granny flat be designed such that it is fully integrated with the existing accommodation and can be reintegrated when no longer needed, that it is on the ground floor and that the entrance to it is via the main entrance to the dwelling. The proposed development complies with each of these requirements. It is further required that the applicant provides bona fides reasons for the need for the development.
- 7.2.3.** The information submitted by the applicant as FI stated that the intention of the proposed apartment is for the accommodation of the existing owner/operator, who has recently experienced poor health and who intends to continue to operate the B&B but with the support of family. She intends to continue to live on the premises and should a family member have to take over the running of the B&B, she wishes to be able to help out with the running of the business. This is further reflected in the P.A.'s decision. Conditions 5 and 6 required that the proposed apartment and the existing B & B shall remain as an integral unit in one ownership and that the apartment shall not be used for commercial guest accommodation. This condition has not been appealed and the applicant has stated that this is acceptable.

7.2.4. It is considered, therefore, that provided that the proposed apartment remains as an integral part of the existing development, is not occupied as a separate entity, and is not sold separately, it would be in accordance with the provisions of the current Development Plan (as varied). Should the Board be minded to grant permission, it is considered that a similar condition should be attached to any such permission.

7.3. Overdevelopment and Residential Amenity

7.3.1. The appellants consider that the proposed apartment would result in significant overdevelopment of the site and would adversely affect the residential amenity of the dwelling house as the garden is already overshadowed. It is further submitted that the proposed development would be too close to the Ardshanavooley green space.

7.3.2. The site area is given as 850m² and the existing floor area as c.264m². Thus, the existing plot ratio is approx. 1:0.3 and the site coverage is less than 20%. The proposed side extension is stated to have a floor area of 32.98m² and the floor area of the attic space to be retained is estimated to be c.49.29m². Thus, the total floor area would be increased by c.82m² to 346.6m², which would give a plot ratio of 1:0.4 and would marginally increase the site coverage. The rear garden would not be reduced by the proposed development, as the additional accommodation is either within the roof space or as a modest single-storey side extension. These parameters are considered to be reasonable in an urban setting which is close to the town centre. Furthermore, there is no increase in the number of guest bedrooms proposed and the applicant has agreed to conditions to this effect.

7.3.3. The design and scale of the proposal is considered to be in keeping with the character and scale of the house and would not result in visual obtrusion or an overbearing impact. The pitched roof of the proposed extension continues the plane of the main roof and is lower than the rear annexe. The use of stone will integrate the extension into the design of the main dwelling. The only windows are to the front, overlooking the front garden/parking area of the site and to the west, which would be hidden behind the boundary wall and landscaping. The extension would be barely visible from the adjoining greenspace.

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

7.4. Adequacy of parking provision

7.4.1. The appellant believes that there are currently just 3 parking spaces serving the development, which is inadequate, and that the proposed development would exacerbate the deficiency in parking. It is further stated that the P.A. has not applied sufficient levies in respect of parking. The first party, in response, has advised that there is more than adequate parking provision on the site and that in the event that some existing spaces are lost due to the proposed cycleway, there is adequate space on the site to provide for alternative parking provision.

7.4.2. The front garden is almost exclusively laid out as parking and is covered in tarmac, apart from the planting along the western and southern boundaries. During my site inspection, I noted that there were 5 marked bays alongside the western boundary and a further marked bay to the east in front of the eastern annex. The parking provision therefore appears to comply with the parking requirement for a guest house. As there is no proposal to increase the number of guest bedrooms, it is considered that the proposed development is adequately catered for in respect of on-site parking provision. It is further noted that the site is in close proximity to the town centre and railway station, and as such, a flexible approach to parking would be justified.

7.5. Environmental Impact Assessment

7.5.1. 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.

7.6. Appropriate Assessment

7.6.1. The site is located within 1km of two Natura 2000 sites. The Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC (Site code 000365) and the Killarney National Park SPA (Site code 004038) are located c.1km to the south-west and south-east. Given the distances involved, that the commercial use of the site is an established one and as 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 Killarney Town Development Plan 2009-2015 (as extended and varied), to the nature and scale of the development and to the existing pattern of development in this suburban location, 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, as amended by the further plans and particulars submitted on the 5th day of February 2021, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the existing guest house and the proposed apartment shall be occupied as a single integral unit, in single ownership and shall not be sold, let or otherwise transferred or conveyed, save as part of the existing guesthouse/dwelling on the site, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interests of residential amenity.

3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provisions replacing them, the attic rooms that are proposed to be retained and no room in the proposed apartment shall be used for the purposes of providing overnight paying guest accommodation unless authorised by a prior grant of planning permission.

Reason: In the interests of residential amenity.

4. The external finishes of the proposed apartment (including stone cladding, roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials 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. The front boundary of the site shall be set back by 2 metres for the provision of a cycleway along Park Road. The front boundary shall be set back to the satisfaction of the planning authority prior to the occupation of the family flat extension hereby permitted.

Reason: In order to comply with the provisions of Policy INFRA-04 of the Killarney town Development Plan 2009-2015 (as extended).

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Mary Kennelly
Senior Planning Inspector

27th June 2021