



An
Bord
Pleanála

Inspector's Report

ABP-310168-21

Development	Construction of a domestic shed
Location	Cromane Lower, Killorglin, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	21208
Applicant(s)	Michael Moroney.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Michael Moroney.
Observer(s)	None.
Date of Site Inspection	13 th August 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. This appeal relates to a rural residential site located within the townland of Cromane Lower on the Iveragh Peninsula in Co Kerry. The site has a stated area of .795 hectares and is located circa 800m northeast of the settlement of Cromane and circa 7km west of Killorglin. The appeal site is occupied by a single storey dwelling house with a garage / shed to its western side and includes a greenfield to rear which backs onto mud and sandbanks of Castlemaine Harbour to the north. On the date of site visit I also noted a storage container on the site to the rear of the existing shed which is not referenced within the planning documentation. The site includes two vehicular entrances onto the local road the westernmost appears less used as it is grassed and gated. The site is within a line of ribbon development of varied style and age. Immediately to the west of the site is a farmyard and farm buildings.

2.0 Proposed Development

2.1. The application seeks permission for the construction of a domestic shed of 218.79m² to be located to the side and rear of the existing dwellinghouse. The proposed shed includes a plaster finish and coated corrugated cladding roof covering blue/black in colour.

3.0 Planning Authority Decision

3.1. Decision

By order dated 26th April 2021 Kerry County Council issued notification of the decision to refuse permission for the following reasons:

“It is considered that the proposed development, which is stated to be for domestic storage purposes, when taken in conjunction with existing shed structure on site, would constitute overdevelopment of this rural residential site. Furthermore, it is considered that the existing shed would provide adequate domestic storage space to serve the dwellinghouse. The proposed development would, therefore, seriously injure the residential amenities of property in the vicinity due to its industrial

warehouse type design and scale and would set an unwanted precedent for similar such developments in this rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the siting of the proposed shed the Planning Authority is not satisfied that the proposed development would not interfere with the performance of the existing septic tank system on site. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes proximity to septic tank system. Scale considered excessive on a rural residential site and would result in overdevelopment of the site. Need for a shed of this size has not been justified. There is already a large shed to the front of the site. Refusal recommended.

3.2.2. Other Technical Reports

County Archaeologist, No recorded monuments in proximity. No mitigation required.

Biodiversity Officer. Notes location proximity to Castlemaine Harbour cSAC and cSPA. Considerable distance from designated coastal and marine habitats of cSAC and having regard to the nature and scale of the development no significant effects are considered likely. Garden not considered suitable foraging / commuting habitat or functionally linked habitat associated with the birds of the SCI. The extensive mud and sand banks within Castlemaine Harbour located to the north of the site provide ample feeding grounds for migratory birds of conservation interest during the winter months. No significant effects on the SPA are considered likely from the proposed development.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

No submissions.

4.0 Planning History

19684 Permission granted to construct a domestic shed. 72.5m². The siting of the permitted shed was to the rear of the existing shed structure.

99/1768 Permission granted to extend existing dwellinghouse and construct a shed.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2015-2021 refers. The site is within an area zoned Rural General.

5.2. Natural Heritage Designations

The Castlemaine Harbour SPA 004029 and Castlemaine Harbour SAC 000343 adjoin to the north of the appeal site.

The Yganavan and Lough Nambrackdarrig SAC 000370 is located circa 700m to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal submission is summarised as follows:

- Previous shed permissions (99/1968 & 09/384) were not constructed due to its insufficient size.
- Two small existing sheds on the site are used for general storage.

- The size of the existing sheds are insufficient to meet the demands of storage for winter fuel and car parking.
- While the applicant has agricultural land in the area (not adjoining site) the shed is not intended for use for agricultural equipment storage.
- Properties in the immediate vicinity contain a large number of sheds.
- Immediately to the west is a farmyard with numerous domestic and farm buildings. A new portal frame unit is currently under construction also to the west of the stie.
- Size of the shed will not appear excessive in the landscape.
- Development is not out of character as the standard in the area are a multiple of storage units of mixed size and design located adjacent to small holdings.
- Separation distance from percolation area and septic tank over 10m.
- Shed will not be seen from the roadway and will be screened from adjacent dwellings.
- Applicant willing to relocate the dwelling to the north should the Board deem this to be necessary.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

- 7.1. From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the key focus for assessment relates to the scale of the proposed shed structure and its visual impact and impact on the residential and other amenities of the area. The issue of appropriate assessment also needs to be addressed.
- 7.2. The proposed shed structure is substantial in scale (19m x 12m and 7.5m ridge height) relative to the modest size of the dwelling on the site. Whilst I would accept

that large sheds are not out of character in terms of the established pattern of development which includes farm buildings and large domestic shed structures, I consider that the scale as proposed is out of character with the established dwelling on the appeal site and would set an undesirable precedent for similar such development. The applicant outlines a need for a fuel store car parking however this would not justify a shed of this scale and height and the intended access arrangements and relationship to the dwelling is somewhat curious. On the issue of potential impact on septic tank and percolation area I note the conflicting information provided in the current appeal compared to that that provided on the previous application 19/684 (site layout drawings) with regard to the location of the septic tank and percolation area. In the absence of clarity on these matters I am not satisfied that the proposal has been fully considered and on this basis I consider that the refusal should be upheld.

7.3 As regards the issue of Appropriate Assessment I have noted the location of the site to the south of Castlemaine Harbour SPA 004029 and Castlemaine Harbour SAC 000343. The qualifying interests in respect of the sites are as follows:

Castlemaine Harbour SAC 000343

1095 Sea lamprey *Petromyzon marinus*

1099 River lamprey *Lampetra fluviatilis*

1106 Atlantic salmon (*Salmo salar*) (only in fresh water)

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1210 Annual vegetation of drift lines

1220 Perennial vegetation of stony banks

1310 *Salicornia* and other annuals colonizing mud and sand

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

1355 Otter *Lutra*

1395 Petalwort *Petalophyllum ralfsii*

1410 Mediterranean salt meadows (*Juncetalia maritimi*)
2110 Embryonic shifting dunes
2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")
2130 * Fixed coastal dunes with herbaceous vegetation ("grey dunes")
2170 Dunes with *Salix repens* ssp. *argentea* (*Salix arenariae*)
2190 Humid dune slacks
91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*)

004029 Castlemaine Harbour SPA

A001 Red-throated Diver *Gavia stellata* wintering
A017 Cormorant *Phalacrocorax carbo* wintering
A046 Light-bellied Brent Goose *Branta bernicla hrota* wintering
A050 Wigeon *Anas penelope* wintering
A053 Mallard *Anas platyrhynchos* wintering
A054 Pintail *Anas acuta* wintering
A062 Scaup *Aythya marila* wintering
A065 Common Scoter *Melanitta nigra* wintering
A130 Oystercatcher *Haematopus ostralegus* wintering
A137 Ringed Plover *Charadrius hiaticula* wintering
A144 Sanderling *Calidris alba* wintering
A157 Bar-tailed Godwit *Limosa lapponica* wintering
A162 Redshank *Tringa totanus* wintering
A164 Greenshank *Tringa nebularia* wintering
A169 Turnstone *Arenaria interpres* wintering
A346 Chough *Pyrrhocorax pyrrhocorax* non-breeding

- 7.4 Having regard to the scale and nature of the development and taking account the source pathway receptor model no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Refuse Permission for the following reason.

CONDITIONS

It is considered that the proposed development by reason of its scale and height and its design and siting with regard to the established dwelling and wastewater treatment system on the site, is incompatible with this rural area, would result in haphazard development in a rural location, and would fail to accord with the rural development policies of the planning authority as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell

Planning Inspector

27th September 2021