



An
Bord
Pleanála

Inspector's Report

ABP-313148-22

Development	Extensions and alterations to house and retention of a separate residential unit and all associated site works.
Location	84 Countess Grove, Killarney, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	211026
Applicant(s)	C.B. Brosnan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Alan Gosnell
Date of Site Inspection	23 rd June 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The 0.06 hectares appeal site is located in a row of single storey detached houses within a residential area known as Countess Grove in the southern part of Killarney town. Countess Grove is a residential estate of single storey detached and semi-detached houses. The site comprises an existing single storey detached house that addresses the main vehicular access to the street and there is a domestic garage / store to the rear of the house. The house on the site is adjoined by No.83 to the west and No.85 to the east. The private open space associated with the dwelling is located to the north-eastern part of the site and is enclosed by fences and established hedges. The southern, eastern and western boundaries to the front of the house are block walls approximately 1.2m in height.

2.0 Proposed Development

- 2.1. The proposed development comprises a small single storey extension to the front of the house and, primarily, a large two-storey extension to the front and throughout the entire roof space of the house. The ground floor extension is proposed to provide a bay window to a study / living room area. The first floor extension will accommodate four double bedrooms. The proposed extension and alterations will have a pitched roof and the proposed finishes are plastered walls, with metal and timber cladding on parts of the walls, and extensive glazing on the front elevation.
- 2.2. The existing house has a floor area of 154m² and a height of 5.43 metres. The floor area of the proposed extension is 177.5m² and would have a maximum height of 6.151 metres.

3.0 Planning Authority Decision

3.1. Further Information

- 3.1.1. Prior to issuing a notification of decision, the Planning Authority issued a further information request on 1st November 2021 requiring details in relation to a contiguous elevation, clarification of the situation regarding an unauthorised second residential unit, and the submission of drawings of the shed to the rear of the house.

3.1.2. The applicant submitted a response to this further information request to the Planning Authority on 14th December 2021, which included a contiguous elevation, a letter explaining the need for the family flat, and plans / elevations of the shed. The further information was deemed significant by the Planning Authority and the applicant was requested to re-advertise the proposed development with revised public notices.

3.2. **Decision**

By order dated 3rd March 2022 Kerry County Council issued notification of decision to Grant Permission for the proposed development subject to 13 No. standard conditions. The Conditions include, inter alia, the following:

Condition no.9: The extended separate residential unit and the extended dwelling house shall remain as one integral unit, shall remain in one ownership and shall not be sold or leased/rented as separate dwelling units. Full details of the family members occupying the separate residential unit and the dwelling house shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

3.3. **Planning Authority Reports**

3.3.1. **Planning Reports**

There are two Planning Reports on file dated 1st November 2021 and 2nd March 2022, respectively. The Planning Officer in the initial report stated the relevant development plan and zoning for the area and recommended further information be requested in relation a contiguous elevation, to clarify the situation regarding the unauthorised second residential unit, and to submit drawings of the shed to the rear of the house, which is reflected in the decision of the Planning Authority.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 2nd March 2022) refers to the further information submitted and recommends that, having regard to the additional information, permission should be granted subject to 13 No. conditions.

3.3.2. **Other Technical Reports**

None

3.4. **Prescribed Bodies**

Irish Water – No objection. Conditions recommended.

3.5. **Third Party Observations**

A submission was received from Alan Gosnell, 85 Countess Grove, Killarney, Co. Kerry. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding the protruding nature of the front elevation, overlooking, and the design being out of character with the existing houses in the estate.

4.0 **Planning History**

4.1.1. **Appeal site:**

P.A. Ref. No. A18(498): Permission granted for the development of bungalows at No.'s 80-88 and 90-91 Countess Grove, Killarney.

P.A. Ref. No. 04/204191: Permission granted for an extension to the dwelling house.

P.A. Ref. No. 06/204639: Permission refused for the retention of subdivision of existing dwelling house into two separate dwelling units and elevational changes.

5.0 Policy Context

5.1. Killarney Town Development Plan 2009-2015 (as extended & varied)

- 5.1.1. 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.
- 5.1.2. Section 12.41.1 of the Plan states that **extensions to dwelling houses** “should follow the pattern of the existing building as much as possible. They should be constructed with similar finishes and with similar windows to the existing building. Any extension should have a pitched roof, especially when visible from the public road. Care should be taken to ensure that the extension does not interfere with the amenities of adjoining properties.”
- 5.1.3. Section 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.

Such applications will need to be accompanied by a covering letter detailing the need for such a unit. Where such applications are permitted, conditions will be imposed restricting the use/sale of the structure to a granny flat unit and requiring the reintegration of the unit for use as part of the main dwelling in the event of its cessation of its use as a granny flat.

5.2. Natural Heritage Designations

The site is not located within any European site. The closest Natura 2000 site are the Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC (Site code: 000365) and Killarney National Park SPA (site code: 004038) both located approximately 365m to the west of the appeal site.

5.3. EIA Screening

The proposed extension to a house is not a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Alan Gosnell, 85 Countess Grove, Killarney, Co. Kerry, resident of the house immediately to the east of the appeal site. The main points made can be summarised as follows:

- Contends that a breach of planning is in place on the appeal site for over 16 years.
- Contends that the shed to the rear of the house is in use as a residential unit.
- Contends that the scale and scope of the proposed development would indicate that a commercial use is proposed.
- States that there has been a huge issue in Killarney town with the proliferation of unlicensed and unauthorised residential units for Air B&B. Reiterates that the First Party does not reside on the property.

6.2. Applicant Response

6.2.1. The main issues raised in the First Party response to the grounds of appeal can be summarised as follows:

- Clarifies that the shed is used as a boiler house and general garden store (includes internal photographs of the shed demonstrating this).
- Advises why a family apartment and downstairs bedroom is required.
- States that the plans for the proposed extension have been redrawn several times to ensure reasonable harmony with the surrounding houses.
- Contends that the interference with sunlight to neighbouring houses will be minimal.

6.3. **Planning Authority Response**

The Planning Authority has not responded to the grounds of the appeal.

7.0 **Assessment**

I consider the main issues in determining this appeal are as follows:

- Principle of the development
- Design and layout
- Other issues
- Appropriate Assessment

7.1. **Principle of the development**

- 7.1.1. 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 of the Killarney Town Development Plan requires 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.
- 7.1.2. The information submitted by the applicant as a response to the RFI stated that it is her intention to live in the family part of the house and a member of her immediate family, who is working locally, will live in the other part of the house. Generally, a granny flat is a part of a house made into self-contained accommodation suitable for an elderly relative. This is not the case in this instance and the subdivision aims to provide the retention of the second residential unit on the site for a family member stated as working locally.
- 7.1.3. I note that the First Party has not appealed condition no.9 attached to the grant of permission issued by Kerry County Council which sought to limit the use of the second residential unit so as not to be occupied separately to the main dwelling

house on the site. Should the Board be minded to grant permission, it is considered that a similar condition should be attached to any such permission.

- 7.1.4. In conclusion I consider that the proposal fails to meet with the provisions of the Kerry County Development Plan as they relate to the provision of ancillary family accommodation in granny flats, that this development effectively constitutes a separate dwelling on this site which falls short of the minimum requirements to ensure an adequate level of amenity for prospective applicants. I submit that should additional accommodation be required to provide ancillary family accommodation the existing house could be appropriately extended to meet any such future need.

7.2. Design and layout

- 7.2.1. The grounds of appeal contend that the proposed extension is inappropriate and out of character with the streetscape, the form of dwellings and will break the established building line.
- 7.2.2. The proposed development seeks to accommodate a three bedroom dwelling unit on ground floor level only, and a separate five bedroom dwelling unit on ground and first levels. Both dwelling units would also be provided with separate kitchens and living room / study areas. As stated earlier in this report, the house on the site is stated to be 154m² in area and the proposed extension would increase the floor area by 177.5m², totalling 331.5m².
- 7.2.3. The Killarney Town Development Plan is clear on how extensions to dwellings should be designed and section 12.41.1 of the Plan states that house extensions should follow the pattern of the existing building as much as possible and that they should be constructed with similar finishes and with similar windows to the existing building. The First Party's response to the RFI submitted to the Planning Authority on 14th December 2021 demonstrates the contiguous elevation of the house with proposed alterations to the design.
- 7.2.4. The proposed extension does extend the dwelling on the front / southern side into the front garden / yard by 3.567m and would break the building line formed by properties to the east and west of the appeal site. Similarly, the proposed extension raises the height of the roof from 5.43 metres to 6.151 metres. Although this is a relatively modest increase in height, I consider that the visual impact of the increase

in height will be accentuated by the house being extended forward of the existing building line. I consider that this, combined with the extensive glazing and timber / metal cladding proposed on the front elevation, would result in a change to the design of the house that would be out of character with the existing houses on this street, would form an incongruous feature on the streetscape, and would have a negative impact on the visual and residential amenities of the area.

- 7.2.5. In conclusion, I consider that the proposed extension is not acceptable in terms of scale and design, is such that it would be inconsistent with the general form and pattern of development in the area and would form a visually incongruous feature on the streetscape and, consequently, have a significant negative impact on the visual and residential amenities of the area.

7.3. **Other issues**

Overlooking

- 7.3.1. The appellant was concerned that the corner window in the proposed study at ground floor level and the first floor windows in two ensuites on the eastern elevation would give rise to overlooking of his house and open space. I am satisfied that the proposed extension to the house would not give rise to any significant overlooking of the private open space or living accommodation of the neighbouring properties. Should the Board be minded to grant permission, it is considered that a condition requiring opaque glazing on the windows of the first floor ensuites should be attached to any such permission

Enforcement

- 7.3.2. In relation to the issue of an alleged ongoing unauthorised use on the appeal site, it is of note that the Board does not have a role in enforcement, and in this respect regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides that enforcement of planning control is the responsibility of the planning authority.

7.4. Appropriate Assessment

- 7.4.1. The proposed development comprises a first floor extension to an existing house in a fully serviced, urban location. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any European site, 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

I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. It is a provision of the Killarney Town Development Plan 2009-2015 (as extended & varied) to allow families to provide accommodation for older relatives in ancillary accommodation either as an extension to an existing house or as a separate dwelling unit. Such accommodation may be permitted subject to the ancillary unit not impacting adversely on either the residential amenities of the existing property or the residential amenities of the area. Having regard to the development proposed functioning as a separate dwelling unit to that of the existing dwelling on this site and the lack of any immediate necessity to provide accommodation for an older relative in this instance it is considered that the proposed development would contravene the provisions of the current Killarney Town Development Plan and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the size and design of the dwelling unit including the aggregate living area, the absence of private open space separate from the existing

dwelling on the site, the increased height of the house, and the proposed introduction of extensive glazing on the front elevation of the house, it considered that the proposed development would constitute over development of the site, would fail to integrate into the existing streetscape and would adversely impact on the residential and visual amenities the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of properties in the vicinity, would result in substandard accommodation for future occupants of the development and would be contrary to the proper planning and sustainable development of the area.

Liam Bowe
Planning Inspector

18th July 2022