



An
Bord
Pleanála

Inspector's Report

ABP-313326-22

Development	Vehicular access, gateway and associated site works
Location	1 Sraid Thaidhg, Ballyheigue, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2274
Applicants	Con and Samantha O'Leary
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	
Observer(s)	None
Date of Site Inspection	22 nd March 2023.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. This appeal site of c .027ha relates to an end of terrace dwelling that is set back from the main coastal road (Cliff Road on map and also referred to as the Kerry Head Road) which connects Ballyheigue town centre to the east and Kerry Head to the west. There is a large housing development west of the terrace and another also north of the site which is accessed from an access road off Cliff Road at the eastern end of the terrace. The terrace of 7 of which the site forms a part, is fronted by a parallel access/slip road to the main road from which it is accessed. The layout of the three roads is such that the slip road is accessed off the main road and then exits onto the estate access road to the east at its junction with the main road. The slip road is one way and there is parallel parking (7 spaces) for the terrace of houses which are separated by a footpath elevated above the slip road. This graduates from a level point with the main road. Unlike the rest of the terrace, the subject site has a front garden. It is walled off and is triangular in shape and includes an ESB pole. There is a small patch of ground fronting the site. There is a dwelling to north with direct access onto the Cliff Road. There is no footpath along this side of Cliff Road in the vicinity of the site.
- 1.2. Aerial photographs are provided in the grounds of appeal and are useful in illustrating the site in conjunction with my site inspection photographs.

2.0 Proposed Development

- It is proposed to insert a 4.5m wide vehicular access into the front boundary wall to provide for off street parking. Other works include dishing of footpath and extension of same (into the grass verge) and as required by planning authority. ESB Pole will be removed.

3.0 Planning Authority Decision

Kerry County Council by order dated 23rd March 2022 decided to refuse permission on grounds of traffic hazard.

3.1. **Planning Authority Reports**

- 3.1.1. **Planning Report:** The application is assessed by reference to the Listowel Municipal District Local Area Plan 2020-2026, the county development plan, the road layout and in particular the Road Safety/Traffic report. The traffic turning movements generated by the proposal are the main concern. A car would exit the site over the public footpath and onto the one-way slip road at its junction with the Kerry Head Road. Impact on residential/visual amenities are not of concern. No AA or EIA issues arise.

3.2. **Internal Reports**

- 3.2.1. **Listowel Roads Office:** The proposed parking arrangement is not acceptable. Under this proposal, vehicles accessing this development would impact on the current arrangements for access to the existing properties and the requisite forward visibility at the junction with the public road would be unduly affected. Vehicles accessing the development would have to cross the footpath thereby creating a hazard to vulnerable footpath users and traffic.

- 3.3. **Prescribed Bodies:** No reports

- 3.4. **Third Party Observation:** None.

4.0 **Planning History**

- 4.1 None stated.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. **Kerry County Development Plan 2022-2028** is the operative development plan. The Kerry County Development Plan 2015-2021 remained in place until 28th November 2022 .

5.1.2. **Listowel Municipal District LAP 2020-2026:** The site is located within a residential zone.

5.2. **Natural Heritage Designations**

None relevant.

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development, and limited associated site works and the absence of features of ecological importance within the site, I consider that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first party appeal has been lodged and the grounds refer to:

- Need for off-street car park space for safe parking and charging of EV car as part of household strategy to tackle climate change. E.g. installing solar panels to provide energy to charge car.
- The one-way system was not given due consideration and provides for safe manoeuvres.
- It could be argued that all the car parking along the slip road inhibits forward visibility. The proposal is not materially different.
- The footpath at the location is not the main footpath and is used by only 3-4 residents to access cars.
- Crossing a footpath to gain vehicular access is normal.
- Access to proposed entrance will be quicker and easier than parallel parking and less obstructive.

6.1.2. The grounds are appended with:

- Aerial photographs of the site with proposal sketches
- A petition of support signed by 28 residents.

6.2. Planning Authority Response

No further comments.

7.0 Assessment

7.1. Issues

- 7.1.1. Notwithstanding the popularity of the proposal and the merits of electrical charging of cars, the overriding issue in this case is one of traffic safety .

7.2. Impact on traffic safety.

- 7.2.1. The appellant disputes that the proposed entrance would undermine traffic safety and in fact makes the case that the ease of access would be less obstructive than cars making multiple manoeuvres to parallel park in a more confined arrangement. The issue I consider is that the point of access requires, in part, moving against the flow of the one-way system at a point nearer the slip road entrance than the parallel parking. Obstruction at this point would appear to be a serious matter having regard to the lack of a footpath west of the entrance and restricted visibility due to the wall for eastbound traffic. I do not consider the appellant has made a sufficient case demonstrating that this is demonstrably better in terms of traffic safety.
- 7.2.2. The one-way system as operates at present appears to address limitations on visibility at the entrances point by providing unobstructed free flow of traffic at a critical point. The introduction of a gated entrance with the associated manoeuvres and potential for obstruction would I consider be a retrograde step on the present arrangements. While I accept that parallel parking can at times obstruct traffic, it is at a less critical point and is not sufficient justification for an additional potential obstruction. While precise geometric dimensions have not been provided, I am satisfied that it is most likely that vehicles accessing the proposed development would negatively impact on the current arrangements for access to the existing adjacent properties and would affect the requisite forward visibility at the junction with the public road.
- 7.2.3. I accept that crossing a pedestrian footpath is a usual arrangement in housing development with off street park, however, in this case any obstruction at a junction

where there are footpaths poses a safety risk. In this case I concur generally with the decision of the planning authority and in particular the roads report of the Listowel Roads office and I am of the opinion that the decision to refuse should be upheld in the interest of public safety. Having regard to the road layout and junction arrangements I consider the decision to be reasonable.

7.3. Appropriate Assessment

7.5.2. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European sites, no Appropriate Assessment issues arise and it is 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.

8.0 Recommendation

8.1 I recommend that permission be refused based on the following reasons and considerations.

Reasons and Considerations

1. Having regard to the proximity of the proposed gated vehicular entrance to the junction of the access road with the main road and restricted visibility, together with the proposed contra flow access arrangements. It is considered the proposed access arrangement would conflict with the free flow of an access road. The traffic generated by the proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users.

Suzanne Kehely
Senior Planning Inspector

20th April 2023