



An
Bord
Pleanála

Inspector's Report ABP 313595-22.

Development	Retention of part of the extreme southernmost section of the as built boundary wall and supporting structure that divides Barrow Lodge and Barrow House.
Location	Barrow Lodge, Barrow West, Ardfert, Tralee, Co. Kerry. V92CC02
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	22235
Applicants	Clodagh & Niall O'Dowd
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Clodagh & Niall O'Dowd
Observers	None
Date of Site Inspection	3 rd May 2023
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.83ha, is located at Barrow Lodge, Barrow West, Ardfert, Tralee, Co. Kerry. It is situated on the southern side of the local road which serves Barrow West and it lies on the northern shore of Barrow Harbour. Tralee Golf Club is situated to the west of the site. There is a cluster of houses to the west of the appeal site which are served by a number of private roads.
- 1.2. The site comprises the plot of the property Barrow Lodge. Barrow Lodge is a large detached, dwelling of dormer design. On the site to the north-west of Barrow Lodge there is separate guest accommodation. The property is served by a vehicular entrance off a steep private road. There are fine views from the rear garden across Barrow Harbour.
- 1.3. The neighbouring property Barrow House which is a detached two-storey over raised basement house built circa 1750 is a Protected Structure. The existing boundary between Barrow House and Barrow Lodge is formed by a retaining wall and graduated boundary wall which extends for circa 50m. The subject southernmost section of the as built boundary wall comprises a timber panel which adjoins the southern end of the boundary wall and which is supported by a steel frame and two steel posts which are fixed into a concrete base above the shoreline.

2.0 Proposed Development

- 2.1. Permission is sought for retention of part of the extreme southernmost section of the as built boundary wall and supporting structure that divides Barrow Lodge and Barrow House.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refuse permission for the following reason.

1. It is considered that the proposed development by reason of its scale, material and location would be visually obtrusive and would seriously injure the visual amenities of the coastal area on this exposed site in an area of Secondary

Special Amenity. The proposed development would seriously injure the visual amenity of the area would be, contrary to objective ZL-1 of Kerry County Development Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report stated that the timber panel erected on the very southernmost end of the walling is considered to contribute more to impacting on visual amenity from “Barrow House” than the remainder of the wall granted retention under Reg. Ref. 17/264. This portion was to be removed as specified under condition no. 2 of Reg. Ref. 17/264. It was concluded that the removal of the last, southernmost timber wall panel would ameliorate negative visual impact. It was recommended that permission be refused on the basis of visual impact.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

Reg. Ref. 17/264 – Permission was granted to retain the constructed boundary wall between Barrow House and Barrow Lodge properties. Condition no. 2 specified, “The last timber panel and its support structure erected on the very southernmost end of the walling is to be removed within 6 months of the date of this grant of permission. Reason: It is considered that the last panel has an unacceptable negative visual impact within an area designated as “Secondary Special Amenity” in the current Kerry County Development Plan.

5.0 Policy Context

5.1. Kerry County Development Plan 2022 – 2028

- 5.1.1. Chapter 11 refers to Environment.
- 5.1.2. Landscape Sensitivity – It is an objective of the Council to: KCDP 11-78 – Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.
- 5.1.3. Section 11.6.3 refers to Landscape Designations
- 5.1.4. There are two landscape designations for the county.
 - 1. Visually Sensitive Areas
 - 2. Rural General
- 5.1.5. It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.
- 5.1.6. Section 11.6.3.1 refers to Visually Sensitive Landscapes
- 5.1.7. Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.
- 5.1.8. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.
- 5.1.9. Section 11.6.4. refers to Development in Designated Areas
- 5.1.10. Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural

recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development is not precluded in visually sensitive landscapes however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

5.1.11. The following provisions shall apply to development in Visually sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.
- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

5.1.12. Map E – Landscape Designations – the appeal site at Barrow Lodge, Barrow West Ardfert, Tralee, Co. Kerry is located within an area which is designated visually sensitive area.

5.2. Natural Heritage Designations

5.2.1. Tralee Bay Complex SPA (Site Code 004188) adjoins the site.

5.2.2. Akeragh Banna and Barrow Harbour SAC (Site Code 000332) adjoins the site.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental assessment can therefore be excluded at preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Niall and Clodagh O'Dowd. The issues raised are as follows.

- Barrow House and Barrow Lodge were previously in single ownership with Barrow Lodge most likely used as stables/staff accommodation ancillary to the main manor house, Barrow House. In the mid-20th century Barrow Lodge was converted to full residential use. By the end of the 20th century Barrow Lodge was extended and the separate vehicular access was upgraded. In the early 2000's Barrow Lodge and Barrow House became separate properties. The dividing wall between the properties was upgraded to become a boundary wall.
- The applicants Clodagh & Niall O'Dowd acquired Barrow Lodge in 2015 with the agreement of the then owners of Barrow House to increase the height of the boundary wall between the properties and extend same as a fence partially beyond the existing southern end. Retention was sought and was received for the modified masonry wall. The southernmost extension fence beyond the masonry wall did not receive permission.
- The report of the Planning Officer is noted in the appeal. They refer to the section of the report which states "the southernmost portion of the fence is

considered to contribute more to impacting on visual amenity from Barrow House site than the remainder of the wall granted retention permission.”

- It is stated in the appeal that although photographs of the southernmost fence portion are included from various angles that no commentary is made on the scale, materials, viewpoints or visual impact of the fence. It is concluded in the report that the fence would be visually intrusive and would seriously injure the amenity of the coastal area.
- In relation to visual impact considerations a development can negatively impact the visual amenity of an area by adversely affecting the component elements of a view, the character of the view and the visual amenity of the area. The composition element of a view can be impacted by the introduction of non-harmonious items within the view. The character of a view can be adversely affected by poor material selection and poor dimensional relationships. The visual amenity of an area can be affected with the introduction of out of character elements including man made elements into a natural environment and where care has not been taken in material selection and scale. Where views of a development are viewed from moving vehicles proper consideration should be given to whether components of a development appear static or are transient.
- Regarding the visual impact from Barrow Lodge, it is noted that this viewpoint is from a private property. It stated that the wall is in scale and proportion significantly larger than the fence. The materials and hue of the fence match that of the existing wall. It is considered that the impact on the amenity of the shoreline is insignificant.
- In relation to the visual impact when viewed from the foreshore area, the viewpoint is generally static as the foreshore is not navigable and generally not used by amenity walkers due to the rocky conditions. The scale and proportion of the boundary masonry wall is significantly larger than the fence. The materials and colour finish of the adjoining foreshore deck are more visually intrusive in the area rather than the fence. The visual impact to the viewer is minimal as it is set against the backdrop of the two buildings and adjoining constructed features.

- In relation to the visual impact from the public road circa 400m to the east of the site, it is stated that whilst the deck to Barrow House is apparent that due to the colour and hue of the fence when viewed against the wall and buildings this renders it barely visible. The views from this location are both moving and static. There are no transient visual impacts due to the viewing distance. The visual impact at this location is considered insignificant.
- Regarding the view from the public road at the vehicular entrance to Barrow House, this viewpoint is circa 210m from the site. The fence is visible but partially obscured by the deck at Barrow House. It is considered that the view of the deck of Barrow House is readily apparent, however the colour and hue of the fence when set against the wall and buildings which allow it to blend in against the buildings to the rear forming Barrow Lodge. The views from this location are both moving and static. The visual impact to the viewer of the fence is considered insignificant.
- From the viewpoint from the public road circa 110m to the north of the site the fence is visible from this location, but it is partially obscured by the deck at Barrow House. It is considered that while the deck at Barrow House is apparent, that the colour and hue of the fence allow it to blend in with the background of the wall and buildings. The views from that location are both moving and static. There are no transient visual impacts as the views are intermittent due to the trees in the adjoining roadside ditch. The visual impact to the viewer of the fence is minimal.
- It is concluded that from public viewing points that there is minimal if not insignificant visual impact created by the structures, because of the choice of materials in its construction, the limited scale in the context of the remainder of the dividing boundary wall, the backdrop of existing buildings within the adjoining constructed elements and the separation distance from the public road causing limited transient effects.
- The Planning Authority concluded that the view from Barrow House would be adversely affected. The appellants consider that this is an arbitrary conclusion which is without reference and that it is a matter of opinion.

- It is highlighted that the original owners consented to and welcomed the fence that there were no objections from the owners of Barrow House or any party to the development. It is submitted that the existing deck and structures have a significantly greater visual impact than the fence, however it is not reference in the report of the planning officer.

6.2. Planning Authority Response

- None received.

7.0 Assessment

The main issues in this appeal are raised in the grounds of the appeals. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Amenity
- Appropriate Assessment

7.1. Visual amenity

- 7.1.1. Permission is sought for the retention of part of the extreme southernmost section of the as built boundary wall and supporting structure that divides Barrow Lodge and Barrow House. The Planning Authority refused permission on the basis that the proposed section of boundary fence by reason of its scale, material and location would be visually obtrusive and would seriously injure the visual amenities of the coastal area on this exposed site in an area of Secondary Special Amenity. It was also set out in the reason for refusal that the proposed development would be contrary to objective ZL-1 of Kerry County Development Plan 2015-2021.
- 7.1.2. It is noted that the Planning Authority assessed the application under the provisions of the Kerry County Development Plan 2015-2021. The Kerry County Development Plan 2022-2028 was adopted by the elected members on the 4th July 2022 and it came into effect on the 15th August 2022. Accordingly, the subject appeal must be assessed under the provisions of the current Development Plan. The appeal site at

Barrow West is located within an area which is designated as Visually Sensitive Area.

- 7.1.3. Objective KCDP 11–78 of the development plan states that it is an objective of the Council to: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted. It is set out in section 11.6.4 of the development plan that in visually sensitive landscape areas that any proposal must be designed and sited so as to ensure that it is not unduly obtrusive and that proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.
- 7.1.4. The subject southernmost section of the as built boundary wall comprises a timber panel which adjoins the southern end of the boundary wall and which is supported by a steel frame and two steel posts which are fixed into a concrete base above the shoreline.
- 7.1.5. The first party set out in the appeal that they consider that the Planning Authority concluded that the view from Barrow House would be adversely affected. The appellants consider that this is an arbitrary conclusion.
- 7.1.6. The neighbouring property Barrow House is a Protected Structure it was built circa 1750. It is a detached five-bay two-storey over raised basement house with dormer attic. It is set overlooking Barrow Harbour. I note that a raised decking area is located at the shoreline immediately to the east of the subject section of boundary.
- 7.1.7. Barrow House as detailed above it is a Protected Structure. I would note the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities. Section 13.8 refers to development affecting the Setting of a Protected Structure or an Architectural Conservation Area. It advises that a new development could also have an impact when it is detached from the Protected Structure and outside the curtilage and attendant grounds but visible in an important view of or from the Protected Structure. It is further advised that the extent potential impacts of proposals will depend on the location of the new works the character and quality of the Protected Structure and its setting.

- 7.1.8. In relation to the decking at Barrow House, I note that it is situated to the western side of the house. The subject timber panel is situated on the western side of this raised decking area. Therefore, I would note that it is not directly to the south of the view from Barrow House over Barrow Harbour. Furthermore, I note the point made by the first party that the existing deck and structures have a significantly greater visual impact than the fence. The subject timber structure at the boundary extends for 6m from the existing boundary wall and this is inline with the extend of the deck to the rear of Barrow House. The structure has a height of 4.1m when measured from the concrete base. I note that the structure is 1.2m below the top of the adjoining boundary wall. Therefore, this stepping down of the boundary serves to reduce the visual impact. The first party also highlighted the material used and colour of the structures. They detail that materials and hue of the fence match that of the existing wall. Having regard to the siting and design of the subject boundary structure relative to Barrow House, I would not concur with the assessment of the Planning Officer that it would contribute more to impacting on visual amenity from “Barrow House”.
- 7.1.9. In relation to the use of the properties, I note that Barrow Lodge is a private dwelling, and that Barrow House is a Luxury Manor Guest House. The first party note in the appeal that the existing boundary treatment was erected to following agreement with the then owners of Barrow House. Having regard to the commercial use of Barrow House it is clear that the first party seek the retention of this boundary to provide privacy for the private amenity space to the rear of their dwelling.
- 7.1.10. The first party appeal includes a visual assessment of the subject boundary structure from the following locations, their property Barrow Lodge, the shore, the public road and Barrow House. In relation to the visual impact from Barrow Lodge, they state that the existing boundary wall is significantly larger than the fence in terms of scale and proportion. Regarding the view from the foreshore, they submit that the scale and proportion of the boundary masonry wall is significantly larger than the fence and that the adjoining foreshore deck are more visually intrusive in the area rather than the fence due to their materials and colour finish. They submit that visual impact of the subject timber panel is minimal as it is set against the backdrop of the two buildings and adjoining constructed features.
- 7.1.11. Regarding the visual impact from the public road the first party cited to view west from the local road circa 400m from the site. They noted that from that viewpoint that

whilst the deck at Barrow House is apparent that the timber boundary is not highly visible due to the colour and hue of the fence. The views from that location are both moving and static as it is a pull in point on the local road. The first party state that the visual impact at this location is insignificant.

- 7.1.12. The viewpoint from the public road at the vehicular entrance to Barrow House was considered in the appeal. I note that viewpoint is located circa 210m to the east of the site. The subject timber fence is not fully visible from this viewpoint as it is obscured by deck at Barrow House. A closer range view from the public road circa 110m to the north of the site is also considered in the appeal. From this viewpoint the subject fence is visible but partially obscured by the deck. The first party submitted that the subject fence due to its colour and hue integrates into the landscape and with the surrounding buildings and existing boundary wall.
- 7.1.13. I note the points made by the first party in respect of the subject boundary fence when viewed from those cited viewpoints. In relation to the design of the structure particularly the use of the untreated and unpainted timber panel, I would concur with the first party that the colour and hue of the timber panel provide that the structure matches that of the existing boundary wall and that it assimilates well into the surrounding foreshore landscape which comprises a stonewall boundary along the rear of the properties with rock armour.
- 7.1.14. While I note that under Reg. Ref. 17/ Reg. Ref. 17/264 permission was granted to retain constructed boundary wall between Barrow House and Barrow Lodge properties and that condition no. 2 of that permission specified, "The last timber panel and its support structure erected on the very southernmost end of the walling is to be removed within 6 months of the date of this grant of permission", having regarding the assessment set out above, I do not consider that the retention the boundary fence would detract from the character and visual amenity of the area to such a degree that would warrant a refusal in this case.
- 7.1.15. Accordingly, having regard to the siting and design of the proposed development, I am satisfied that the proposed development would not unduly interfere with the character of the landscape or form a visually obtrusive or incongruous feature.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, 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

- 8.1. I recommend that permission is granted for the retention of the proposed development.

9.0 Reasons and Considerations

- 9.1. Having regard to the design and scale of the proposed development and to the pattern of development in the area, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The colour of the fence shall be in character with the adjoining wall, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

26th May 2023