



An  
Bord  
Pleanála

## Inspector's Report ABP316018-23

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<b>Development</b>	Alterations and extensions to house
<b>Location</b>	Rossbeigh, Glenbeigh, Co Kerry.
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	22/1297.
<b>Applicant(s)</b>	Nora Kent.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ann Courtney and Michael Hickey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17 <sup>th</sup> August 2023.
<b>Inspector</b>	Ann Bogan.

## 1.0 Site Location and Description

- 1.1. The site is located close to Rossbeigh beach which is 3kms from Glenbeigh village and approximately 16km from the town of Killorglin Co Kerry. Rossbeigh is a popular beach, with toilets, playground and other amenities and has a cluster of dwellings, mainly holiday homes, located along the approach road and on the hillside above the beach.
- 1.2. The subject dwelling is part of a line of detached dwellings accessed off a private cul de sac road, which face north towards the beach and backs onto the steep hillside behind. Houses in the area are a mixture of single storey and dormer buildings.
- 1.3. The dwelling is a single storey structure with an attic conversion lit by rooflights. It has a grassed front garden with hedging along the front and west boundaries and a paved yard to the side and rear. The entrance into the house is from the rear.
- 1.4. The west side elevation of the dwelling is approximately 5m from the side elevation of the adjacent house to the west (the appellants) and circa 2.5m from the property boundary. The adjacent dwelling to the east is circa 13m from the side elevation of the subject dwelling. The three houses have pitched roofs running east-west parallel to the road and all have a similar ridge height.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - Rear extension at ground floor level providing a larger bedroom, and allowing for re-arrangement of ground floor and access to upper floor
  - First floor extension with an 'A' roof running at right angles to the existing roof. It is located above the western part of the existing ground floor and most of the extended ground floor and contains a master bedroom, ensuite bathroom, a further bedroom, and a reading room/den. Ridge height will remain same as existing roof.
  - First floor extension will be lit by large windows to the north and south. No new windows proposed in the side elevation.

- Other alterations include two new rooflights in north elevation, extension of two ground floor front windows to ground level, removal of chimney, demolition of shed to rear.
- Increase floor area of dwelling from 151sq.m to 211.5sq. m. The number of bedrooms will remain at four.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant permission subject to 6 standard conditions.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The Planning Officer found the principle of the development acceptable, concluded there would be no negative visual impacts associated with the proposed development, and no negative impacts on residential amenities and is '*satisfied that the proposed development would not be contrary to the proper planning and sustainable development of the area*'. The Planning Authority decision was in keeping with the Planning Officers recommendation.

##### 3.2.2. Other Technical Reports

Biodiversity Officer: carried out an AA screening and concluded there is no potential for significant effects on European sites.

#### 3.3. **Third Party Submission:**

##### 3.3.1. Submission received on behalf of Ann Coutney and Michael Hickey (the appellants):

Similar points raised as in the appeal. In summary: the proposed development would overlook their house and amenity space, have adverse impacts on their residential amenity, would have an overbearing visual impact on neighbouring properties, and would be out of character with the pattern of development in the area by virtue of its scale and bulk.

## 4.0 Planning History

None

## 5.0 Policy and Context

### 5.1. Development Plan

Kerry County Development Plan 2022-2028

Volume 1 Written Statement

Rossbeigh is not specifically recognised as a Village or Small Village Settlement in the Development Plan.

*Landscape Sensitivity Objective 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.*

Rossbeigh is designated a visually sensitive area in landscape terms.

Section 11.6.3.1 *'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'*.

Rossbeigh LAP, which is part of the Killorglin Functional Area LAP 2010-2016 (not updated as yet) identifies Rossbeigh as a Development Node and states it has limited potential for additional development due to the sensitive landscape and need to protect biodiversity. The LAP notes: *It is important to ensure that the existing settlement envelope is not extended in height or width if the innate qualities of this natural rural landscape are to be retained'*; and *'An important element of the settlement pattern is the uniformity in the ridge line direction which adds to the simplicity of the appearance'*.

County Development Plan Volume 6 Development Management Guidance

1.5.6.1 Extensions to Dwellings

**Rear/Side Extensions** will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. First floor rear/side extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, the following will be considered:

- Degree of overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Size and usability of the remaining rear private open space.
- Degree of setback from mutual side boundaries. No part of the extension shall encroach or overhang adjoining third party properties.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development. In addition, a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage.

Alterations at Roof/Attic Level Roof alterations/expansions to main roof profiles (changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example) and additional dormer windows will be assessed having regard to the following:

- The character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Established streetscape character and roof profiles.
- Dormer extensions to roofs, i.e. to the front, side and rear, will be considered with regard to impacts on existing character and form and the privacy of adjacent properties.'

## 5.2. Natural Heritage Designations

Site is 100m from Castlemaine Harbour SAC (000343) and SPA (004029)

### 5.3. EIA Screening

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Planning Authority report does not include any assessment or critical analysis of the proposed development or refer to the Development Plan development management standards or take account of the provisions of the County Development Plan or Killorglin Functional Area Local Area Plan 2010-2016 or the Building a House in Rural Kerry Design guidelines.
- Planning Authority A appears to rely on Section 5.8 of the Development Plan which relates to traditional buildings and is not appropriate for an extension to a 1960s bungalow.
- The proposed development will have an adverse impact on our clients' residential amenity and depreciate the value of their property
- Scale, bulk proximity to mutual boundaries and visual impact: New first floor element in a large roof structure 10m long and 6m high, perpendicular to existing roof and 2m from boundary, would be visually overbearing when viewed from our clients' property, towering over their rear private garden space.
- Overlooking: the development would adversely impact our clients dwelling by reason of loss of privacy due to overlooking of bedrooms and front and rear gardens, particularly from the proposed large first floor, floor to ceiling windows and 15sq m rear balcony.
- Inadequate boundary treatment proposals: Existing mature hedge along western boundary affords some privacy between the application site and our client's property. Part of hedge to front (western boundary) has been removed

reducing privacy. No landscaping plan has been submitted. Any future planning application should include proposals for wall/fence and extra planting to western boundary to protect clints residential amenity.

- Proposed redevelopment of a low-profile modest bungalow would be visually dominant and overbearing in the landscape and the excessively large dormer windows would injure the amenities of the 'Visually Sensitive Area', and materially contravene the County Development Plan.
- Having regard to Development Management (Vol 6, Section 1.5.6.1s of the Development Plan) standards for extensions to dwellings and the established pattern of development in the area the proposed development, particularly scale, bulk and massing at first floor level, would detract from the visual amenity and streetscape quality of the area.

## 6.2. Applicant Response

- The dwellings in the vicinity of the application are not solely low profile single storey buildings and vary in terms of form, scale, dormers, roof styles etc
- Existing dwelling is one and a half storey, not single storey
- The ridge height of the building will remain the same as existing and will not be out of keeping with other buildings in the area
- While eaves height of the rear extension is higher than existing, the overall height of roof will not change. In any case existing hedge will screen the rear extension from neighbouring house
- No parapet wall proposed apart from 500mm parapet on flat roof of rear extension
- Flat roofed section of extension is not intended as a balcony and drawings do not show access to same.
- The depth of the building is increasing but the length is not. The extension will replace the existing store and extend out to same distance.

- Proposed rear window at first floor window is 5m wide not 6m, 2 windows are proposed to front. Apex of the front windows is 5.5m above ground level with front window having a maximum height of 2m.
- Rear roofscape is not visible so cannot dominate the house. Existing front streetscape is varied with no continuity of design of buildings
- Width of ground floor windows is unchanged, two have been dropped to give better view of garden
- Contend that the proposed development is in accordance with the Sustainable Rural Housing Guidelines 2005 and the County Development Plan Development management guidelines and the Building a house in rural Kerry Design Guidelines and address in detail how the proposal complies with these documents
- Deck is proposed for front garden to allow applicants to enjoy the amenity of their front garden, as the appellants do. The existing hedge, which has not been removed, provides privacy.
- A landscape plan was submitted with the application, contrary to the appellants submission. Existing hedge on western boundary will be retained, screen wall or fence not justified.
- Number of bedrooms will not change from 4 existing
- There will be no overlooking of appellants property as there are no windows in the side elevation and no balcony is proposed. Front and rear windows have been designed so as not to overlook neighbours' property and hedge means its not possible to overlook
- The development which will have a similar massing as the neighbouring property will not be out of character with the pattern of development in the area

### 6.3. Planning Authority Response

- None



#### 6.4. **Observations**

- None

#### 6.5. **Further Responses**

- None

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on the appeal file, including the appeal submission, the applicant's response, having regard to the relevant policies and guidance and having inspected the site and, I consider the main issues in the appeal are:

- Visual impact on the character of the area
- Impact on residential amenities
- Appropriate Assessment

#### 7.2. **Visual impact on the area**

7.2.1. The dwelling is part of a series of informal rows of dwellings located on the hillside overlooking Rossbeigh Beach, which generally run parallel to the contours of the hill. The subject dwelling and its immediate neighbours, which were constructed in the 1960s/1970s, are not clearly visible from the public road at the foot of the hill, due to the slope and other buildings located lower down. The array of dwellings on the hillside is more clearly seen from the access road running along the beach. While there is a uniformity in terms of orientation of the ridge lines of most buildings, there is a variety in design including varying heights, window shape and design, and some prominent dormer windows.

7.2.2. The proposed extension and alterations to the subject dwelling include a first floor extension with an 'A' roof running at right angles to the existing roof. When viewed from the north/front and the public domain the most prominent feature will be the proposed large glazed dormer to the front. The orientation of the ridge line of the dwelling will still run parallel to the slope in keeping with the general character of the area. The rear extension is not visible from the public domain. The roof of the

extension does not extend above the existing ridge height and the eaves level in the front elevation is unchanged.

- 7.2.3. Taking into account the existing variety in design of buildings in the area and the retention of orientation and roof ridge line, while noting the areas designation as a Visually Sensitive Area in the County Development Plan, I am satisfied that the proposed alterations will not have a negative impact on the overall character and landscape of the area.

### 7.3. **Impact on residential amenity**

- 7.3.1. The appellants are concerned that the proposed extension and alterations will be overbearing and will result in overlooking of their house and gardens, injuring their residential amenity and privacy. The side elevations of the dwellings are approximately 5m apart, and the new extension will be 2m from the neighbouring property boundary at its closest. An existing hedge is acknowledged to provide screening between the properties, although lower in front of the building line than behind it. I note that while there are two existing ground floor windows in the side elevation, there are no new windows proposed in this elevation.
- 7.3.2. Due to the orientation of the dwellings and the proposed windows to front and rear of the subject building, the absence of windows on the west elevation as well as the screening provided by the hedge, and the front building line of the subject dwelling is slightly angled away from the adjacent house, I am satisfied that there is very limited potential for the proposed development to result in increased overlooking of the neighbouring property or to cause serious injury to residential amenities.
- 7.3.3. The proposed first floor 'den' looks out on the flat roof of the rear extension, which has a 500mm parapet, but no access is shown to it. The appellants refer to it as a balcony, but the applicants say it is not intended as a balcony and it is not indicated on the drawings as such. A condition is recommended, requiring that it this flat roof is not converted for use as a balcony, to limit any potential for overlooking of the rear of the neighbouring property.
- 7.3.4. The rear extension extends further back than the existing house and has a higher eaves level (4m) than existing (3m), however the hedge will provide screening, the buildings are 4-5m apart and I do not consider that the proposed development will be overbearing on the neighbouring property such as to cause serious injury to their

residential amenities. A condition requiring retention of the existing hedge along the western boundary and its reinforcement with additional planting is recommended.

#### 7.4. **Appropriate Assessment Screening**

- 7.4.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

### 8.0 **Recommendation**

- 8.1. Grant permission subject to conditions

### 9.0 **Reasons and Considerations**

Having regard to the design, nature, and scale of the proposed development, the pattern of development in the area and the provisions of the Kerry County Development Plan and the Killorglin Local Area Plan 2012-2016, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities or character of the area, and would not seriously injure the residential amenities or depreciate the value of properties in the vicinity and therefore would 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, 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.
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	<p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The flat roof of the rear extension shall not be used as a balcony/terrace or amenity area for the use of the occupants of the dwelling.</p> <p><b>Reason:</b> In order to protect residential amenities.</p>
3.	<p>The existing hedge along the western boundary shall be retained and reinforced with additional planting so as to act as a screen between the subject dwelling and the neighbouring property. Details of proposed planting to be submitted to and agreed with the Planning Authority, prior to commencement of development.</p> <p><b>Reason:</b> In order to protect residential amenities</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>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</p>

	<p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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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.

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.Ann Bogan  
Planning Inspector

30th August 2023