



An
Bord
Pleanála

Inspector's Report ABP-317059-23

Development	Demolition of existing building and construction of a house and all associated site works
Location	No. 7 Quill Street, Tralee, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23155
Applicant(s)	Alan Farmer.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Vincent Dowling.
Observer(s)	None.
Date of Site Inspection	29.07.2023
Inspector	Fiona Fair

1.0 Site Location and Description

- 1.1. The subject appeal site, of stated 0.0247 ha, is a rectangular site, located a short distance to the east of Tralee town centre, on Quill Road. The surrounding area is generally characterised by residential development with commercial land uses in the broader area. The site location is within easy walking distance of Tralee town centre, Manor West Retail Park and nearby hospitals and amenities.
- 1.2. The appeal site fronts onto Quill Street to its south, there is an existing derelict terraced building on the site which is proposed to be demolished. The dwellings to the east and west are in residential use.
- 1.3. The subject site opposes a vacant site and dwellings to the north on Ballinorig Road. There is a concurrent application on the vacant site to the rear / north for construction of a bungalow. I am the reporting Inspector in both cases.

2.0 Proposed Development

- 2.1. Planning permission is sought to demolish an existing derelict building (c. 38.89 sq. m) and erect in lieu of same a new storey and a half style dwelling house (139.62 sq. m) with pitched roof construction to front and two storey flat roof section to back with a single storey ground floor bedroom to rear of that, complete with all ancillary site works associated with the development including refurbishment of existing boundary walls and new rear boundary wall.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 6 no. standard conditions.

C6. Pertains to Asbestos removal by a specialist contractor.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The PA consider that having regard to the nature, extent and location of the proposed development and any submissions made in relation to the application it is considered that, subject to compliance with the conditions set out in the second schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or otherwise be contrary to the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

IW: No objection subject to conditions.

3.4. Third Party Observations

One number submission received it is summarised as follows:

- No car parking proposed to serve the dwelling.
- Concern with respect to the height of the ridge. It should not exceed the ridge height of the existing dwelling it seeks to replace.
- The chimney that serves the appellant will be negatively impacted upon.
- The scale, height and design should be more sympathetic and in keeping with its surroundings and the character of the area.
- Concern with respect to overshadowing
- Boundary treatments have not been identified.

4.0 Planning History

13/308119 Permission Granted on the 14/01/2014 to demolish the existing derelict building on site. To construct a two storey building, the ground floor will comprise of 3 administration offices with ancillary areas and the first floor will have a self contained apartment. Provide vehicular access to the property via the Ballinorig Road. Construct all associated site works.

23/156 Concurrent application, also under appeal, to construct a new detached single storey dwelling house complete with all ancillary site works at Ballinorig Road, Tralee, Co. Kerry

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022 – 2028 (Tralee Town Plan) is the pertinent statutory Plan.

The subject appeal site is zoned 'R2' Existing Residential.

Section 1.3.2, Volume 6 of the Kerry County Development Plan 2022 – 2028 states:

“Development in Existing Residential/Built Up Areas (R2/M2/M4)”

“In this plan significant areas of lands within the town and village boundaries have already been developed in the Municipal District’s settlements. These are known as built up areas and constitute the majority portion of the lands zoned on the zoning maps and are typically zoned as (R2/M2/M4) - Development in Existing Residential/Town/Village Centre/Built Up Areas”.

“Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas. Indeed, a mix of harmonious uses is often considered a desirable and attractive characteristic. It is therefore the policy of the Planning Authority to protect and improve existing/developed/residential areas and to provide facilities and amenities incidental to those areas. There is a range of additional uses open to consideration within these areas where it can be demonstrated that there is a need for such facilities and that it will not affect the predominant use of the area”.

“It is the policy of the Local Authority to facilitate development that supports in general the primary land use of the surrounding existing built up area”.

Residential development is permitted in principle within the R2 Zone.

I note that the planners report states that “The parking requirement at this location is 2 car spaces and 1 bike space per dwelling as per Section 1.20.7 Car Parking Standards”. I note Table 4: Parking Requirements of Vol 6 of the Plan.

5.2. Natural Heritage Designations

None Relevant.

5.3. EIA Screening

Having regard to the nature of the proposed development comprising of retention of change of use of structure to residential, comprising one residential unit and all associated site works, in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third Party appeal has been submitted by SJK Engineering & Surveying Ltd. On behalf of Vincent Dowling, Ballinorig Road, Tralee, Co. Kerry. It is summarised as follows:

- No car parking proposed to serve the dwelling.
- Concern with respect to the height of the ridge. It should not exceed the ridge height of the existing dwelling it seeks to replace.
- The appellants property has a ridge height of 4.8m, the existing building has a ridge height of 5.1m and the proposed dwelling has a ridge height of 7.062m
- Overshadowing as a result of the proposed ridge height increase.

- The chimney that serves the appellants property will be negatively impacted upon.
- The scale, height and design should be more sympathetic and in keeping with its surroundings and the character of the area.
- Concern with respect to overshadowing
- Boundary treatments have not been identified.

6.2. Applicant Response

A response was submitted by Micael Slattery and Associates on behalf of Alan Farmer, it is summarised as follows:

- The proposed development comprises the demolition of an existing derelict structure and the construction of a 4 bedroom domestic dwelling.
- As there is an existing structure and dwelling on site there are no additional car parking spaces required. This has been confirmed by Kerry CC.
- The site location is conducive to other more sustainable modes of transport.
- The proposed is similar to the existing development to the east of the site and the ridge height of the proposed development matches the existing height of the neighbouring property to the east.
- Planning permission for a similar dwelling was granted by Kerry CC in 2013 (PA Ref. 13/308119)
- The rear of the dwelling is single storey to ensure overshadowing of any properties is kept to a minimum.
- No details are supplied of the purported negative impacts the development will have on the neighbouring chimney structure. The applicant is happy to carry out whatever works are deemed necessary to ensure that the existing chimney is not impacted in any way during construction works or any time thereafter.
- It should be noted that the chimney has not been used for some time.

- The proposed boundary walls to the rear are to be 1.8m high as noted on the site layout plan.
- The proposed development is an appropriate use of a derelict site in both its scale and design and is in accordance with the R2 zoning of the site.
- Location is within easy walking distance of Tralee town centre and Manor West Retail Park and nearby hospitals and amenities.

6.3. **Planning Authority Response**

- None received.

6.4. **Observations**

- None received

6.5. **Further Responses**

- None relevant.

7.0 **Assessment**

7.1.1. I have read the contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal as well as the response submitted. I consider the principal issues pertaining to the application before the Board are as follows:

- **Principle and Consistency with National and Local Policy.**
- **Height of the Ridge and Visual Impact**
- **Impact Upon Adjoining Dwelling to the Northwest**
- **Carparking.**
- **Boundary Treatments**
- **Appropriate Assessment (AA)**

7.2. Principle and Consistency with National and Local Policy.

- 7.2.1. The site of the proposed development is zoned Objective R2, 'existing residential', in the Kerry County Development Plan 2022 – 2028, which encompasses the Tralee Town Plan.
- 7.2.2. The existing building is located within a terrace of dwellings within the built-up urban streetscape of Quill Street, a short distance to the east of Tralee town centre. The site is a zoned, serviced site well served by transport and facilities. The structure to be replaced is an eyesore and in severe dereliction, the roof has collapsed in part and there is dense ivy and vegetation growing on the structure. The principle of its replacement and re use is in accordance with national and local policy for revival of derelict houses, given the current housing crisis. It is therefore in accordance with sustainable development principles and policy.
- 7.2.3. The existing derelict structure is of no architectural heritage or merit and therefore I am satisfied that the principle of its demolition and replacement with a habitable dwelling at this location is welcomed provided it accords with CDP policy for demolition and replacement, provides adequate residential amenity, adequately safeguards the amenities of the adjoining properties, and would not result in a negative precedent.

7.3. Height of the Ridge and Visual Impact

- 7.3.1. The third party to the appeal is concerned with respect to the height of the ridge proposed. It is submitted that the proposal should respect the ridge height of the structure it is proposing to replace. Concern is raised that the scale, height and design should be more sympathetic and in keeping with its surroundings and the character of the area.
- 7.3.2. The ridge heights of the buildings along the terrace where it adjoins Quill Street varies. The dwelling to the northwest has a ridge height of some 4.8m, the existing structure has a valley roof with max height of some 5.1m and the dwelling to the southeast has a ridge height of some 7m.

- 7.3.3. The dwelling proposed is modest in scale and has a ridge height of some 7 m to match with the dwelling to the southeast. The dwelling is two storey to the front and a single storey annex is proposed to the rear.
- 7.3.4. The proposed dwelling will have a contemporary architectural expression and a restricted palette of materials and finishes are proposed comprising of slate roof, elongated PVC windows and a smooth cement / sand plaster finish. I consider that the proposed dwelling is of a design, scale and form which responds to the character of the surrounding area and would not detract from the buildings and streetscape I consider that architectural design and height of the structure as it addresses Quill Street is appropriate. It generally preserves the rhythm of the existing streetscape and on balance, I am satisfied that the proposed infill dwelling does not detract from or negatively impact upon the character of the existing streetscape.

7.4. Impact Upon Adjoining Dwelling to the Northwest

- 7.4.1. Third party concern is raised with respect to overshadowing of the dwelling to the northwest and that a chimney that serves the appellant's property would be negatively impacted upon.
- 7.4.2. As set out above, the replacement dwelling is part two storey, part single storey. There is a high party wall to the rear of the appellants property along the north western party boundary and there is a two storey extension to the rear of the dwelling to the north east. Given the orientation of the site, the height and design of the proposed structure, the proposal will not, in my opinion, compromise the residential amenity of the dwellings to the northwest or northwest by way of overshadowing, overlooking, loss of daylight or sunlight, and or be overbearing.
- 7.4.3. I note there is a high party boundary wall to the rear / northeast of the appellants property. The appellant's chimney is located on the existing shared party wall. It is proposed to construct a new wall to the southeast of this wall. I see no issue with this proposal. The applicant has indicated he is happy to carry out whatever works are deemed necessary to ensure that the existing chimney is not impacted in any way during construction works or any time thereafter.

7.5. Carparking

- 7.5.1. I concur with the opinion of the planning authority in this matter. The proposal is for a replacement structure of a derelict site in an urban area. No additional parking requirement is generated. This is an urban redevelopment site.

7.6. Boundary Treatments

- 7.6.1. Third party concern is raised with respect to boundary treatments being identified. The proposed boundary walls to the rear are to be 1.8m high as noted on the site layout plan.
- 7.6.2. I consider that rear boundary walls of 1.8m in height is standard and acceptable at this location. A condition can be attached that the walls are plastered on both sides and capped. The boundaries proposed are considered acceptable.

7.7. Appropriate Assessment (AA)

- 7.7.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, replacement of an existing derelict structure with a new dwelling, the location of the site in a serviced urban area and the separation distance to the nearest 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

- 8.1. Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the 'R2' zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the

vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of compliance with the criteria stipulated under section 1.3.2, Volume 6 of the Kerry County Development Plan 2022 -2028. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
3.	<p>The party boundary walls to the rear of the site shall be 1.8m in height block walls, capped and dashed on both sides.</p> <p>Reason: In the interest of residential amenity.</p>

4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to the commencement of any works on site the applicant shall retain the services of a competent person(s) to carry out a review of the site to determine the presence of ACM (asbestos containing material) or any other hazardous materials within the structure to be demolished. A report on the presence of any such materials and the proposed management of same should be forwarded to the planning authority.</p> <p>Reason: in the interests of public health and to prevent pollution.</p>
9.	<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</p>

	<p>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, as amended. The contribution shall be paid prior to 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 matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Fiona Fair
Planning Inspector

30.07.2023