



An
Bord
Pleanála

Inspector's Report ABP-317591-23

Development	4 houses and associated site development works.
Location	Hillview East, Ballycasheen, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23/544
Applicant(s)	Joan O'Mahony
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Joan O'Mahony
Observer(s)	Shelley & Sean Michael Browne; Anthony Kiely;
Date of Site Inspection	9 th January 2024
Inspector	Niall Sheehan

1.0 Site Location and Description

- 1.1** The site is located in Hillview East, Ballycasheen which is situated 2km southeast of Killarney town centre (c.2.5km via road). The site area measures 0.17ha. The site forms part of an overall residential area known as Hillview (Hillview East and Hillview West). The site is located off Woodlawn Terrace (c.4m wide, 30kmph speed limit, access road) which comprises of detached properties to the rear of Woodlawn Road. Woodlawn Terrace is accessed from between No.14-15 Woodlawn Road and exists between No.3 Ait Lewdwidge and No.36 Ballycasheen Terrace. A one-way system is in place. The site is vacant and overgrown with vegetation with some mature trees toward the site boundaries. The topography is relatively level and ground conditions appear relatively solid underfoot. The site is accessed via a compacted gravel surfaced right of way (indicated on site location map) from Woodlawn Terrace.
- 1.2** The pattern of development surrounding the site predominantly comprises of detached dwellinghouses (mixture of storey and a half and two storey) with some semi-detached dwellinghouses also proximate. The 2 no. sites to the south of the site are vacant. One observer's dwellinghouse is located immediately further south of these two sites (No.17 Hillview East). The other observer's house (No.23) is located directly opposite No.17 due south east of the site. From the documentation submitted, the vacant sites due south and south east appear to be in separate ownership.
- 1.3** There are no Natura 2000 designations on the site or adjoining. The site is located c.250m from the River Flesk but is physically removed (no terrestrial or hydrogeological connection). The River Flesk forms part of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (Reference: 000365). The Killarney National Park, McGillicuddy and Caragh River Catchment pNHA is located within the same confines as the SAC.

2.0 Proposed Development

- 2.1.** The proposed development comprises of the following:
- A small terrace of 4 no. two-storey three-bedroom dwellinghouses (all containing front bays), all measuring 8.2m in height and 97sq.m in floorarea;

- Material finish comprises of smooth plaster, stone cladding to bays, selected slates to roofs, metal clad canopies over entrances, selected windows and doors;
- Floorplans comprise of kitchen, dining room and lounge at ground floor, 3 no. bedrooms, main bathroom and ensuite at first floor level;
- 8 no. off street parking spaces positioned in front of terrace. Permeable paving to driveway and parking area;
- Rear garden depths to measures between 9.65m and 11.45m. All rear garden areas to benefit from separate entrances to the side and rear respectively;
- 1m high front garden block boundary wall (capped and rendered) in front of terrace (all dwellinghouses);
- Rear boundaries to comprise of 2m high concrete post and plank walls;
- 2m high boundary walls (capped and rendered) to site boundaries;
- Connection to public water and public sewer mains. Rising sewer main to connect to existing sewer towards junction to Woodlawn Terrace;
- Right of way to be upgraded (by way of surfacing for full duration). Letter of consent from Tom Brosnan (stated owner) provided for such;
- No planting or landscaping details provided;

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 4th July 2023 Kerry County Council (KCC) issued notification of the decision to refuse permission.

Traffic and substandard access (as summarised)

1. Access road serving the site, adjoining public road to the rear of Ballycasheen Terrace and associated junctions onto Woodlawn Road are substandard and inadequate to cater in safety for the additional traffic movements generated by the proposed development and the precedent for similar developments that a

grant of permission would set. The proposed development would therefore endanger public safety.

Density, Layout, Precedent

2. Overdevelopment and excessive density of development incompatible with the prevailing type and scale of residential development in the immediate area. Proposed development by reason of its layout, poor disposition of open space would result in poor public and private amenity space for future occupants, seriously injuring their amenities in addition to depreciating the value of the existing properties in the immediate area setting undesirable precedent for similar developments in this mature and settled residential area.

3.2 Planners Reports

3.2.1 The Planner's Report outlines the following (as summarised):

- In developing Hillview estate planning permission was sought to build the road and services and then the sites were developed on a site-by-site basis (15/1012).
- Planning permission for a road serving this site was granted under planning permission reg. ref. 15/1012. This road has not yet been constructed and permission has expired. The intention was that the sites were developed on a site-by-site basis;
- Outline planning permission was granted for a dwellinghouse on the site under p.p reg. ref. 17/1087 (this permission has since expired).
- There are no issues with a single house being built onsite however the proposal for 4 dwellinghouses at this location is excessive. A similar application for 4 no. dwellinghouses was refused under planning permission reg. ref. 22/931.
- The roadway serving the estate is a gravel/dirt track and despite previous permissions to upgrade, this has not taken place. The application now proposes to upgrade the surface of the roadway.
- Notwithstanding the proposals to upgrade the road, the proposed upgraded road and connecting road to rear of Ballycasheen Terrace (this section of Woodlawn Road) do not have the capacity to cater for the proposed development;

- The proposed development would set negative precedent for adjoining/nearby vacant sites;

3.3 Other Technical Reports

3.3.1 Environmental Assessment Unit

3.3.2 Ecologist, Environmental Assessment Unit AA Screening Report concludes as follows:

- No spatial overlap between site and European Sites;
- No direct hydrogeological connection;
- No direct loss or alteration to habitats of European sites would occur;
- No significant disturbance or displacement of qualifying interest species likely;
- No significant habitat or species fragmentation arising resultant identified;
- Significant in combination effects with other plans/projects not likely;
- Proposal can be screened out, AA not required.

Environmental Assessment Unit recommended further information be sought with regard to the following (as summarised):

- Submission of Ecological Impact Assessment (EclA), to include a habitat map (in line with 'Best Practice Guidance for Habitat Survey and Mapping, 2011) and assessment of likely impacts on trees located within and adjoining;
- Submission of landscaping plan as per requirements of Section 2.3.4 of the Killarney Town Plan within the Kerry CDP 2022-2028.

3.3.3 Housing Estates Unit Comments. HEU had concerns in relation to:

Access, Road and Pedestrian Safety

- Proposed width of access inadequate for additional 4 no. houses;
- Lack of adequate sightlines at junction of Hillview East to Woodlawn Terrace.
- Appropriate traffic signage/road delineation needed;
- Proposed scheme does not deliver any disabled or visitor parking or footpaths (site/access is constrained);

- New up to date Road Safety Audit (RSA) Required;

Public Lighting

- No public lighting indicated. Requires to be provided for security purposes;
- Minimum lateral clearance of 1m between site boundaries and area labelled 'permeable paving to driveway and parking area' required;

Site Boundary Treatment

- A detailed Site Layout Plan is required. Clarify site boundary treatments;
- No timber planks or other timber components to any proposed individual or site boundary treatment as timber is not permanent, durable or maintenance free;

Other Services

- Sewer pumping station proposed. Other similar pumping stations not taken in charge;
- Inadequate details of how surface water runoff is to be dealt with. Sustainable Urban Drainage Systems, Nature Based Solutions encouraged;
- Location of fire hydrants require to be provided;

3.4 Prescribed Bodies

3.4.1 Uisce Eireann

Applicant (Appellant) required to lay a watermain approximately 90 metres through site and along private laneway to connect to the public watermain. All rights and permissions shall be obtained by the applicant for these works. Applicant also to install a header manhole, vent stack and gravity line from the header manhole to connect to the existing manhole on the laneway.

3.5 Third Party Observations

3.5.1 Objections from several neighbouring properties in close proximity (including observers in appeal), expressed concerns in relation to the following (as summarised):

- Planning authority refused identical development stating the development would 'constitute an overdevelopment ... excessive density ... incompatible with the prevailing type and scale in the immediate area.';
- Also stated 'proposed development by reason of its layout, poor disposition of open space would result in poor public and private amenity space would seriously injure amenities and depreciate the value of existing properties would set undesirable precedent for similar developments in this mature, settled area';
- Concerns relating to site access and traffic hazards if development proceeds;
- Do not wish to lose any existing trees to boundary of site;
- Concerns over potential use of proposed units for short-term letting;
- Permitting development here may generate precedent whereby vacant sites in immediate area may be subject to multi-dwellinghouse/unit development.

4.0 Planning History

4.1 Application Site

Planning Authority Reg. Ref. 22931 (Joan O'Mahony)
Construct 4 no. dwellinghouses with services and ancillary site works and upgrade existing access road and services (almost identical in appearance to current appeal)
Refused on the 4th July 2023 for the ostensibly the same reasons as the current application.

Planning Authority Reg. Ref. 171087 (Pat and Marie O'Connor) (single dwellinghouse)
Granted permission to construct (a) a dwellinghouse and (b) extend existing access road including all ancillary services on the subject site. Granted on the 17th April 2018.

4.2 Subject Access Laneway

To southeast (Site No.22b)

Planning Authority Reg. Ref. 16/832 (Sean Michael & Browne) Permission to construct a new storey and a half dwellinghouse, works also include (a) shed, (b) carport, (c) covered outdoor areas, (d) new front boundary walls and gate, and, (e) all associated site works. Granted on the 20th December 2016. (Built out).

To southeast (Site No.21)

Planning Authority Reg. Ref. 18/557 (Timothy & Mary Coffey) Permission to construct a private two-storey dwellinghouse including water, sewer and electric services, boundary treatment along roadside boundary, extend roadway, revised site boundaries and retain shed/store built on site in 1977. Granted on the 14th March 2019. (For purposes of clarity proposed roadway extension was to be provided by both No.21 and No.22b however this never took place despite the construction of No.21) (Dwellinghouse not built out, roadway not extended)

Planning Authority Reg. Ref. 19/832 (Anthony Kiely) Permission to construct a dwellinghouse and garage including all associated site works. Granted on the 23rd of December 2019. (Built out).

Planning Authority Reg. Ref. 02203922 (Noreen Kiely) Permission to construct a dwellinghouse and garage. Granted on the 4th December 2002 (Built out)

To south of access road

Planning Application Reg. Ref. 151012 (Brosnan Brothers Builders Limited) Permission to construct new access road including all ancillary services (southernmost part of roadway) to serve 8 no. sites. Road Safety Audit submitted by Reeks Consulting Engineering on behalf of Brosnan Brothers Builders. Granted on the 6th May 2016. Specific condition attached that the RSA Stage 1 be implemented in full. The access

road has been constructed however is surfaced with compressed gravel (potholed in places) and not bitumen as indicated.

Planning Application Reg. Ref. 08204871 (Hillview Residents Association)

Permission to construct roadway and ancillary services including water, sewer, electricity and phone supplied, public lighting and footpaths to service sites 14, 15, 16, 17, 19, 20, 21 and 22b. Application withdrawn.

Planning Application Reg. Ref. 05204503 (Ballycasheen Residents Association)

Permission to construct a roadway and all required services to service sites nos. 14, 15, 16, 17, 19, 20, 21 and 22B. Application withdrawn.

5.0 Policy Context

5.1 National Policy and Guidance

5.1.1 National Planning Framework 2040

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;

5.1.2 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) postdates the adoption of the Development Plan. Relevant provisions of these guidelines include the following:

Section 3.3.3 Key Towns and Large Towns (5,000+ population);

The key priorities for the growth of Key Towns and Large Towns:

(d) Realise opportunities for... incremental backland, brownfield and infill development.

(ii) Table 3.5 - Areas and Density Ranges Key Towns and Large Towns - Suburban;

Densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban locations of Key Towns and Large Towns.

Section 3.4 Refining Density

3.4.2 Step 2: Considerations of Character, Amenity and the Natural Environment

It is ... necessary to ensure that the ... scale of development at all locations can integrate successfully into the receiving environment.

New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character...

(a) The evaluation of impact on local character should focus on the defining characteristics..., including, the prevailing scale and mass of buildings, urban grain ..., any particular sensitivities and the capacity ... for change. While it is not necessary to replicate the scale and mass of existing buildings ... it will be necessary to respond in a positive and proportionate way to the receiving context.

Policy and Objective 3.1 It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within the consideration ... of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4.

4.4 Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement.

(b) New developments should connect to the wider urban street and transport networks and improve connections between communities, to public transport, local services ...where possible.

(v) Responsive Built Form

(b) New development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. The height, scale and massing of development in particular should respond positively to and enhance the established pattern of development (including streets and spaces).

Section 5.3.3 Public Open Space (as summarised)

The requirement ... shall be for public open space provision of not less than ...10% of net site area and not more than ... 15% of same save in exceptional circumstances.

In some circumstances a planning authority might decide to set aside (in part or whole). This can occur in cases where the planning authority considers it unfeasible.

SPPR 1 - Separation Distances (as summarised)

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceeds 16 metres between opposing windows serving habitable rooms at the rear or side of ... units above ground floor level. When considering a planning application ..., a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of ... units, above ground floor level shall be maintained. Separation distances below 16 metres may be ... acceptable in circumstances where there are no opposing windows ... and where suitable privacy measures have been designed ... to prevent undue overlooking.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate ... that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

Section 5.3.2 Private Open Space for Houses

SPPR 2 - Minimum Private Open Space Standards for Houses (as summarised)

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house 20 sq.m; 2 bed house 30 sq.m; 3 bed house 40 sq.m; 4 bed + house 50 sq.m

Section 5.3.4 Car Parking – Quantum, Form and Location

SPPR 3 - Car Parking (as summarised)

It is a specific planning policy requirement of these Guidelines that:

(iii) In intermediate and peripheral locations, ... in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such is justified ..., shall be 2 no. spaces per dwelling. (does not include provision for visitor parking).

Section 5.2.5 Bicycle Parking and Storage

SPPR 4 - Cycle Parking and Storage (as summarised)

All new housing schemes (including mixed-use schemes that include housing) shall include safe and secure cycle storage facilities to meet the needs of residents/visitors.

The following requirements for cycle parking and storage are recommended:

(i) Quantity – in the case of.. units that do not have ground level open space or have smaller terraces (open space), a general minimum standard of 1 cycle storage space per bedroom should be applied.

5.1.3 Design Quality Housing Manual, January 2022

Chapter 5 Dwelling Design

Section 5.7 Houses

Section 5.9 Standard Internal Layouts

5.1.4 Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

The Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) pre-dates the CDP. Section 3.4.2 of Volume 2 of the CDP states that regard should be had for these guidelines.

Section 5.3.2 ... requires that living and bedroom spaces should be well proportioned, in terms of floor shapes and ceiling heights, so as to provide a good quality living environment. Section 5.3.2 and Table 5.1 list minimum internal floor areas applicable.

5.2 Development Plan

5.2.1 The Kerry County Development Plan 2022-2028 (KCDP) refers:

The relevant sections, sub-sections and policy objectives are detailed below:

Chapter 3.0 Core Strategy

Objective KCDP 3-4 Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements.

Table 3.7 sets out details of Population & Housing Growth 2022-2028

Objective KCDP 4-27 Prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the county.

Volume 6

Chapter 1.0 Development Management Standards

Sub-Section 1.5.4.1 Pedestrian & Vehicular Movement

All new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport.

Where new developments are proposed adjacent to existing and established neighbourhoods, the design, layout and housing mix should be designed in a such a way to enable positive integration, both physically and socially towards building strong integrated communities and social cohesion.

Provision should be made for traffic management proposals in all developments. Where shared surfaces are proposed, vehicle design speeds should be at or near walking pace. This shall be achieved by design features such as curves, ramps, pinch points and other features where appropriate.

Ensure there is adequate infrastructure provided in new development to support people in making the choice to adopt active travel is important to achieve the aspirations of the policy objectives set out in Chapter 14, Connectivity.

Sub-Section 1.5.4.4 Public Open Space

Public open space should be provided at a minimum rate of 15% of total site area. The open space should be designed to complement the residential layout and be informally supervised by residents ... In brownfield sites or infill sites, a minimum of 10% may be provided as public open space. Residential developments of 5 units or less may be exempt from the 15% open space provision on greenfield sites. The Council will determine on a case-by-case basis where it is demonstrated that the function of the space is not viable.

Volume 2 Town Development Plans

Chapter 2: Killarney

Section 2.0 Land Use Zoning

Zoning: The site is zoned as 'Existing Residential' R2 in the Killarney Town Development Plan

Purpose: Provide for residential development and protect and improve residential amenity

Objective: For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.

Section 2.2 Demographics

Sub-Section 2.2.1 Population

The population allocation as contained in the Core Strategy of the Kerry County Development Plan 2022-2028 for the town of Killarney is 1,630 (anticipated population growth). It is the intention therefore to make provision for the development of 1,277 residential units on appropriately zoned lands (67.3 ha. existing; 67.3 ha. required).

When allocating for future growth, the council had regard to the principle outlined in the Core Strategy (see Volume 1, Section 3.10.3).

Objective KA 10 Facilitate the sustainable regeneration and renewal of vacant / derelict sites within the town.

Sub-Section 2.3.4 Natural Heritage

Objective KA 28 Seek to achieve a sustainable pattern of development which will facilitate the conservation of natural resources and habitats and minimise pollution. Sustainable Urban Drainage Systems (SuDS) and other Nature-Based Solutions (NBS) will be encouraged for the protection of water quality.

5.3 Natural Heritage Designations

The site is located c.250m north of the River Flesk which forms part of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (Reference: 000365). The Killarney National Park, McGillicuddy and Caragh River Catchment pNHA is located along the same confines as the SAC. The application site is also 0.7km east of the Killarney National Park Special Protection Area (SPA).

5.4 EIA Screening

Having regard to the nature, scale and details of the proposed development and the criteria set out in Schedule 7, I am satisfied that no likely significant impacts on the environment arise would arise from the proposed development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1 Grounds of Appeal

- Appellant acknowledges the access road to the development is currently substandard. Appellant has applied for permission to upgrade the portion of the road in third party ownership;

- The appeal also notes a number of planning permissions have been granted over the years to upgrade this access, namely 18/557, 17/1087, 15/1012 and 08/204996;
- It is submitted that permission could be granted by ABP conditional upon road being upgraded prior to occupation of first dwellinghouse;
- Refusal Reason No.1 outlines that the road is of insufficient width represents an overly cautious approach;
- The road varies in width from 5.6m to 7.4m wide. Proposed improvements to Hillview East will enhance road safety. Permissions for such were previously granted by KCC;
- Road Safety Audit was included as part of planning permission reg. ref. 15/1012 which was accepted by KCC;
- Proposed terrace of 4 no. houses in keeping with current KCDP and does not represent overdevelopment and/or excessive density as stated in KCC reason for refusal (4 no. units/0.17ha. = 24 units per hectare);
- A single detached house on this site does not represent an efficient use of serviced lands;
- Generous private amenity space, parking and turning areas afforded for 4 no. dwellinghouses.

6.2 Planning Authority Response

- None

6.3 Observations

6.3.1 Observations are submitted by Shelley & Sean Michael Browne 17 Hillview East, Killarney (to the south, same side of access road), and, Anthony Kelly 23 Hillview, Woodlawn, Killarney (to the south east, opposite side of access road). The issues raised in both observations are set out below:

- The proposed development constitutes overdevelopment of site and is out of

context with existing scale, density and character of the area;

- The design and layout of the scheme is not in keeping with the surrounding pattern of development;
- There are 3 no. vacant sites without planning permission to laneway (south and east) ahead of appeal site, therefore the proposed development constitutes unsequential development;
- There is no provision of public open space to proposed development;
- The proposed development would significantly increase traffic on Hillview East and Woodlawn Terrace;
- The access laneway serving the site is substandard and would not be adequate to accommodate increased traffic volumes arising from the proposal;
- The access does not provide for adequate space for footpaths and there is inadequate public lighting provision. Pedestrian safety will therefore be compromised;
- Inadequate parking provision onsite will result in cars parked along access laneway creating traffic hazard;
- The current sightlines onto Woodlawn Terrace are unsafe. Sightlines at southern end of access road (are substandard);
- Stop sign and thermoplastic stop line are required at exit onto Hillview East and also Woodlawn Terrace;
- There will be an increase in rubbish bins, waste recycling bins (due to 4 no. DHs) on the access laneway which will further restrict driver and pedestrian safety;
- There would be adverse impacts on vegetation and wildlife to site and surrounds resulting from clearance;

6.4 Further Responses

- None

7.0 Assessment

7.1 Introduction

7.1.1 Having examined the application details and all other documentation on file including all of the submissions received in relation to the appeal and having inspected the site and having regard to the relevant local, regional and national policies and guidance, I consider that the main issues in this appeal area as follows:

- Principle of Development;
- Layout and Design;
- Landscaping;
- Access and Other Issues;
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The proposed development is on an infill site in an area zoned as 'Existing Residential' which the purpose is to 'provide for residential development'. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2.2 I have noted that there are two other undeveloped sites further south and closer to the junction with Woodlawn Terrace, hence the development of the appeal site if granted would in effect leapfrog these two sites. I further note however that these sites are not in the ownership of the appellant. The appellant does therefore not have any control over the development of these sites. I consider the proposed development should not therefore have to wait for the development of the two sites further south to occur first. I have also noted in my assessment that the appeal site would in fact be closer to the rear of Hawthorn Avenue and the centre of Killarney.

7.3 Layout and Design

7.3.1 The immediate surrounding pattern of development is characterised by detached dwellinghouses on reasonably sized plots to Hillview East and Hillview West, pairs of semi-detached dwellinghouses with a number of detached dwelling houses at No.'s 1-22 Hawthorn Avenue due north. Woodlawn Road further to the south of Woodlawn Terrace is characterised by four terraces of 4 no. properties and one terrace of 6 no. properties.

- 7.3.2 Notwithstanding the infill site location on appropriately zoned and serviceable land, and the substantial achievement of required minimum unit standards (storage does not meet standards), I consider the proposed development of a terrace of 4 no. dwelling houses would constitute an inappropriate form of development at this location on the basis that the house type is incompatible with the prevailing type, scale and pattern of established residential development in the immediate vicinity.
- 7.3.3 The proposed development would therefore set an undesirable precedent for similar developments in this established residential area. I therefore consider that the provision of a smaller number of units (i.e. 1-2) may be more appropriate and may in keeping with the Section 28 Compact Settlements Guidelines for Planning Authorities (2024). Sections 3.4.2 and 4.4(v)(b) outline that development shall respect the urban grain and pattern of development in the area. I also note that the 2 no. sites immediately due south and the site to the southeast across the laneway have not been developed as of yet. As aforementioned, as understood these sites are outside the ownership of the applicant.
- 7.3.4 I do not consider the proposed density of 24 no. units per hectare (4 units for 0.17ha. site) excessive, however as described I consider the intensity of development on the site (small terrace of 4 no. units) out of character with the surrounding pattern of development which predominantly comprises of detached dwellinghouses to same access laneway and laneway running parallel to the west/rear. The intensity of development in the absence of adequate access arrangements not supported by an up-to-date Road Safety Audit would also result in an exacerbation of traffic safety issues as further discussed in my assessment of access below.
- 7.3.5 Section 1.5.4.4 (Public Open Space) of Volume 6 of the Kerry County Development Plan 2022-2028 states that ‘in brownfield sites or infill sites, a minimum of 10% may be provided as public open space’.
- 7.3.6 With regard to public open space provision, I note that this is not clearly indicated/labelled on drawings submitted. Notwithstanding, Point No.5 in the Appeal

Statement refers to 'public amenity space' provision. From a study of Site Layout Plan drawing number 22-018-102, there is a triangular shaped area to the extreme north of the site (north of No.4) which offers c.10% public open space thereby meeting the general spatial requirements.

7.3.7 Section 1.5.4.4 (Public Open Space) also states that 'incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the ... requirement' (full wording in Section 5.0 Policy Context).

7.3.8 On further assessment of the public open space offering, it is isolated, not centrally located, not directly visible and accessible to/from any of the units (and respective openings). I further note, there are no openings present to the flank elevation of No.4, hence the area would not benefit from any natural surveillance. I therefore consider the public open space offering to be of poor quality and subsequently contrary to Section 1.5.4.4 (Public Open Space) of the Kerry County Development Plan 2022-2028.

7.3.9 If the board are minded to grant consent for this scheme (4 no. units), I do not consider the site to be amenable to the provision of 10% public open space of sufficient quality (as required by Section 1.5.4.4 of the Kerry County Development Plan).

7.3.10 With regard to private open space, in excess of 40sq.m as per Section 28 Compact Settlements Guidelines for Planning Authorities (2024) has been provided to all dwellinghouses.

7.3.11 With regard to the accessway to the rear of No's 1-4, I note that these accesses via the gable ends of No.'s 1 and 4 would not benefit from adequate natural surveillance due to absence of windows to these gable ends. This may result in these accessways being poorly lit, poorly surveyed and resultantly isolated. If the board are minded to grant permission, I suggest that this issue be addressed by a condition requiring secured gated access for the benefit of residents only.

7.3.12 With regard to the internal space standards of the proposed residential units, I note adequate dedicated storage areas have not been provided in all units. Storage to bedrooms (built in presses/cupboards) is indicated in each which totals c.3sq.m per unit, however this falls short of the minimum requirement of 4sq.m (for 3 no. bedroom, 4 no. person units) as per Design Quality Manual, January 2022. If the board are minded to grant consent, I would suggest that a condition be attached requiring the submission of revised floorplans showing adequate storage space in each unit to and for the agreement the local authority.

7.3.13 With regard to cycle provision, I note that ground floor own door access would provide for adequate cycle storage either indoors or to the rear garden area.

7.4 Landscaping

7.4.1 I consider that inadequate planting and landscaping detail has been provided. Given the site location on an infill site towards the edge of settlement which contains some existing vegetation to the interior and number of trees to the extremities including towards the northern site boundary with Hawthorn Avenue, the submission of a site-specific planting and landscaping is essential. I am therefore of the view that the current absence of any details of planting or landscaping would fail to integrate the proposed residential development to its surroundings. If the board are minded to grant permission, or, in the event of a future submission for a lesser number of units, I consider the provision of a site specific detailed planting and landscaping submission essential.

7.4.2 With regard to external boundary treatments, a 1m high capped and rendered wall is indicated in front of the terrace, while a 2m high capped and rendered wall is indicated to the access laneway. These boundary treatments are considered to be acceptable in their own right.

7.4.3 With regard to individual boundary treatments, Kerry County Council, Housing Estates Unit have noted that no timber planks or other timber components should be included in any individual boundary treatment as they do not consider timber to be permanent, durable or maintenance free. I concur with the aforementioned and consider that board are minded to grant permission, or, in the event of a future submission, the

provision of adequate permanent individual boundary treatments is essential (condition can be attached to be agreed with local authority in event of grant).

7.5 Access

Site Access

- 7.5.1 From a study of documentation provided in addition to site visit undertaken, I note that the site is accessed from Woodlawn Terrace which is a single-lane one way road, subject to a 30kmph speed limit route off Woodlawn Road entering from the east and exiting to the west.

Woodlawn Terrace

- 7.5.2 I note that Woodlawn Terrace is without the benefit of footpaths and the only pedestrian facility is a white line to the southern side of the road which divides pedestrians from vehicles. Pedestrians are afforded c.1m in width to this designated area. There are c.17 dwellinghouses to Hillview East and Hillview West accessed off Woodlawn Terrace. There are also some rear accesses to rear gardens of properties Woodlawn Road. Woodlawn Terrace is not served by streetlighting apart from one streetlight to the junction with Hillview West. Due to the width and alignment at acute corners following entrance to and towards exit off Woodlawn Terrace, there is a 30kmph speed limit zone with slow vehicular speeds. There is no dedicated space for on-street parking to Woodlawn Terrace.

Hillview East cul-de-sac

- 7.5.3 The Hillview East cul-de-sac off Woodlawn Terrace accessing the site itself is surfaced with compressed gravel. I observed the surface condition to be poor in places containing a number of potholes, of narrow width and without the benefit of streetlights, footpaths or any form of pedestrian and vehicular demarcation. There is no dedicated space for on-street parking to Hillview East.
- 7.5.4 I consider that Hillview East cul-de-sac in its current form is currently inadequate in terms of width (4.4m wide in places when 5.5m required for two-way traffic), and substandard in terms of surfacing and lighting to cater for the additional traffic movements generated by an additional 4 no. residential units.

7.5.5 I note that an upgrade for Hillview East cul-de-sac was approved as part of planning permission 151012 which involved provision of shared surface, a rubbing strip between the carriageway and the boundary, and, parking restrictions to the eastern side of the carriageway. This upgrade never took place and the planning permission for this upgrade subsequently expired.

7.5.6 With specific regard to sightlines, I observed that sightlines (distance of vision) looking eastwards runs to the acute bend c.40m due east on Woodlawn Terrace (30kmph speed limit to Woodlawn Terrace). The nearest boundary fronting onto Woodlawn Terrace due east is formed of fence posts and temporary fencing (ownership of small area unclear, no live planning permission present there) followed by a c.1.2m high post and rail fencing at Hillview Cottage (entrance to this property further east at/near turn), hence the sightlines are obstructed by the fence posts and temporary fencing. These obstructions may be resolved by way of removal of temporary fencing and installation of a recessed low height boundary treatment in lieu of. With regard to sightlines looking westwards, as a one-way system is in place, there will therefore be no oncoming vehicular traffic coming from this direction. With regard to pedestrians, the dedicated pedestrian strip/area is to the opposite side of the road, hence vehicles will be able to see oncoming pedestrians and visa-versa. The nearest pedestrian access is Iona Cottage which is itself over 20m away and recessed hence pedestrians will not be in danger stepping directly in front of vehicular traffic.

Road Safety Audit

7.5.7 The appellant has stated that a Road Safety Audit (RSA) was already accepted for Hillview East cul-de-sac as part of grant of planning permission reg. ref. 151012 (construction of a new access road including all ancillary services). I note however that this was part of another planning application by a different applicant approved some 8 years ago in 2016 and cannot therefore be considered part of the appeal. I also note that the characteristics of Hillview East cul-de-sac have changed somewhat in the meantime by way of the construction of 2 no. detached dwellinghouses (planning permissions 16/832 and 19/832 built out (and planning permission 18/557 approved)).

7.5.8 Due to inadequate pedestrian facilities, absence of markings, signage and surfacing to Hillview East laneway and necessity to demonstrate adequate sightlines onto Woodlawn Terrace in addition to absence of dedicated footpaths and streetlighting to Woodlawn Terrace, I consider that the provision of a Road Safety Audit necessary. This should be provided as part of any future application.

Upgrade Plan

7.5.9 I note that the appellant has stated that they are seeking to upgrade a portion of Hillview East cul-de-sac within a third party's control due south of the site as part of the proposed development (letter of consent provided). While this is included in the red line boundary of the application documentation, from a study of this documentation, there is no detailed specification or upgrade plan of any kind provided in respect of such works including proposed surface water drainage design.

Car Parking

7.5.10 As per Sub-Section 1.20.7, Table 4 Car Parking Standards of the Kerry County Development Plan, the site is in Area 3, hence requires 2 no. resident spaces per unit in addition to 0.5 visitor spaces per unit. From a study of the Site Layout Plan, there does not appear to be any visitor parking provided, hence the proposed development does not comply with the 'Car Parking Standards' (SPPR 3 also states that visitor parking is not included as part of maximum standards). Subject to a revised design and layout, I conclude that adequate levels of parking provision could be accommodated, however as aforementioned, I consider the provision of housing premature pending substantial upgrade of existing cul-de-sac including junction with Woodlawn Terrace and submission of up-to-date Road Safety Audit.

Conclusion

7.5.11 I consider that due to the narrow width of both Hillview East and Woodlawn Terrace, in the absence of a comprehensive upgrade plan as part or linked to a Road Safety Audit which would address alignment, surfacing, surface water treatment, pedestrian safety, streetlighting, signage and sightlines, further residential development to Hillview East would be premature.

7.5.12 At present in the absence of an upgrade plan and Road Safety Audit, I am not satisfied that Hillview East cul-de-sac can cater for this residential development and hence the proposed development would be contrary to the optimum management of vehicular traffic, pedestrian and cycling movements in the area.

7.6 Other Issues

7.6.1 Residential Amenity

7.6.1.1 From a study of plans submitted and site visit undertaken, the proposed development is sited at a lower level to Hawthorn Avenue to the north. Substantial separation distances exist to the north to the rear of properties along Hawthorn Avenue (c.20m), and also to the south and east along Hillview East (c.40m). Hawthorn Avenue is positioned at a significantly higher level, while the site is positioned at the same level as those to Hillview East and at a slightly higher level to Woodlawn Terrace and Woodlawn Road further south. The gable end of Unit No.4 would face towards rear gardens to Hawthorn Avenue due north, while the gable end of Unit No.1 would face towards No.17 Hillview to the south (2 no. sites in-between). I therefore consider separation distances are adequate and no resultant significant overbearing, overshadowing or loss of light impacts to surrounding properties would arise.

7.6.1.2 With regard to overlooking and loss of privacy, no overlooking or loss of privacy impacts would occur, given respective separation distances involved as outlined above.

7.6.1.3 Taking all of the aforementioned into consideration, I do not consider that the proposed development would generate any significant adverse residential amenity impacts to any adjoining/surrounding properties (notwithstanding unacceptability in terms of access and urban grain/pattern of development).

7.6.2 Part V

7.6.2.1 Part V is applicable as proposed development is for 4 or more dwellinghouses. The Part V proposal is to transfer 1 no. dwellinghouse to the local authority (House No.1). A Part V Cost Summary has been provided as part of submission.

7.6.3 *Services*

- 7.6.3.1 The proposed development would propose to connect to the existing public water and foul water mains with sewer pumping station proposed in front of terrace and towards access laneway. The Housing Estates Unit have raised the question of who would manage the pumping stations as they have stated that such have not been taken in charge by the local authority in similar estates/situations. If the Board were minded to grant permission, I would recommend a condition be attached for the submission of a management and maintenance plan (for the sewer pumping station) to the local authority for agreement in writing prior to works commencing onsite.
- 7.6.3.2 As per Uisce Eireann response, the appellant will be required to lay a watermain approximately 90 metres along Hillview East to connect to the public watermain towards the junction of Hillview and Woodlawn Terrace (in addition to other matters). These matters can be addressed by condition.
- 7.6.3.3 No other significant concerns have been raised by the 'Area Planner', Housing Estates or Uisce Eireann regarding capacity constraints to the public water or sewer systems. As there are no capacity issues evident and a connection to the public sewer can potentially be facilitated at this location (pending agreement), I am satisfied that a suitable condition requiring formation of connection agreement with Uisce Eireann (and any interested parties), prior to commencement of any development could be put in place if the Board were minded to grant permission.
- 7.6.3.4 With regard to surface water, I do not consider that adequate details have been provided of how surface water runoff from the driveway and access laneway will be dealt with. Bituminous surface is proposed to both with section through hydropave permeable infiltration paving system to driveway and parking area is indicated on the Site Layout Plan. If the Board are minded to grant permission, I would recommend a standard condition be attached to ensure surface water be adequately addressed for both the area subject to development and also the access way within the red line boundary.

7.6.4 Short-Term Letting/Tourism Letting

7.6.4.1 If the board are minded to grant consent, given the site location in the settlement of Killarney close to tourism amenities, I consider necessary to recommend a condition that the use of the proposed dwellinghouses be restricted to such, and, no part of any proposed dwellinghouse be used for the provision of overnight commercial guest accommodation. The subject site is a quiet suburban residential area towards the southern edge of Killarney town and is thus not suitable for tourism letting/short-term letting.

9.0 Appropriate Assessment Screening

9.1 Stage 1 Screening Natura 2000 sites

9.1.1 Development comprises of the construction of a terrace of 4 no. dwellinghouses (due to connect to water and wastewater services) and is considered in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject site is located 250m north of but physically removed from the River Flesk (no spatial overlap, no physical or hydrogeological connections) which forms part of the Killarney National Park MacGillycuddy and Caragh River Catchment SAC (Reference: 000365). The application site is also 0.7km east of the Killarney National Park SPA (Reference: 000365) however there is no physical or ecological connection thereto. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no likelihood of significant effects on conservation objectives of any European Site and the level of intervening development. The reasons for this conclusion are the nature of the works, separation distances in between the proposed development and European Sites, the absence of direct connections and pathways to/from the Killarney National Park MacGillycuddy and Caragh River Catchment SAC. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect (no significant production of waste, emissions, no significant impacts on qualifying interests, no significant water quality effects and no direct loss of habitats) on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2 Natura Impact Statement) (under Section 177V of the Planning and Development Act

2000) is not required.

10.0 Conclusion

Notwithstanding the provision of residential units on residentially zoned and serviced infill lands, there are deficiencies in the road network serving the site and surrounding area, hence the proposed development would constitute a traffic hazard contrary to Sub-Section 1.5.4.1 of the Development Management Standards of the Kerry County Development Plan. Furthermore, the proposed development of a terrace of 4 no. dwelling houses would constitute an inappropriate form of development incongruous and incompatible with the established urban grain in the immediate area which predominantly comprises of detached dwellinghouses (with some semi-detached dwellinghouses to the north). The proposed development would therefore also be contrary to the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Section 4.4(v)(b)'.

While the public open space offering is isolated and of poor quality, and, is subsequently contrary to Section 1.5.4.4 (Public Open Space), as there are already substantive reasons for refusal (as outlined above), I am therefore not including this particular issue as a reason for refusal.

11.0 Recommendation

11.1 I recommend that permission be **REFUSED** for the reasons stated below.

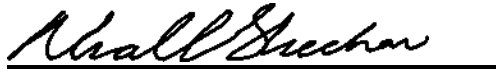
12.0 Reasons and Considerations

1. There are deficiencies in the road network serving the site and surrounding area in particular at (i) Woodlawn Terrace, and (ii) Hillview East, due to inadequate width, pedestrian provision, streetlighting, surfacing, and, demonstration of sightlines from Hillview East onto Woodlawn Terrace. The network does not therefore have the adequate capacity to cater for the traffic which an additional 4 no. dwellinghouses would generate.

The proposed development therefore constitutes a traffic hazard compromising both traffic and pedestrian safety and is contrary to Sub-Section 1.5.4.1 of Development Management Standards contained in Volume 6 of the Kerry County Development Plan 2022-2028, and, also to the proper planning and sustainable development of the area.

2. Notwithstanding the nature of the infill site in an urban area, the proposed development of a terrace of 4 no. dwelling houses would constitute an inappropriate form of development incongruous and incompatible with the established urban grain in the immediate area which predominantly comprises of detached dwellinghouses (with some semi-detached dwellinghouses to the north). The proposed development by reason of its layout, and form would be discordant with the established urban grain and would resultantly set an undesirable precedent for similar developments in the immediate surrounding area (i.e host laneway) contrary to both the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Section 4.4(v)(b)', and, the proper planning and sustainable development of the area.

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.

A handwritten signature in black ink, reading 'Niall Sheehan', is positioned above a solid horizontal line.

Niall Sheehan
Planning Inspector

21st May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317951-23		
Proposed Development Summary	4 dwellinghouses and associated site development works.		
Development Address	Hillview East, Ballycasheen, Killarney, Co Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i)	Sub-Threshold Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X (Assessment conducted as part of planning application; 4 no. dwellinghouses, no real likelihood of significant effects)	Preliminary Examination required
Yes		Screening Determination required

Inspector: *Niall Grechan* Date: 21st May 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317591-23	
Proposed Development Summary	4 no. dwellinghouses and associated site development works.	
Development Address	Hillview East, Ballycasheen, Killarney, Co Kerry	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	4 no. dwellinghouses with potential connection to services, no significant emissions etc. resultant. Not exceptional in context. No significant emissions or waste would result other than that associated with the construction site.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing	4 no. dwellinghouses with potential connection to services, no significant emissions etc. Significantly below threshold and not exceptional in context of the surrounding area. No significant waste or emissions resultant of this project combined with any existing or permitted projects.	No No

and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	Located c.250m but physically removed from the River Flesk (no terrestrial or hydrogeological connection or pathway) which forms part of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC (Reference: 000365). The Killarney National Park, McGillicuddy and Caragh River Catchment pNHA is located along the same confines as the SAC. Not proximate to other ecologically sensitive sites. The application site is also 0.7km east of the Killarney National Park SPA (Reference 004038) however is not connected to this site (physically or ecologically).	No No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: 

Date: 21st May 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)