



An  
Bord  
Pleanála

## Inspector's Report ABP-318021-23

<b>Development</b>	Extension to existing dwellinghouse
<b>Location</b>	Ballinrannig, Ballyferriter, Co.Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	23409
<b>Applicant(s)</b>	Alia Greaney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Conditional Permission
<b>Type of Appeal</b>	Third Party (3 no.)
<b>Appellant(s)</b>	Virginia Keogh; Henry O'Connor; John & Mary Downes
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> January 2024
<b>Inspector</b>	Niall Sheehan

## **1.0 Site Location and Description**

- 1.1. The site is located at No.19 Wine Strand Cottages, Ballinrannig, Ballyferriter. The site measures c.0.08ha. The existing property is a single storey vacant dwellinghouse measuring c.86sq.m floorarea in a development scheme comprising of detached single storey dwellinghouses (some of which have converted roofspace) in a coastal location c.2km north east of Ballyferriter village.
- 1.2. The development is a single storey dwellinghouse part of a late 1980's, early 1990's holiday home scheme of c.27 no. dwellinghouses of which c.23 are located to the northern side of the local county road. The layout of the development is such that two separate south to north access roads run parallel from the south of the site. Properties are offset from the north to south spine road. Numerous other one off houses are located in close proximity to the development.
- 1.3. The application site is located proximate to the coastline with No.18 separating the subject dwellinghouse from the coastline to the north and the access road separating the dwellinghouse from the coastline to the east;
- 1.4. The position of the dwellinghouse is offset such that the front elevation faces north east while the rear elevation faces south west.
- 1.5. There is a c.1m high stone wall boundary at the estate entrance to the south of the development scheme and also to eastern and western boundaries. There are a limited number of low boundary treatments (low stone walls) between properties however there is little or no landscaping, planting or individual boundary treatments within the wider site which is generally open;
- 1.6. A significant proportion of dwellinghouses in the area surrounding the holiday home development are single storey with a number of dormer dwellinghouses in the vicinity also.
- 1.7. The site is served by a connection to public water mains and a communal septic tank which appears to be located to the south east of the site due south of the communal tennis court.

## **2.0 Proposed Development**

### **2.1. Permission is sought for remodelling of:**

Dwellinghouse to measure 203sq.m in overall floorarea (from 86sq.m as existing), 10.6m in overall depth, 20.645m in overall width, with single storey flat roof extension measuring 2.65m high at the eaves and 3.15m high at the parapet projecting 2.4m to the front north east elevation and upto 10.175m to the south eastern flank offset at an angle.

Development provides first floor accommodation and includes a large dormer roof structure on the north eastern roof slope.

Existing parking area to front/north east of property to remain as is;

Surface water drain to continue to public drain which runs along south to north access route through the site.

## **3.0 Planning Authority Decision**

### **3.1. Planning Authority Report**

3.1.1 In considering the application, the planning authority sought further information in respect of the description of development and capacity of wastewater treatment system serving the development

3.1.2 By order dated 25<sup>th</sup> August 2023, Kerry County Council subsequently issued notification of the decision to grant permission with six conditions. Condition No.3 stipulated that the dormer projection to the roof space to be omitted with rooflight in lieu of.

### **3.2. Other Technical Reports**

#### **3.2.1. Other Technical Reports**

#### **3.2.2. Ecologist:**

- Proposed development is geographically removed from Dingle Peninsula SPA c.850m to the east. (Site Code: 004153);

- Proposed works not likely to significantly impact as no realistic or meaningful pathway;
- Nature, scale, location such that potential for cumulative and in combination effects can be ruled out;
- Proposed development located adjacent to Smerwick Harbour Sandhills and Marshes(to coastline) pNHA Site Code 001958;
- Dwellinghouse connected to communal wastewater treatment system. Provided wastewater treatment proposals to satisfaction of Site Assessment Unit/Planning Authority no realistic potential for impact on biodiversity.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland – No observations to make.

### **3.4. Third Party Observations**

8 no. observations were received during the statutory period. The matters raised are generally reflected in the third party grounds of appeal.

## 4.0 Planning History

No recent planning history recorded onsite

*Of interest: No.11 Wine Strand Cottages c.70m due south west*

Planning Authority Reg. Ref. 21/713;

1. Retain existing shed onsite; 2. Permission to (a) Alter and extend existing dwellinghouse onsite (b) Demolish existing shed and construct lean to shed on gable end of dwellinghouse including all necessary site works;

Granted Conditional Permission;

Requested to remove a proposed first floor extension including window at further information stage.

## 5.0 Policy Context

### Development Plan

The Kerry County Development Plan 2022-2028 refers:

KCDP 5-19: Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets and the environment of the county

KCDP 5-21: Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations;

Section 11.6 sets out policies and objectives in relation to landscape;

The following objectives relate to protection of rural landscape;

Objective KCDP 11-77: Protect the landscapes of the county as a major economic asset and an invaluable amenity which contributes to the quality of people's lives;

Objective KCDP 11-78: Protect the landscapes of the county by ensuring that any new developments do not detrimentally impact upon the character, integrity, distinctiveness or scenic value of their area.

Any development which could unduly impact upon such landscapes will not be permitted;

### 11.6.3 Landscape Designations

11.6.3.1 Visually Sensitive Areas – identified as a visually sensitive area. No protected views or prospects proximate.

1.5.6.1: Extensions to Dwellings Front Extensions - Other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house and shall not dominate the front elevation of the dwelling. Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design and impact on visual and residential amenities. A break in the front building line will be considered subject to scale and design and impact on established residential and visual amenity.

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;

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.

### **5.1. Natural Heritage Designations**

The appeal site is located c.0.85km from the Dingle Peninsula SPA 001958 to the east. It is considered that the proposed works which are relatively small are not likely to significantly impact on any European Sites or their conservation interests. There is no realistic or meaningful pathway, hence no realistic possibility that the proposal would significantly impact.

The proposed development also located adjacent to the Smerwick Harbour Sandhills and Marshes pNHA Site Code 004153 to the east. Provided wastewater treatment proposals are to satisfaction of Site Assessment Unit, there are no realistic potential for impacts on biodiversity here either.

### **5.2. EIA Screening**

Having regard to the nature and scale of the proposed development and absence of connectivity to sensitive locations, I am satisfied that no real likelihood of significant effects on the environment arise from the proposed development and that the need for carrying out of an EIA can be excluded at preliminary examination and screening determination is not required. See Form 2.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

3 no. appeals received from:

Virginia Keogh, No.18 Wine Strand Cottages:

John and Mary Downes, No. 20 Wine Strand Cottages;

Henry O'Connor, 33 Liosbourne, Kilmoney, Carragaline, Co.Cork;

- Amended drawings submitted to the planning authority in response to further information request not on planning authority website at the time;
- Purchase contracts for Wine Strand Cottages contains text regarding original layout and design set out to ensure maximum privacy;
- Large proposed floorarea/floorplate over-dominates the site area. Proposed development will result in overdevelopment of site;
- No properties in the development have been permitted to increase roof height or significantly vary design;
- Proposal and proximity to boundaries will significantly compromise privacy including use of private garden space;
- All other development to have large garden areas to allow for amenity;
- Existing wastewater treatment system c.30 years old. Wastewater treatment system may become overloaded due to increased occupancy. No foul or stormwater proposals shown;
- Drawings submitted following further information request did not outline site boundaries or evidence septic tank in situ on adjoining lands;
- Condition 5 of planning permission regarding construction management will not be easily enforceable;
- Provisions for parking of all construction vehicles and storage should be put in place prior to commencement of development onsite in the event of GOPP;
- Proposed development bears all hallmarks of rented development

## 6.2. Applicant Response

None



## **7.0 Assessment**

### **7.1. Introduction**

7.1.1 Having reviewed the grounds of appeal I consider that it is appropriate to address the appeal under the following broad headings:

- Clarification;
- Scale;
- Visual Amenity;
- Residential Amenity.

### **7.2 Clarification**

7.2.1 The purchase contracts of Wine Strand Cottages and a planning application/appeal to alter and extend the existing dwellinghouse are separate matters. The limitations of any such purchase contract shall not affect the decision as to whether or not to grant or refuse permission;

7.2.2 With regard to condition No.2 of planning permission 91/631 (stipulating distance of 4.5m for extensions and alterations from mutual boundaries) stated in observations, this relates to a planning application for No.'s 24-27 Wine Strand Cottages to the opposite side of/south of the local county road and not No.'s 1-21 (and 'The Gallery' and 'The Haven') Wine Strand Cottages.

7.2.3 With regard to the assertions from the appellant that the property may be used for rented accommodation, I am not in a position to comment on whether the property may or may not be used for rented accommodation, nor is this a material consideration in the determination of this appeal.

### **7.3 Scale**

- 7.3.1 On assessment of the host estate, it is noted that several properties have been subject to alterations and extensions, hence the principle of the proposed extensions and alterations are considered acceptable.
- 7.3.2 Although there is a significant increase in floorarea proposed, it is considered that the actual proposed footprint is not excessively greater than that of the existing dwellinghouse. Furthermore the proposed footprint to site area relationship (both individual and wider sites) is still considered proportionate and reasonable, retaining sufficient amenity area without over-dominating the site.
- 7.3.3 I consequently consider that scale of the proposed development to be in keeping with the scale and footprint of the existing dwellinghouse, the application site, those surrounding properties and the wider host development. I do not consider that the proposed development would generate an unwelcome precedent for the host development and surrounding area.

### **7.4 Design**

- 7.4.1 At present the host dwellinghouse is in a dilapidated state of repair whereby roof tiles are missing, paint and varnish is flaking off existing doors and window frames, paint and render to walls is stained with the property in a general state of neglect. I am of the view that the property detracts from the host estate and wider area, which appears well kept.
- 7.4.2 I note that a number of properties in the host development have extended and altered their dwellinghouse with some having converted their roofspace to provide first floor living space served by rooflights, within the existing roof profiles.
- 7.4.3 With regard to the actual design, the proposed single storey flat roof extension to the north eastern elevation wrapping around to the south eastern flank elevation containing a corner window (feature window) would be in keeping with the host building and surrounding development. As per 'Residential Amenity' below, it would not give rise to a loss of privacy given separation distances involved. It is noted that

the projecting rear extension to 'The Gallery' building south east of the proposed dwellinghouse almost entirely comprises of glazing. There are also a number of conservatories and sunrooms to other properties throughout the host development scheme for which offer full height glazing.

7.4.4 The proposed dormer window would be out of character with the roof profiles of dwellinghouses within the estate which eaves, ridge heights and roofplanes have remained unaltered. Any roofspace conversions which have taken place are within the original roofscape and served by rooflights rather than dormer projections. This has maintained consistent roof profiles and overall appearance throughout the estate

7.4.5 I have recommended the retention of the condition attached by the planning authority for the omission of the proposed dormer window given that there are none existing in the host development and No.11 c.70m to the south west (planning permission 21/713) was requested by way of further information to remove a proposed first floor extension including window opening. The proposed dormer window if permitted would at odds to the host development, and if permitted may generate a scenario where similar such proposals would prove difficult to resist.

7.4.6 Overall, apart from the proposed dormer window which I recommend retention of condition to remove, I consider the proposed development would modernise and be adequately in keeping with the character of the original structure and also the surrounding area, and, would therefore substantially comply with Section 1.5.6.1 of the Kerry County Development Plan 2022-2028.

## **7.5 Residential Amenity**

7.5.1 The proposed extension is located c.22m at the nearest point to the nearest neighbouring property at No.18 to the north where both properties are set at a relatively oblique angle to one another. It is also again noted that the host estate is both open plan and un-landscaped

7.5.2 On assessment of loss of privacy impacts, given the window-to-window distance from the proposed extension to the affected neighbouring property at No.'s 18 which would measure between c.22m and c.29m at an oblique angle, I do not consider that a

significant loss of privacy would resultantly occur.

- 7.5.3 While the proposed extension would measure c.3.9m from the mutual boundary with No.18, it would not overlook the immediate garden area directly outside the southern elevation of No.18. Also, as aforementioned, the estate is open plan with little or no landscaping, a level of mutual overlooking at ground floor level exists between properties.
- 7.5.4 With regard to the proposed dormer window as noted above, I am in agreement with the planning authority to recommend a condition requesting it's removal and subsequent replacement with rooflight(s). Firstly, permitting a dormer window may generate a precedent where future such proposals may prove difficult to resist. It is noteworthy there are no dormer windows in the host development existing or permitted (some roofspace conversions with rooflights have taken place). Secondly, I am of the view that the removal of such would substantially alleviate any perception of overlooking from proposed first floor level.
- 7.5.5 With regard to any overshadowing or loss of light impacts, there are no changes to eaves and ridge height to the existing roofscape and the proposed 3.15m high single storey flat roof extension projecting 2.4m would not create any significant overshadowing or loss of light to either No.20 to the rear/south or No.18 to the north given significant separation distances.
- 7.5.6 Given negligible residential amenity impacts and the existing open plan nature of the estate, I do not consider it appropriate to attach a planning condition stipulating the provision of additional boundary treatment, planting or landscaping in lieu of.

## **7.6 Wastewater treatment**

- 7.6.1 Further Information was initially requested for a report on working capacity, capability and condition of the existing wastewater treatment system serving the dwellinghouse. The agent acting on behalf of the applicant Sugrue Design submitted a covering letter as part of further information response stating that no additional occupancy is required with the dwellinghouse to remain a 3 no. bedroom dwellinghouse as per proposed plans with an increase in floorarea to provide greater liveability and comfort as

opposed to increased occupancy. The planning authority accepted the further information response.

7.6.2 It is noted that there was no increase in the number of bedrooms in Planning Permission Reg. Ref. 21/713 at No.11 for extensions and alterations for which it was accepted by the planning authority that there was no increased loading resultant.

7.6.3 Although the proposed extensions and alterations would result in a considerable increase in overall floorarea, the existing floorarea of 86sq.m is limited and it is accepted that an increase to 203sq.m would facilitate for modern living standards. 3 no. bedrooms currently exist, and, the proposed development would not increase this quantum. An increase in floorarea and number of bathrooms does not in itself mean increased occupancy or loading.

7.6.4 On day of site visit, the location of the communal wastewater treatment plant was unclear. On inspection of the site, estate and surrounding area, there was no evidence of poorly drained soil (species such as the Common Rushes or Scotch Broom growing through the soil) or malfunctioning of the communal wastewater treatment system (noxious odour around the development). No evidence to the contrary is available on the file.

7.6.5 I therefore consider the rationale provided by the agent and accepted by the planning authority at further information stage adequate in this instance.

7.6.6 In the interests of orderly development, I am recommending the attachment of conditions stipulating that the dwellinghouse be limited to 3 no. bedrooms only, and, the water supply and drainage arrangements comply with the requirements of the planning authority for such.

## **7.7 Construction Management**

7.7.1 I note residents' concerns regarding construction management including keeping access roads within the development free of dust and debris. I therefore recommend the attachment of a condition for the submission of a site specific Construction

Management Plan which I consider can satisfactorily address such concerns. This would include restriction on the parking of construction vehicles and storage of material within the boundaries of the site

## **7.8 Appropriate Assessment**

- 7.8.1 As regards Appropriate Assessment having regard to the location (within an existing development), nature and scale of the development and the separation distances to the nearest Natura 2000 European site which is the Dingle Peninsula SPA, Site Code: 004153, no Appropriate Assessment issues arise. It is therefore considered that the proposed development would not be likely to have a significant effect either individually or in combination on the objectives of the Dingle Peninsula SPA, Site Code: 004153 or any other European Site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing I recommend that retention be **GRANTED** subject to conditions.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the Kerry County Development Plan 2022-2028, the location, layout, scale and design, wastewater arrangements, I consider that the proposed development would subject to compliance with the condition set out below would not give rise to unacceptable visual, residential amenity, or, environmental impacts and would be acceptable in terms of traffic safety, would be in keeping with the existing pattern of development, and, would, 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, as amended by the further plans and particulars received by the planning authority on the 14/04/2023 and as revised on 18/07/2023 and 31/07/2023 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The proposed dormer protrusion to the roofspace (north east elevation) shall be omitted. A rooflight type window (s) shall be installed in lieu of. Details of the rooflight type window (s) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a dwellinghouse, unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
5.	<p>The water supply and drainage arrangements, including the alleviation and disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of public health.</p>

6.	All service lines to the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be laid underground. Reason: In the interests of visual amenity and orderly development.
7.	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 intended construction practice for the development for which shall included but not limited to construction vehicle access and routes, the parking of construction vehicles and storage of materials within the site, hours of working, noise management and mitigation measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.
8.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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. Reason: In order to safeguard the residential amenities of property in the vicinity.
9.	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, 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.



	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.
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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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Niall Sheehan  
Planning Inspector

30<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	318021-23			
<b>Proposed Development Summary</b>	Extension to existing dwellinghouse			
<b>Development Address</b>	Ballinrannig, Ballyferriter, Co.Kerry			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A	Not a class of development	No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10, (b) (i)	Sub-Threshold	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: *Nhall Guerin*

Date: 30<sup>th</sup> January 2024

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	318021-23	
<b>Proposed Development Summary</b>	Extension to existing dwellinghouse	
<b>Development Address</b>	Ballinrannig, Ballyferriter, Co.Kerry	
<b>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.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> 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?	Extension and alterations.       No significant emissions resultant.	No       No
<b>Size of the Development</b> 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	Extension and alterations.       No significant emissions resultant of this project combined with any existing or permitted	No       No

and/or permitted projects?		
<b>Location of the Development</b> 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?	Proposed development c.0.85km and geographically removed from Dingle Peninsula SPA, Natura 2000 site (Site Code: 004153);  Located an adequate distance away with no direct pathways to any ecologically sensitive sites.	No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.	<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>  <del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	<b>There is a real likelihood of significant effects on the environment.</b>  <del>EIAR required.</del>

Inspector: 

Date: 30<sup>th</sup> January 2024

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)