



An  
Bord  
Pleanála

## Inspector's Report ABP-318087-23

<b>Development</b>	Alterations and extension to existing house
<b>Location</b>	Baile Icín, Dún Chaoin, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2360016
<b>Applicant(s)</b>	Traolach Ó Buachalla & Fintan Valentine
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Traolach Ó Buachalla & Fintan Valentine
<b>Observation(s)</b>	Eibhlín Uí Chatháin
<b>Date of Site Inspection</b>	11 <sup>th</sup> April, 2024
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located close to the coast in the townland of Baile Icín at Dún Chaoín at the western end of the Dingle Peninsula. There is an existing bungalow with a flat-roofed annex to the rear on the site. The house is understood to have been constructed in the mid-1980s as a Council house. The site has frontage onto a short cul-de-sac and has panoramic views westwards towards the Blasket Islands. There is a single-storey house to the south of the site and two houses a short distance to the north. A two-storey house is located a short distance away to the south-east at the top of the cul-de-sac road. The large complex forming the Office of Public Work's Blasket Centre lies further to the north. There are extensive numbers of one-off houses of varying heights, scale, mass, bulk, and design in the environs of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the renovation and extension of the existing house, including an extension to the rear and single storey additions incorporating an attached store. It would also include new piers and improvements to the main entrance and a new septic tank and percolation system. The gross floor space of the proposed works is stated to be 150.4 square metres. The site is stated to be 0.38 hectares in area. The development would be served by the public water supply serving the existing house.
- 2.2. The planning application includes photomontages, a site assessment report, supporting letters, and a design statement.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 29<sup>th</sup> August 2023, Kerry County Council decided to grant permission for the proposed development subject to 12 conditions.

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

#### **3.2.1. Planning Reports**

The Planner noted pre-planning consultation, the site's planning history, and relevant provisions of Kerry County Development Plan. The sensitivity of the location was acknowledged as was the type of development in the vicinity. It was considered that the proposal was not likely to negatively impact on residential amenities. The high visibility of the existing house on the exposed landscape was noted and the house was found to be of no architectural merit. It was considered that the extension to the rear would result in a scale and massing that would not integrate satisfactorily with the scenic rural landscape. The remainder of the extensions that elongate the house were seen to be in keeping with vernacular dwellings in the vicinity. It was recommended that the extension incorporating the kitchen/dining area be omitted. A grant of permission subject to conditions was recommended.

#### **3.3. Third Party Observations**

A letter of support for the proposal was received from Feargal Mac Amhlaoibh.

Eibhlín Uí Chatháin, owner of the neighbouring property to the south and lands surrounding the property, supported the development in principle. Concerns raised related to visual impact, overlooking and the height of the proposed extensions.

### **4.0 Planning History**

#### **P.A. Ref. 1417/08**

Permission was refused for the partial demolition/renovation/extension of the existing dwelling for one reason relating to the proposal being unduly obtrusive and not satisfactorily integrating with the landscape due to its scale, bulk, prominence and high visual impact.

## 5.0 Policy Context

### 5.1. Kerry County Development Plan 2022-2028

#### Chapter 11 – Environment

##### *Landscape Sensitivity*

Objectives include:

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.

KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

##### *Visually Sensitive Areas*

The site is located within a designated Visually Sensitive Area.

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration.

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.

The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

The following provisions shall apply to development in visually sensitive landscape areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact

on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided.

### *Views and Prospects*

County Kerry contains views and prospects of outstanding natural beauty which are recognised internationally. There is a need to protect and conserve these adjoining public roads throughout the County. Any development which hinders or materially affects these views/prospects will not be permitted.

Objectives are as follows:

KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4.

KCDP 11-80 Facilitate the sustainable development of existing and the identification of new Viewing Points along the route of the Wild Atlantic Way in conjunction with Fáilte Ireland, while ensuring the protection of environmental attributes in the area

through the implementation of environmental protection objectives, standards and guidelines of this Plan.

KCDP 11-81 Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

There are designated views from Regional Road R559 to the north and south of Dún Chaoin as well as from a local road east of Dún Chaoin. The site of the proposed development comes into view from the regional road north of Dún Chaoin. Other designated views are not in the direction of the site.

## 5.2. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal is made against the attachment of Condition 3(a)(i) of the decision of the planning authority.

Condition 3(a)(i) is as follows:

3(a) *Beidh an fhorbairt atá beartaithe de réir na líníochta deartha a fuarthas ar an 05/07/2023 **ach amháin i gcás na modhnuithe seo a leanas:***

(i) *Beidh an síneadh atá beartaithe ar an gcúl ina mbeidh cistín/spás bia fágtha amach.*

(3(a) The proposed development shall be in accordance with the design drawings submitted on 05/07/2023, with the exception of the following modifications:

(i) The proposed extension to the rear accommodating the kitchen/dining area shall be omitted.)

The grounds of the appeal may be synthesised as follows:

- The consequence of the condition is to severely compromise the extent and standard of accommodation provided and the opportunity for the redevelopment and reuse of the vacant dwelling as a permanent place of residence. The alternative is that the dwelling is refurbished and used as a holiday home.
- The sensitivity of the landscape is acknowledged and was a key factor in the design. The omission of the rear part of the extension would compromise the overall architectural coherence and integrity of the design.
- A Landscape and Visual Impact Assessment is submitted with the appeal and it concludes that the magnitude of change and impacts between the as permitted and as proposed development are very low and negligible. It is considered that the proposed design will positively contribute to the location in landscape and visual terms.
- A landscaping plan is submitted with the appeal and has been incorporated into revised photomontages.
- The proposed development is consistent with national policy including the 'Vacant Homes Action Plan 2023-2026', the relevant provisions of Kerry County Development Plan, and the Kerry Rural Design Guidelines.
- There have been material changes in the circumstances since the making of the precedent decision for the extension of the existing dwelling in 2008, that the proposed development is materially different with regard to its design approach, scale, massing, form, use of vernacular materials and landscaping, allowing the Board to grant permission for the development as proposed.
- Precedent decisions in the area establish that permissions have been granted for dwellings of similar or larger scale and for varying forms, including extensions.

The Board is asked to omit Condition 3(a)(i).

## **6.2. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

### 6.3. **Observation**

The observer Eibhlín Uí Chatháin supports the applicants' request to delete Condition 3(a)(i) and considers the proposed development reflects the formation of a vernacular house.

## 7.0 **Assessment**

- 7.1. The appeal relates solely to the attachment of Condition 3(a)(i) of the planning authority's decision. There is an existing house on this site and the proposal seeks to redevelop and extend that established house. The redevelopment of the existing bungalow on this site is considered appropriate and necessary to accommodate contemporary residential needs. Therefore, it is considered appropriate that the Board determines the appeal in relation to the disputed condition only.
- 7.2. The proposed development seeks to develop a structure in a manner made up of a series of narrow, low annexes with shallow low links. Each annex is a single room deep. It culminates in the delivery of a two-bedroom house with standard living accommodation spaces. Its form and finishes seek to exhibit traditional building design. The increased roof pitch over that of the existing bungalow is noted, with the stepping down of heights introduced as one moves from front to rear, while the staggered, clustered form of the annex arrangement echoes the traditional form. This aids in the breaking up of the mass and bulk of the new extended areas. In my opinion, the proposed development would vastly improve upon the presentation of the existing dwelling at this location, a bungalow deteriorating in presentation due to a low level of occupancy and the exposed nature of the site to the elements at this coastal location.
- 7.3. Condition 3(a)(i) seeks the omission of the kitchen/dining space. I query the necessity of this for two reasons primarily. Firstly, this would result in the removal of basic, necessary accommodation for the occupancy of this dwelling. This would culminate in the need to lose basic living space elsewhere, either bedroom or office/living space, to provide necessary kitchen/dining space. I repeat again that each component of this development comprises a narrow, single-room-deep annex. The proposed development would not result in an excessively large dwelling in terms



of bulk and massing. Secondly, the kitchen/dining area would primarily be sited behind the remainder of the development which fronts onto the road. Thus, it would be substantially screened when viewed from nearby. I understand that there are distant views from higher ground from the regional road to the north on the approach into Dún Chaoin and these are designated views to be protected as set out in the Kerry County Development Plan. However, these are distant views and many large bungalows and higher structures are visible in these views in the foreground, with the proposed development being at greater distance and having a distinctly less visual impact. Furthermore, it must be emphasised that there is an existing house on this site and this is already visible. The form and design of the proposed development presents as a structure more traditional in character and, in my opinion, could not in any reasonable way be considered as a development which would distort those distant views. In addition, the proposed development would not in any material manner impede the views gained at present. The choice of materials and finishes and the layout and form would enable the development to be better absorbed into the landscape than the bungalow which stands out at present.

- 7.4. The reason given by the planning authority for Condition 3(a)(i) is “An struchtúr a shní isteach leis an gceantar máguaird”, i.e. “To integrate the structure into the surrounding area.” I am satisfied to conclude that the proposed development would integrate and be compatible with the surrounding area. Along with established adjoining development, there is more of a presentation of a small complex of structures rather than the freestanding, isolated bungalow separate from the more traditional structure immediately to the south.
- 7.5. Finally, I note that a proposal to part demolish, renovate and extend the existing house on the site was refused by the planning authority under P.A. Ref. 1417/08. That proposed development was distinctly different in massing, bulk, form, finishes, and character, seeking to deliver a more modern dwelling on the site. The proposed development, in my opinion, is more sensitive in design terms. The annex the subject of the appeal provides essential living accommodation in a sensitive manner.
- 7.6. I recommend that the Board omits Condition 3(a)(i).

## *Screening for Appropriate Assessment*

### **Background**

I note that the footprint of the existing bungalow on the site lies outside of Dingle Peninsula Special Protection Area (Site Code: 004153) while the remainder of the site lies within this Special Protection Area. Therefore, much of the proposed development would be located within the SPA. The Council's Planner submitted that the proposed development would be sited within the SPA but considered there was no likely potential for significant effects on Natura 2000 sites, having regard to the nature of the proposed development, existing development on site, and proposed works within the curtilage of an existing dwelling house site.

### **Qualifying Interests of the SPA**

The Qualifying Interests of the SPA are Fulmar (*Fulmarus glacialis*), Peregrine (*Falco peregrinus*), and Chough (*Pyrrhocorax pyrrhocorax*). The Conservation Objective is to maintain or restore the favourable conservation condition of these bird species. The SPA is a large site on the west coast of Kerry. From the NPWS Site Synopsis it is noted that it supports some of the highest densities of breeding Chough in Ireland, with highest densities to the south of the SPA (not in the vicinity of the appeal site). It is also noted that studies have shown that Chough forage mainly within 300 m inland of the cliff tops used for breeding and these areas have been included in the European site. The SPA also supports nationally important populations of Fulmar and Peregrine.

I have considered the proposed development in light of the requirements under S177U of the Planning and Development Act 2000 as amended.

There is an existing house on the subject site located in the settlement area of Dún Chaoin. There is a defined curtilage for this house and a septic tank is located within that curtilage. At present, this curtilage comprises grassland in an overgrown condition. As an established domestic property, it is apparent that the condition of the curtilage could readily be improved upon. The appellants' landscaping proposals

submitted to the Board (to meet with the requirements of Condition 12 of the planning authority's decision) would seek to minimise significant intrusion on the curtilage, introducing a mix of native plant/tree species.

The proposed development comprises redevelopment and small extensions to an existing house and the replacement of the septic tank system. No nature conservation concerns have been raised by the planning authority or any other party who has made submissions on the application or appeal.

Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to the European Site. The reason for this conclusion is as follows:

- The established nature of the site as a residential property,
- The small scale and nature of the development,
- The containment of the development adjoining the established house and within its curtilage, and
- The location and separation distance of the proposed development from the coastal edge of the European site.

I conclude, on the basis of objective information, that the proposed development would not have a likely *significant* effect 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) (under Section 177V of the Planning and Development Act 2000) is not required.

## 8.0 Recommendation

- 8.1. I recommend the removal of Condition No. 3(a)(i) of the planning authority's decision in accordance with the following.

## 9.0 Reasons and Considerations

Having regard to the location and scale of the proposed extension the subject of the appeal, to the form and location of the existing house and other proposed extensions, and to its design, character and layout, it is considered that the proposed extension to the rear incorporating the kitchen/dining area would not adversely impact on the landscape character or sensitivity of the area, would not conflict with the provisions and objectives of Kerry County Development Plan as they relate to landscape sensitivity, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Cinneadh / Decision

Fág Coinníoll 3(a)(i) ar lár.

(Omit Condition 3(a)(i))

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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Kevin Moore  
Senior Planning Inspector

24<sup>th</sup> April, 2024