



An
Bord
Pleanála

Inspector's Report

ABP-318129-23

Development	Retention for shed and permission for extension to house.
Location	15 The Lodges, Killowen, Kenmare, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23504
Applicant(s)	Des Casey
Type of Application	Retention and Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party (2 no.)
Appellant(s)	Kathleen Clifford & Gary O'Mahony; Paul & Joanne O'Connor.
Observer(s)	None.
Date of Site Inspection	9 th January 2024
Inspector	Niall Sheehan

1.0 Site Location and Description

1.1. The appeal site located to the southern end of The Lodges, a mature existing housing development accessed off the R569 c.1.5km to the northeast of Kenmare town centre. The appeal property is a detached one and a half storey dwellinghouse measuring 7.955m in overall height and 171.4sq.m in overall floorarea on a site area of 0.085 ha. The site is surrounded by similar type one and a half storey dwellinghouses within the Lodges Estate for which mutual boundaries are defined by a 2m high hit and miss boundary fence. The rear of the appeal site adjoins the rear of Inbhear Scéine estate to the east (No.'s 23-28). The southern end of the estate is separated from Kenmare Estuary by a field inbetween. The property is served by Irish Water mains and sewer.

2.0 Proposed Development

2.1. Permission is sought for:

- Proposed single storey dual pitch roof extension measuring 10.85m in depth (projecting from the rear elevation), 6.2m in width, 2.7m high to the eaves, 4.95m high to the ridge. Proposed design includes chimney to rear of rear elevation;
- Proposed floor layout to comprise of living and dining space;
- Proposed openings to comprise sliding doors to either side closest to abutment, floor to ceiling window opening to south east side elevation and high level window opening to rear north west elevation;
- Materials to comprise of render to walls and chimney breast.

It was noted on the day of site visit that an extension is under construction and is at wallplate level. The extension as constructed appears different by way of shorter depth and different fenestration than drawings submitted.

2.2. Retention is sought for:

Single storey steel shed positioned to the north/north western side of rear garden. Shed measures 6.15m in length, 4.08m in width, 2.75m in overall height with a floorarea of 23.5m.

3.0 Planning Authority Decision

3.1. Planning Authority Reports

3.1.1. Planning authority sought inclusion of retention of steel shed in the application at further information stage which took place.

3.1.2. By order dated 6th September 2023, Kerry County Council issued notification of the decision to grant permission with five conditions.

3.1.3. Other Technical Reports

- Roads Department – No observations made;
- Archaeologist - No mitigation required;
- Ecologist (as summarised) -
 - Seeks to retain works undertaken without planning permission;
 - Proposed development will be assessed if special provisions (exemptions) from requirements of S34(12) as outlined in S34(12A) do not apply;
 - Must therefore assess whether a hypothetical planning application for the 'development concerned', submitted in advance of the works being undertaken, would have triggered requirement to carry out an Appropriate Assessment, An Environmental Impact Assessment or determination as to whether an Environmental Impact Assessment would have been required.
 - Notional Appropriate Assessment (AA) screening exercise – habitats directive
 - Considered retention elements relate to minor development works from an environmental assessment point of view and occur in an urban area;
 - Works outside, physically removed from European sites. No realistic or meaningful pathways;
 - Nature, scale and location of proposed works such that potential for cumulative and in combination effects with other plans/ projects can be ruled out with certainty;
 - Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) Screening would not have been required for the development concerned;

3.2. Prescribed Bodies

- Irish Water – No objections

3.3. Third Party Observations

- 3 no. observations which generally reflect the grounds of appeal.

4.0 Planning History

Planning Authority Reg. Ref. 053373 – Construction of 24 no. detached storey and half/two-storey dwellinghouses and all associated site works. Granted Conditional Permission (Peter O’Sullivan and Martin Walsh)

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022-2028, Volume 6 refers:

1.5.6.1: Extensions to Dwellings

Rear/Side Extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Degree of setback from mutual side boundaries. No part of the extension shall encroach or overhang adjoining third party properties. Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development.

5.2. Natural Heritage Designations

The appeal site is located c.2.7km from the Mucksna Woods SAC Site Code: 003171 and the Kenmare River SAC Site Code: 002158 to the south west.

5.3. EIA Screening

This is not a class of development and can be excluded at the pre-screening stage.

6.0 The Appeal

6.1. Grounds of Appeal

2 no. third party appeals received

- Kathleen Clifford & Gary O' Mahony, No.20 The Lodges, Killowen, Kenmare;
- Joanne & Paul O'Connor, No.21 The Lodges, Killowen, Kenmare;
- The grounds of appeal are summarised below:
 - Proposed height and proposed floorarea larger than typical extensions;
 - Proposed extension would be visually obtrusive;
 - Significant loss of light and overshadowing to neighbouring properties/occupiers;
 - Additional chimney raises air pollution concerns;
 - Extension of this size would result in devaluation of neighbouring properties.

6.2. Applicant Response

- None

6.3. Planning Authority 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;
- Other.

7.2 Clarification

7.2.1 An extension to the rear was under construction on the day of site visit. Concrete block walls were constructed to wall plate level with steel lintel in place for openings. From the site inspection, the extension under construction is different in appearance to planning application drawings 22/927 by way of reduced depth, resultant reduced floorarea, changes in fenestration. There was 1 no. opening to either flank elevation instead of 2 no. to either side.

7.2.2 For the purposes of this report, I will assess the proposed extension as advertised and recommended for approval from Kerry County Council as per drawings and documentation subject of appeal, not as constructed thus far. It is noteworthy that the extension is still under construction, not complete and as per envelope would be smaller in overall floorarea than that permitted. For the purposes of clarity, I will refer to the proposed extension throughout the report rather than as constructed.

7.3 Visual Amenity

- 7.3.1 The proposed extension is to the rear of the property which is surrounded by residential development, hence in terms of visual amenity, is not conspicuous as if it were to the front of the property.
- 7.3.2 I do not consider the single storey pitched roof rear extension to significantly affect visual amenity of the subject area given its position, single storey nature, modest eaves and ridge height, commensurate design which is in keeping with that of the existing dwellinghouse.
- 7.3.3 Overall, I consider that the design of the proposed extension would integrate satisfactorily with the appearance of the rear elevation, host property and also those surrounding properties.
- 7.3.4 The steel shed to be retained to the northern side of the site is modest in height, compact in floorarea and would not be significantly visible from any surrounding properties or the public realm hence is considered acceptable in design terms.

7.4 Residential Amenity

- 7.4.1 I note that the appeal property benefits from a reasonably sized plot whereby adequate rear garden ground would be retained thereafter. With regard to distance from mutual boundaries, the proposed extension would measure 4.25m from the boundary with No.14 to the south, and, 1.9m - 3m from the mutual boundary with No.'s 23-28 Inbhear Scéine to east, and, 12.5m -18m from No.16 and c.27m from No.21 to the north.
- 7.4.2 With regard to overshadowing and loss of light impacts, I do not consider the proposed single storey rear extension would create such significant impacts having regard to the modest eaves height of 2.4m and respective separation distances to mutual boundaries with No.14 to the south east (4.25m), No.16 to the north west (12.5m - 18m), and, No.20 (22.85m) to the north, and, the large plots available.
- 7.4.3 With regard to overlooking and loss of privacy impacts, I do not consider that the

proposed extension would create any significant impacts from openings to either elevation as a c.2m high mutual boundary fence exists to all boundaries hence visibility over this fence would be very limited.

7.4.4 Given the location to the rear of the property in addition to existing 2m high mutual boundaries, surrounding I do not consider the proposed extension to significantly affect the outlook of the rear elevation or rear garden area of neighbouring properties. I note that any views from neighbouring properties which it may effect are in fact is gained across other properties, rather than directly from a front or rear elevation. Views are predominantly to the south towards the estuary and properties to the north are located at a higher elevation.

7.4.5 The single storey shed subject of retention application would not impact upon the residential amenity of neighbouring properties/occupiers having regard to compact size and the height of.

7.4.6 With regard to air pollutions concerns raised, I do not consider the provision of an additional chimney to the rear of the proposed extension in addition to one existing to the south eastern side of the property would create any significant air pollution issues. Should any air pollution or related issues arise resultant of a chimney, they are the remit of the Environment Section of the local authority.

7.5 Other

7.5.1 With respect to any devaluation of an appellant's house or other property in the surrounding area, no evidence has been submitted to support this. Having regard to the assessment, I am satisfied that the proposed development would not seriously injure visual or residential amenity to such an extent that would adversely affect the value of any property or the immediate vicinity.

7.6 Appropriate Assessment

7.6.1 As regards Appropriate Assessment having regard to the nature and scale of the development, the serviced nature of the site, separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development and the development to be retained would be likely to have a significant effect individually or in combination with any other plans or projects on a 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, I consider that the proposed development would not give rise to unacceptable impacts on visual and residential amenity or the creation of traffic hazards, 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 08/05/2023 and as revised on 09/08/2023 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) 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>
4.	<p>The domestic shed to be retained shall be used solely for that purpose only and not for any other purposes.</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.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

	<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	--

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.



Niall Sheehan
Planning Inspector

30th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318129-23		
Proposed Development Summary	Retention for shed and permission for extension to house.		
Development Address	15 The Lodges, Killowen, Kenmare, 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) or 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)
			Conclusion
No	X	N/A	Not a class of development
			No EIAR or Preliminary Examination required
Yes			Sub-Threshold
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: *Nhall Guerin*

Date: 30th January 2024