



An  
Bord  
Pleanála

## Inspector's Report ABP-318184-23

<b>Development</b>	Construction of extensions, elevation alterations, and associated site works.		
<b>Location</b>	84, Countess Grove, Killarney, Co. Kerry.		
<b>Planning Authority Ref.</b>	Kerry County Council.		
<b>Applicant(s)</b>	C. B. Brosnan.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party	<b>Appellants</b>	Mary O'Sullivan, Alan Gosnell
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	30 <sup>th</sup> January 2024	<b>Inspector</b>	Des Johnson

### Context

#### 1. Site Location/ and Description.

1.1 The appeal site is located within a residential area known as Countess Grove, in the southern part of Killarney town. Countess Grove is a residential estate of single storey detached and semi-detached houses. The site comprises an existing single storey detached house facing south-west, and there is a domestic garage / store to the rear of the house. This structure has two separate doors. The house on the site is adjoined by No.83 to the west and No.85 to the east. The private

open space associated with the dwelling is located to the north-eastern part of the site and is enclosed by fences and established hedges. A wooden fence effectively divides this space in two. The southern, eastern, and western boundaries to the front of the house are block walls approximately 1.2m in height. Much of the front of the premises is hard surfaced and used for car parking.

## **2. Description of development.**

2.1 The proposal is to construct extensions and elevational alterations to existing dwelling, with all associated site works. The gross floor area of the existing building is stated to be 154 sqm, and the gross floor area proposed is stated to be 71.3, giving a total gross floor area of 225.3sqm. The site area is stated to be 0.06ha.

2.2 The existing dwelling is single storey and detached. The proposed development includes a dormer type attic extension providing for storage and art and craft space, and ground floor extensions to master bedroom and living/kitchen area. These ground floor extensions extend 1.650m from the existing front wall of the dwelling. The ridge height of the proposed dormer type extension would be 5.662m.

2.3 Further Information was submitted on 19.07.2023. This states that apart from occupancy by the applicant, or a family member, the existing apartment is not being used. It is not rented and will be fully integrated into the main house. Vertical windows to the rear of the building are removed to prevent overlooking and are replaced by rooflights. A revised newspaper notice was published on 17<sup>th</sup> August 2023.

## **3. Planning History.**

3.1 Reference 313148-22 – Permission refused on appeal for the construction of extensions and elevational alterations to existing dwelling and for retention of a separate residential unit for family use and all associated site works at 84, Countess Grove. The reason for refusal is as follows:

*Having regard to the submissions on the file, the size and design of the dwelling which is proposed to be subdivided into two residential units, the aggregate living area proposed, the absence of private open space separate from the existing dwelling on the site, the increased height of the house, and the proposed*

*introduction of extensive glazing on the front elevation, it is considered that the proposed development would constitute overdevelopment of the site, would fail to integrate into the existing streetscape and would adversely impact on the residential and visual amenities of the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity, would result in substandard accommodation for future occupants of the development and would be contrary to the proper planning and sustainable development of the area.*

P.A Reference 04/204191 – permission granted for extension to the dwelling house.

P.A. Reference 06/204639 – permission refused for the retention of subdivision of existing dwelling house into two separate dwelling units and elevational changes.

#### **4. Policy**

Killarney Town Development Plan 2022-2028.

The site is zoned Residential.

Volume 2 of the Kerry County Development Plan 2022-2028 contains the Killarney Town Development Plan.

#### **5. Natural Heritage Designations**

Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC – approximately 385m to the west north west.

Killarney National Park SPA – approximately 350m to the west.

### **Development, Decision and Grounds of Appeal**

#### **6. PA Decision.**

6.1 The Planning Authority decided to Grant permission subject to 8 conditions.

Condition 1 requires the development to be in accordance with plans and particulars submitted on 17.04.2023, 19.07.2023, and 23.08.2023.

Condition 2 relates to Financial Contribution.

Condition 3 requires extensions and alterations to be in accordance with drawings submitted on 19.07.2023.

Condition 6 refers to a limit on working hours.

Condition 8 requires the existing unauthorised apartment/annex to be reintegrated back into the first-floor plan in accordance with undertakings given to the Planning Authority on 19.07.2023. Works to be carried out within 12 months of the permission.

Other conditions relate to site management issues.

6.2 The Planner's Report dated 7<sup>th</sup> June 2023 states that "on inspection of the site it seems that the dwelling house is still sub-divided into two separate dwellings". It recommended clarification by way of Further Information.

6.3 The Planner's report dated 15<sup>th</sup> September 2023 states that all issues raised in Further Information have been satisfactorily addressed. The applicant states that the granny flat will be brought back into the house as shown on the drawings.

## **7. First Party Appeal.**

7.1 There are two third party appeals, summarised as follows:

### CB Brosnan, 85, Countess Grove.

1. The appeal premises was already extensively extended in 2004 (Reference 04204191). The proposed development would substantially increase the floor area, and would be visually intrusive and out of character.
2. The proposed front extensions would break the established building line by approximately 5ft. and would fail to integrate with existing bungalows in this cul de sac.
3. The property is presently rented and is divided into two residential units. This breach of planning has been going on for over 16 years.
4. The proposed development would be in breach of the Killarney Town Development Plan.
5. The applicant does not reside at this premises.
6. The proposed development would represent overdevelopment of the site, and would fail to integrate, would adversely impact on the residential and visual amenities of the area, and would depreciate the value of property in the vicinity.

### Mary O'Sullivan, 92, Countess Grove.

1. Although scaled back from a previous proposal refused by An Bord Pleanála (reference 313148-22), the proposed development would fail to integrate into the streetscape, would adversely impact on the residential and visual amenities of the area, and would depreciate property in the vicinity.
2. The proposed front extensions would break the building line and be out of character. The extensions are more than half the length of the dwelling. The proposed extensive glazing to the front would be in contrast to existing dwellings.
3. No other dwellings have an altered roofline or have windows in the roof to the front of the property.
4. The box like extension to the rear creates a two-story element which is out of character.
5. The proposed development does not adequately address the issues raised in the Board's previous refusal.
6. Submitted plans are inadequate. There is no information on the intended use of the premises.

## **8. Responses**

### Planning Authority

8.1 The issues raised in the third-party appeals area addressed in the Planner's report on the further information request and final assessment.

### Applicant

8.2 The applicant's response dated 23<sup>rd</sup> October 2023 states that the proposed development is designed to avoid undue impact on residential amenity of properties in the vicinity. There would be no overshadowing or overlooking from high windows on the gable. No additional car parking would be required as the applicants intend to live without a car. The house and the apartment (registered separately for property tax) were, for the previous 10 years, let to unattached tenants. The other side of the house is currently let. The apartment is not let but was occupied for periods over the summer by one of the applicant's grandchildren. The current plan is designed so that the apartment will no longer exist, and will be integrated into the floor plan of the house. When reconstructed, the property will be occupied by the applicant and family.

This is a small-scale project with a gross floor area of 225 sqm on a site of .06ha. The proposed extension is contemporary but not unduly obtrusive. Of the bungalow type houses in this part of Countess Grove estate, seven have installed street facing, full height double glass doors/windows. Others have lowered the large sitting-room 'picture' windows. The submission to the planning authority includes a 'contiguous elevation' drawing showing the subject premises and houses either side. No.83 is let in two separate units.

## **Environmental Screening**

### **9. EIA Screening –**

The proposed development is not a class of development to which the EIAS Directive applies. The proposed development itself, or in combination with other plans or projects would not have any significant environmental impacts.

### **10. AA Screening -**

Having regard to the nature and scale of the proposed development, the location in an established residential area, connection to existing services and separation from and absence of direct connectivity to Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and Killarney National Park SPA, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these sites or any other European site.

## **2.0 Assessment**

- 2.1. The proposal is to construct extensions to the front and at roof level, and introduce elevational changes to an existing single-storey detached bungalow. The gross floor area of the existing building is stated to be 154 sqm, and the gross floor area of the proposed extensions is stated to be 71.3 sqm (this figure includes the proposed front extensions of 12.3 sqm and proposed attic extension of 59 sqm), giving a total of 225.3 sqm. The shed to the rear has a stated floor area of 59 sqm. The site area is stated to be .06ha.
- 2.2. I submit that the key issues in this appeal are as follows:

- Background
- Visual impact
- Residential impact
- Status of existing use
- Environmental Assessments

## **Background**

- 2.3. There is a significant planning history relating to the appeal property. Under planning authority Reference 06/204639 permission was refused for the retention of the subdivision of the existing dwelling house into two separate dwelling units and proposed elevational changes. Under ABP Reference 313148-22, dated 2<sup>nd</sup> August 2022, permission was refused on appeal for development consisting of (1) construction of extensions and alterations to existing dwelling and (2) retention of a separate residential unit for family use only and all associated works at the appeal property for reason of overdevelopment of the site, failure to integrate into the existing streetscape, adverse impact on the residential and visual amenities of the area, depreciation of property values in the vicinity, and the provision of sub-standard accommodation for future occupants of the dwelling.
- 2.4. The current proposal under appeal shows significant changes compared with the previous proposal refused by the Board under Reference 313148-22. The proposed attic floor area is reduced from 152 sqm to 59 sqm, and 15.5 sqm of glazing is replaced by 4 rooflights to the front elevation. The proposed extensions to the front elevation are reduced from 3.56m to 1.65m from the existing front building line. The proposed ridge height is reduced from 6.151m to 5.662m. The previous proposal showed 4 double bedrooms in the proposed first floor extension, whereas the current proposal under appeal includes an 'Art and Craft' room (approximately 21.5 sqm), storage (approximately 15.2 sqm), WC, and 'Low Storage' space.
- 2.5. **Visual Amenity**
- 2.6. The visual impact of the proposed development would be significantly reduced compared to the previous proposal under Reference 313148-22 primarily due to the reduction in size of the proposed attic extension. The proposed attic extension extends from the existing roof space to the rear of the dwelling. It extends up to

5.662m whereas the existing ridge height is 5.430m. No windows are proposed in the north elevation of the proposed attic extension. The appeal dwelling is at a higher elevation compared with the adjoining properties to the north-east. I submit that the proposed attic extension, by reason of its scale and design, would not have an unacceptable impact on the visual amenities of property in the vicinity.

- 2.7. It is proposed to significantly alter the front elevation by providing two extensions, each 1.65m out from the front wall, fitted with full length windows/doors providing additional light to a master bedroom, and to a living room and kitchen. Other properties in the vicinity have enlarged bay windows and full-length glass doors. On balance, having regard to the detached nature of the appeal premises, and to the limited extension of the front building line, I conclude that, subject to agreement with the planning authority on proposed finishes, that this element of the proposal would not have an unacceptable impact on the visual amenities of property in the vicinity.

#### **Residential amenity**

- 2.8. Having regard to the design of the proposed development and the orientation of the appeal premises relative to adjoining property, I conclude that any overshadowing would be minimal and not a reasonable ground for refusal. In the event of the Board deciding to grant permission, I recommend that the window in the proposed front extension in the south east elevation be omitted or replaced by a high-level window to prevent overlooking of the adjoining property.
- 2.9. The appellants contend that the proposed development would depreciate the value property in the vicinity. I submit that there is no convincing evidence submitted to support this contention.

#### **Status of existing use**

- 2.10. I was unable to gain access to the interior of the premises but inspected it externally. It would appear from observations made at the time of my inspection, and the planning authority's inspection, that the property remains sub-divided into two separate dwellings. I note that Condition 9 of the planning authority's decision under appeal refers to the existing unauthorised apartment/annex, and the applicant's response to the grounds of appeal refer to the other side of the property being currently let. There is no information on file indicating that the use of the premises as two residential units is authorised.



- 2.11. In these circumstances I am not satisfied that the proposed development would not facilitate the continued unauthorised use of the premises as two residential units. It is for this reason that I am recommending refusal of permission.
- 2.12. The sub-division of the property into two separate residential units would require planning permission. Any application would be assessed in the context of Development Plan standards required for two residential units on the site.
- 2.13. I note that Condition 9 of the planning authority's decision requires the existing unauthorised apartment/annex to be reintegrated back into the floor plan of the house within 12 months of the date of receipt of the planning permission. This could provide for the continued use of the unauthorised apartment over that period, contrary to proper planning and sustainable development. In the event of the Board deciding to grant permission, I recommend that this condition be amended to require that the entire premises be used as a single dwelling unit upon first occupation following completion of the proposed works.

#### **Environmental Assessments.**

- 2.14. The proposed development is not of a Class of Development to which the EIA Directive applies. By itself, or in combination with other plans or projects, the proposed development would not have any significant environmental impacts. EIA or screening for EIA is not required.
- 2.15. Having regard to the nature and scale of the proposed development, its location in an established residential area, the proposal for connection to existing services, and separation from and absence of direct connectivity to Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and Killarney National Park SPA, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these sites or any other European site.

### **3.0 Recommendation**

- 3.1. I recommend that planning permission be refused.

## 4.0 Reasons & Considerations

Based on the information before it, the Board is not satisfied that the proposed development would not facilitate existing unauthorised use of the premises as two residential units. In these circumstances, the Board concludes that the granting of permission would facilitate the continuation of an unauthorised use of the premises contrary to the proper planning and sustainable development of the area.

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Des Johnson

Planning Inspector

12<sup>th</sup> February 2024.

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.