



An
Bord
Pleanála

Inspector's Report

ABP-318656-23

Development	Retention for ancillary office/storage building to rear of house.
Location	27 Glencairn, Caherslee, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	231020
Applicant(s)	Lorraine Smith
Type of Application	Retention Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Patrick Lynch and Catherine Barry
Observer(s)	None
Date of Site Inspection	20 th June 2024
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located within the Glencairn housing development in the north-western suburbs of Tralee, c. 1km from the town centre. The site has a stated area of 0.046 hectares and contains an existing two-storey detached dwelling occupied by the applicants. The building the subject of this application is located to the rear of the dwelling in the southwest corner of the site. The site boundaries consist of an existing concrete block wall and timber sheeted screening panels. There is no discernible level change between the site and the neighbouring sites.

2.0 Proposed Development

- 2.1. The proposal is to retain the office/storage building as constructed to the rear of the existing dwelling house for ancillary use of the dwelling. The unit has a stated floor area of 22.3 sqm. The structure is 6.27m in length and 4.2m in depth with a max height of 2.78. The building is based on a simple rectangular plan with double doors and a sloping roof detail and is finished in composite brown vertical sheeting and black PVC sheeting.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 22nd November 2023, subject to 6 no. of conditions.
- Condition 1 is a standard condition which requires the development to be carried out in accordance with the plans and particulars lodged.
 - Condition 2 requires the development to be finished in accordance with the details received.
 - Condition 3 requires the dwelling and office/storage building to remain under the one ownership.
 - Condition 4 requires to the building to be used as a home office only and not for commercial or habitation use.

- Condition 5 requires surface water to be dealt with within the site.
- Condition 6 states that no water from the development shall be allowed to flow onto the public road or neighbouring properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 22/11/2023) notes that the principle of a domestic shed/home office is acceptable in principle. The remaining private open space to the rear exceeds 25sqm. The materials and finishes are considered acceptable. It is noted that there appears to be sufficient measures to deal with surface water, however a condition is attached requiring all surface water to be dealt with onsite. There would be no negative impacts on adjoining residential amenity. Given the developments location behind the rear building line of the existing dwelling, and its appropriate size and design it is considered that the visual impact is acceptable. It is considered, having regard to the nature, extent and location of the development, that the development would not be visually obtrusive, would not seriously injure the amenities of neighbouring residential properties or be otherwise contrary to the proper planning and sustainable development of the area. A grant of permission is recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A third-party observation was received from Patrick Lynch and Catherine Barry (the adjoining neighbours and appellants). The issues raised generally reflect the grounds of appeal and relate to the overdevelopment of the site, scale and bulk of the structure and surface water drainage.

4.0 Planning History

PA Reg Ref 22/1104 – Permission granted in January 2023 to widen existing access to dwelling and build a new carport at the side of existing dwelling.

The Planner's Report notes an enforcement file associated with the site for the alleged unauthorised construction of a rear garden shed. File No. 9508 refers.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the pertinent statutory Plan. The Tralee Town Development Plan is incorporated into the County Development Plan and is contained in Volume 2. The site is zoned 'R2 Existing Residential'.

Section 1.5.10.9 of Volume 6 (Development Management Standards and Guidelines) of the Development Plan relates to Sheds/garages/ancillary structures. It is stated that *'Notwithstanding those developments listed under Class 3, Schedule 2 Part 1 (P & D Regs 2001 as amended), the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only.'*

5.2. Natural Heritage Designations

Tralee Bay Complex SPA (Site Code: 004188) - c.1.3km south of the site

Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code: 002070) - c.1.3km south of the site

5.3. EIA Screening

See Form 1 on file. The development is not a class for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows;

- Concerns are raised with the water drainage proposals. The appellants have noted substantial water flow from site No. 27 into their site No. 28 since this unauthorised building was constructed. The development should be connected to the house stormwater system which connects to the estate stormwater system.
- The building is not in keeping with the original house.
- The building should be connected to main house.
- Concerns are raised about the potential use of the building. The use should be ancillary to the dwelling and not for commercial purposes.
- Concerns regarding noise, nuisance and disturbance that may be generated if being used as a home office.

6.2. **Applicant Response**

None

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

7.0 **Assessment**

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

- Design
- Residential Amenity
- Surface water

7.2. Design

- 7.2.1. The appellant has set out in the grounds of appeal that the building would not be in keeping with the existing dwelling. The structure has a stated floor area of 22.3sqm, a maximum height of c.2.78m and is set back c.1.252m from the boundary with the appellant's house. I note Section 1.5.10.9 of Volume 6 of the Development Plan which relates to sheds/garages/ancillary structures and which states that the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only. The development is in accordance with this development management standard.
- 7.2.2. The provision of small-scale structures which are ancillary to the main house are commonplace in residential areas. I am satisfied that the location of the site within a mature urban residential estate and its relationship to adjoining houses can absorb the structure to be retained. In my view the structure is subservient in terms of design, scale and height to the main house on site and does not amount to the over development of the site. I have no issues with the materials/finishes used. I consider the design to be acceptable in the context of the existing dwelling.

7.3. Residential Amenity

- 7.3.1. The appellant has raised issues with regards to the use of the structure. The structure the subject of this application is located to the rear of the house with no vehicular access. Its location does not lend itself to any use other than one which is ancillary to the main residential use of the site. I am satisfied that the use of the structure can be dealt with by condition if the Board is of a mind to grant permission.
- 7.3.2. The appellant has also raised concerns regarding noise, nuisance and disturbance that may be generated if being used as a home office. I do not consider that use as a home office would generate any significant levels of noise. I am satisfied given the distance to adjacent dwellings, the design of the development and the established building typology of the area that the development for retention will not seriously injure the residential amenities of properties in the area.

7.4. Surface Water

7.4.1. The appellants have raised concerns with regards to the water drainage system and the flow of surface water into their property. I note from my site visit that the building has guttering and downpipes and connects to the existing system. I am satisfied that the proposed treatment of surface water run-off from the structure is adequate in the context of the constraints of the appeal site and the nature and extent of the development. The Planners Report also notes that there are sufficient measures onsite to deal with surface water, however it is recommended that a condition be attached to the permission stating that all surface water will be dealt with on site. I concur with the assessment of the Planning Authority and the attachment of such a condition.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The closest sites are the Tralee Bay Complex SPA (Site Code: 004188) and Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code: 002070) located c.1.3km south of the site.
- 8.1.3. The proposed development relates to the retention of an office/storage building constructed to the rear of the existing dwelling. A detailed description of the proposal is outlined in Section 2 of this report.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. 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 conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works e.g. the retention of an office/storage building within the curtilage of an existing dwelling.
 - Lack of connections to the nearest European site
 - Taking into account screening report/determination by the Planning Authority

- 8.1.6. I conclude that 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.
- 8.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission for retention be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the zoning of the site, the pattern of development in the area and to the nature, scale and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, that the development to be retained would not injure the residential or visual amenities of the area or property in the vicinity and would be in accordance with the proper planning sustainable development of the area.

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 re-commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The structure shall be used solely for purposes incidental to the enjoyment of the house and shall not be used for human habitation or for commercial purposes, sold leased or otherwise transferred or conveyed, save as part of

the dwelling.

Reason: To protect the amenities of property in the vicinity.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interests of public health.

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.

Ciara McGuinness
Planning Inspector

25th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Retention for ancillary office/storage building to rear of house.		
Development Address	27 Glencairn, Caherslee, Tralee, 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	✓
		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	✓		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		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____