



An  
Bord  
Pleanála

## Inspector's Report ABP-318834-24

<b>Development</b>	Retention of partially complete single storey extension to the rear of house, completion of new single storey extension to the side, and all associated site works.
<b>Location</b>	124 Fairway Heights, Knocknacuig, Tralee, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2360238
<b>Applicant(s)</b>	Enis & Valbona Rramani
<b>Type of Application</b>	Retention & Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Marie Dalton
<b>Date of Site Inspection</b>	10 <sup>th</sup> April, 2024
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. 124 Fairway Heights, Tralee comprises a two-storey, three bedroom, semi-detached house at the northern end of the residential estate. It has a single storey shed to the side. It has frontage onto a short cul-de-sac. The house has a parking area and side garden to the front and a back garden. There is a small, detached shed to the rear of the back garden. An extension has commenced to the rear of the house. There is a patio adjoining this extended area. No. 123 Fairway Heights is the abutting house to the east of the site and is the appellant's property.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the retention of a partially complete single storey extension to the rear of the house and permission to complete a new single storey extension to the west side of the house. The proposed development would include the removal of the shed to the side of the house and the redevelopment of the internal layout at ground floor level. The floor area of the works to be retained is stated to be 18.5 square metres and the floor area of the proposed works is stated to be 9.3 square metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 11<sup>th</sup> December 2023, Kerry County Council decided to grant permission for the proposed development subject to 3 conditions.

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

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

The Planner noted relevant provisions of the Kerry County Development Plan and a third party submission. Reference was made to the Environmental Assessment Unit that it was considered that the development would not have required an AA, EIA or determination as to whether an EIA would have been required. It was noted that surface water would be disposed of within the site, that the proposal would not be

injurious to residential amenity by way of overshadowing or a loss of privacy, that the existing extension to the side of the house is up to the boundary, and that a set back of 600mm is provided for the proposed development. It was considered that adequate open space would be retained to the rear of the house and that the proposal would not have a significant visual impact, with the proposal to the side having a more positive impact than that which exists. It was acknowledged that the existing development to the side of the house is unauthorised. A grant of permission, subject to three conditions, was recommended.

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

An objection to the proposal was received from Marie Dalton. This raised concerns including lack of consultation, construction standards of works carried out, interference with natural light, management of drainage, impact on privacy, and adverse effects from developing to the site boundary.

## **4.0 Planning History**

I have no record of any recent planning application or appeal relating to the site.

## **5.0 Policy Context**

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

#### Volume 2 - Tralee Town Development Plan

The site is zoned R2 Existing Residential.

#### Volume 6 – Development Management Standards and Guidelines

##### **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.

## **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 appellant resides at 143 Fairway Heights immediately adjoining the site to the east. The grounds of the appeal may be synthesised as follows:

- The original objection submitted to the planning authority is stated to outline the reasons for the objection.
- The proposal is not in keeping with other similar type extensions in the estate and does not take account of privacy and right to light of neighbouring property.
- Consideration was not properly given by the planning authority to surface water drainage concerns nor to the compromise suggestion relating to the relocation of the back door.

Reference is made to the disregard for planning laws as the proposal commenced without permission, to the Council not considering issues raised, and consideration of the compromise on the rear door access. It is submitted that the development would undermine privacy and right to natural light and it is concluded that there is a huge concern relating to the management of water runoff, which could in time devalue the investment in the appellant's property.

The submission includes copies of the Planner's report, the notification of the decision of the planning authority, and the original objection to the planning authority.

### **6.2. Applicant Response**

The applicant's response may be synthesised as follows:

- The presence of adequate drainage infrastructure on the site is referenced. Proposed Aco drains at the rear of the site will redirect surface water runoff. The natural soil will further aid in absorbing runoff. It is noted that Irish Water did not raise any concerns on this issue.
- The issue of overshadowing from a single storey extension is unreasonable as the sun travels along a southern trajectory. The proposal extends out towards the opposite direction. The highest point of the extension is 4m and is designed to be unobtrusive, being 1m below the lowest point of the existing roof heights of the two houses and it is 3.58m away from the appellant's property. It is requested that the appellant produce a comprehensive shadow analysis to demonstrate the extent of overshadowing.
- Regarding privacy, the existing 1.8m high wall provides sufficient visual obstruction, shielding views from the door on the side of the rear extension. The applicants are willing to relocate the door to alleviate any privacy concerns. There aren't any proposed windows that breach the height of the boundary wall.
- Regarding proximity to boundaries, there has been no objection from the neighbouring property at No. 125. Furthermore, the extension is adequately distanced from No. 123, being 3.85m from the boundary wall.

### **6.3. Planning Authority Response**

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

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. I note that the third party appeal, incorporating the submission to the planning authority, raises a wide range of issues which are considered in the following sections of this assessment.

## 7.2. Unauthorised Development

- 7.2.1. The appellant has raised concerns about the unauthorised nature of the proposed development and the lack of consultation which preceded the making of the planning application. An application was made to the planning authority to include the retention of those parts of the development undertaken that require retention permission. The appellant made a submission to the planning authority. The application and decision have facilitated the appellant to make an appeal to An Bord Pleanála. I note that the totality of the proposed development is now before the Board *de novo* and that the appellant has been afforded the opportunity to raise the issues of concern anew.

## 7.3. Drainage Management

- 7.3.1. I note from the applicant's Planning Application Form submitted to the planning authority that it is proposed that surface water would be disposed of via a public sewer/drain. The Planner's report referred to surface water being disposed of within the site. I note, however, that there is no requirement by way of a condition in the planning authority's decision to dispose of surface waters to soakpits on the site or by any other method within the site. I further note that there is no record of any known flooding at the site or in the vicinity of it nor is there any known problems arising from the existing drainage system serving the property or other properties in the immediate vicinity.
- 7.3.2. It may reasonably be understood from the details provided by the applicant that drainage from the proposed development is proposed to a public drainage system. One would reasonably anticipate that this is an established system and that the proposed development seeks to continue to use this system. It is anticipated that the collection and channelling of surface water arising from the existing and proposed development to the public drainage system would adhere to established practice at this location. In the event that surface water would be proposed to drain to soakpits on the site, it is apparent that there is ample opportunity within the garden area to the rear to accommodate such alternative arrangements. I again note that there is no

indication that flooding is a particular concern at this location or that there has been any incidence of flooding on or in the vicinity of this site. The applicant, in the response to the appeal, submits that aco drains would be provided at the rear of the property to redirect surface water runoff. While noting the increased impervious site area to the rear of the house arising from the proposed development, I do not consider that the relatively small extended area proposed and controlled proposals for surface water runoff would significantly undermine the established drainage system such that it would culminate in adverse drainage implications, such as flooding of adjoining properties, including the appellant's property. I note the enclosed nature of the appeal site and consider that it would be likely that the containment of any potential ponding water would result within the confines of the site itself before being discharged to the drainage system.

#### 7.4. Interference with Natural Light

- 7.4.1. I first note that the proposed extension is located on the west side of the house and to the rear of the house on the western section to the rear. The extension is single storey in height. Thus, the extended area to the rear is more proximate to No. 125 Fairway Heights. The nearest part of the rear extension is some 3.58 metres from the boundary with No. 123, the appellant's property.
- 7.4.2. The orientation of the house is north-west to south-east from rear to front elevation. Having regard to this orientation and the movement of the sun, there would be no potential for the protruding rear single-storey extension located on the west side behind the house to cause any known impact on the appellant's property by way of reduction of sunlight or by way of causing overshadowing of that property. Furthermore, having regard to the separation distance between the properties, the location of the proposed extension to the rear of No. 124 away from its eastern side, and the single-storey height of the extension, there would be no known impact on daylight to the appellant's property.

## 7.5. Impact on Privacy

- 7.5.1. The appellant raised concerns about impact on privacy relating to the proposed position of the rear patio door leading onto a raised patio area. It is submitted that raising of panel fencing to counteract the impact would have a detrimental impact on natural light to the back room of the appellant's property.
- 7.5.2. I first note the layout of the ground floor of the house as shown in the submitted 'Existing Ground Floor Plan'. This plan indicates that there has been (and continues to be) a patio door on the rear elevation of the house and that this leads onto an existing patio. The introduction of sliding doors on the east side of the extended area leading to the patio would introduce a new form of access onto the established patio area. This is at ground floor level and there is an established panel fence separating the site from the appellant's property. This fence is at a height of approximately 1.6 metres at the patio location. Views towards the appellant's property are limited to the upper section of the patio door on the rear elevation of the appellant's house. There is no potential for significant overlooking into the appellant's property other than to the upper section of these doors and up to first floor level from the ground, which prevails at present and which is commonplace with two-storey, semi-detached houses. While the applicants, in the response to the appeal, have submitted that they would consider relocating the sliding door, I do not consider that there is any particular loss of privacy arising from the proposed arrangements. If the Board was concerned about potential impact on privacy because of the use of this proposed sliding door, it could be omitted or alternatively be replaced by a window as it is understood from the proposed ground floor plan that the existing sliding door on the rear elevation serving the dining area is intended to be retained. Finally, I understand what the intent of providing a sliding door or opening at this location may likely be. The rear elevation of the house is north-west facing and the patio area would be somewhat enclosed by the new build, the boundary wall and the existing house, resulting in limited natural light entering the house at this location. A glazed door or window opening would likely allow greater light into the proposed snug area and would enhance the amenity of that internal space.



## 7.6. Adverse Effects from Developing to the Site Boundary

- 7.6.1. It is first noted that the original structure on the site had a footprint effectively extending from boundary to boundary with its neighbouring properties, with a shed on its western side. The proposed extension would be on the west side and behind the western section of the established house. There would be a separation distance of some 3.58 metres between the nearest part of the rear extension and the boundary with the appellant's property. There is an existing shed on the western side of the house to be demolished and most of this area will be incorporated into the new extension. However, it is notable that the side extension will not be as wide as the width of the shed, therefore leaving a greater separation distance with the neighbouring property, No. 125.
- 7.6.2. Having regard to the above, I do not consider that there are any particular concerns for site boundaries arising from the proposed development. It is understood that access to the rear garden area for the occupants of the house would only be attainable by going through the house.

## 7.7. The Design and Character of the Development

- 7.7.1. The appellant has submitted that the proposal is not in keeping with other similar type extensions. With the exception of the minor side extension, the principal components of the proposed development would be to the rear of the house. The extension to the side is a very minor addition. The character of this addition does not distort the overall presentation of the house from the public realm in any significant material manner. The extension to rear is a relatively small extension and has no visual or other contextual impacts for the character of the residential estate. I consider that the design and character of the proposed development is in keeping with that of other development in the estate.

## 7.8. The Development in the Context of Development Plan Provisions

- 7.8.1. Having regard to the provisions of the Kerry County Development Plan as they relate to rear and side extensions, I am satisfied to conclude that the length, height, proximity to mutual boundaries, and quantum of usable rear private open space remaining arising from the extensions are acceptable and do not conflict with the Plan provisions.

### *Appropriate Assessment*

The site of the proposed development is located within the serviceable urban area of Tralee and within an established residential estate. This is a location which is separated from Tralee Bay Complex Special Protection Area (Site Code: 004188) and Tralee Bay and Magherees Peninsula, West to Cloghane Special Area of Conservation (Site Code: 002070) by roads, residential and other properties and lands. Having regard to the serviced nature and the limited scale of the proposed development, its location, the nature of the receiving environment, and the separation distance to the nearest European site, 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 a European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

## 9.0 Reasons and Considerations

Having regard to the siting of the proposed development and its design, character and layout, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be compatible with the design, form and character of established properties in the vicinity, would be consistent with the provisions of the Kerry County Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

**Reason:** In the interest of clarity.

2. The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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

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