



An  
Bord  
Pleanála

## Inspector's Report ABP-318982-24

<b>Development</b>	Demolition of existing house for construction of a house and all associated site works.
<b>Location</b>	Sandhill Road, Ballybunion, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	23756
<b>Applicant(s)</b>	Eamonn and Sharon Reilly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eileen Butler (Buckley)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 August 2024
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site, 0.1ha, is located in Ballybunion, a designated regional town in the Kerry County Development Plan 2022-2028. Sandhill Road runs along the eastern edge of Ballybunion golf links and forms part of the designated Wild Atlantic Way.
- 1.2. The subject site is significantly narrower to the existing front boundary than its rear boundary, narrowing to approximately 5 metres. There are 2 no. pillars marking the entrance to the site from Sandhill Road with an area of hardstanding to the front garden area, there are no gates. There is a single storey detached dwelling (Ridge height of 4457mm) on the subject site with double pitched roof and a single storey conservatory projecting to the front and shed extension to the rear (149.28 sq.m gross floor space). The total length of the building from rear elevation of the shed to front conservatory is approximately 18.5 metres. Vehicular access is from both the front 'Sandhill Road' and rear of the subject site via a laneway to the south of Kit Ahern Road.
- 1.3. The adjoining dwellings comprise two storey structures, the adjoining property to the south is the appellants family home. There is an established right of way along the eastern and southern boundary and to along the western/northwestern boundary of the site. The adjoining property to the northwest comprises a large detached two storey residential property, with a hipped roof profile, in the form of 2 no. apartments, please see planning history 4.0.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the existing single storey dwelling (149.28 sq.m) and the construction of a two-storey (448.6 sq.m) five bedroomed house including a lift and all associated site works. The proposed two storey dwelling has a ridge height of 8778mm at its highest point. It is proposed to reverse the positioning of the proposed dwelling to provide a front entrance and façade facing towards the rear laneway access and to provide the rear elevation facing onto Sandhill Road with a patio area and stated pedestrian access gate only. I note for the Board that the submitted documentation does not adequately illustrate proposals for the existing front boundary onto Sandhill Road.

- 2.2. Revised drawings submitted following request for further information reducing the depth of the proposed building at two storey height along the southwestern boundary to approximately 22 metres and stated to maintain the front building line at 16 metres from the edge of the public road (Sandhill Road). I highlight to the Board that the front building line is staggered by the existing conservatory extension. Therefore, I highlight that the submitted site layout plan indicates that the front building line of the proposed two storey dwelling projects beyond the original footprint of the building at this southwestern section.
- 2.3. To the proposed new front elevation, the single storey bedroom projection is omitted in the revised drawings and the double garage reduced in size to a single garage with the proposed bedroom no. 1 relocated away from the shared south/southeastern boundary.
- 2.4. It is proposed to use the existing connection to public mains water supply, the public wastewater sewer and surface water disposal is proposed via the public drain.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 11 January 2024 the planning authority decided to grant permission subject to seven conditions. Conditions are generally of a standard nature, conditions of particular relevance to the subject appeal:

Condition no. 3

- (a) Proposed dwelling house shall be in accordance with the design drawing received on 27/09/2023.
- (b) Roof shall be covered with slates or tiles which shall be dark-grey. The colour of the ridge tile shall match the colour of the roof.
- (c) All external finishes shall be neutral in colour, tone and texture.
- (d) The use of white uPVC shall not be permitted on windows, doors, facias, soffits and guttering.

Reason: To integrate the structure into the surrounding area.

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

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

- Further information sought in respect of a resource and waste management plan for construction and demolition projects, shadow impact assessment, privacy screening and detail in respect to window design, suggested revisions to the design including roof profile and set back to existing front building line, contiguous planning drawings requested.
- Clarification of further information sought in respect to the shadow impact assessment.
- Considers the revisions made to reduce the scale and ridge height enable the structure to be integrated into the site and the streetscape.
- Appropriate Assessment is not required. There is no potential for significant effects to Natura 2000 sites.
- Screens out the need to carryout EIA at preliminary examination stage.
- Development contributions calculations.

#### **3.2.2. Other Technical Reports**

- None received.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

One submission received from Eileen Butler, in summary:

- Minimal changes proposed from the previously refused application 23/21. The amendments are not sufficient. Concerns raised in previous submission still stand namely, scale, bulk, massing which is built would create overshadowing, overlooking, overbearing on the neighbouring property and negative impact on the overall streetscape.

- Previous planner's reasons for refusal not addressed in the current application.

Further submission made on the revised plans received the 27 September 2023 following further information request.

- Information submitted is extremely poor and inadequate. The shadow impact assessment is deficient. In the absence of the requested assessment the application should be refused.
- Whilst the rear building line has been amended the rear profile still reads as a rear elevation and this would have a negative impact on the streetscape of Sandhill Road.
- The basic contiguous elevation drawing shows that the overall scale and bulk of the property should be revised. It is noted that the applicant has resubmitted the photographs previously submitted under planning register reference 23/21 which is inadequate.
- The application should be refused as the applicant/agent has made no meaningful attempt to address the points in the request for further information.

## 4.0 Planning History

*Subject site:*

**Planning register reference 23/21:** Planning permission refused (June 2023) to Eamonn and Sharon Reilly for the demolition of existing dwelling and construction of a two-storey dwelling and associated site works at Sandhill Road, Ballybunion. This decision was based on two reasons:

1. It is considered that the proposed development by virtue of its siting and its scale, form and bulk would injure the residential amenities of existing dwellings on adjoining sites due to overshadowing, overlooking and loss of privacy. Therefore, the proposed development would be seriously injurious to residential amenities and depreciate the value of properties in the vicinity.
2. In addition, it is considered that the proposed development by virtue of its design would not integrate satisfactorily into the streetscape and would be

unduly obtrusive. The proposal would contravene Objectives BN-GO-02 and BN-GO-08 of the Listowel Municipal area Plan 2022-2026. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

*Site adjoining subject site to the northwest:*

**Planning register reference 08/333:** Planning permission granted (May 2008) to John Corridan for the demolition of existing dwelling and shed and to construct 2 no. apartments, shed, parking area and all ancillary services and site works at Sandhill Road, Ballybunion.

## 5.0 Policy Context

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

Visually Sensitive Area immediately to the west of the subject site, but does not include the subject site:

**11.6.3.1 Visually Sensitive Areas** Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. 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.

#### 4.4.4.1.2 Regional Towns

The Regional Towns of Ballybunion, Cahersiveen, Castleisland, Dingle/Daingean Ui Chúis, Kenmare Killorglin, Listowel and Milltown are economically vibrant and vary in terms of scale of retail provision and size of catchment.

**KCDP 2-18** Actively implement measures detailed in the 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document'

#### **4.3.4 Derelict and Vacant Properties**

Sustainable development practices require vacant or derelict sites within urban areas to be developed prior to greenfield sites on the outskirts of urban areas where development of such sites is achievable. The development of derelict sites and underutilised sites and buildings will be encouraged in urban areas in the interest of achieving the most efficient use of urban lands and to stimulate regeneration.

### **Volume 6 Development Management Standards & Guidelines**

#### **1.5.1 Urban Design**

##### **1.5.4.3 Climate Resilience**

Innovative energy efficient housing is required to accommodate new typologies and provide adaptable and/ or whole life-cycle homes to create inclusive and socially balanced residential communities. Applicants will be required to demonstrate how climate resilient features have been incorporated into the design of new residential developments and outline how:

- High quality landscaping (including tree planting), that make use of a diverse range of species of plants – consistent with the National Pollinator Plan, site appropriate and irrigated by rainwater.
- Incorporating a green infrastructure network and Nature-Based Solutions (NBS) into the design of buildings and layout – living/green walls, rain gardens, bio-retention measures/swales living/green and or blue roofs, other soft Sustainable Urban Drainage Systems (SUDS) measures such as swales, rain gardens, using trees for urban cooling and the reduction of wind tunnel effect.

##### **1.5.7.6 Off-street Parking in Residential Areas**

The cumulative effect of removal of front garden walls and railings can damage the appearance of suburban streets and roads, it can contribute to an overall reduction in permeable surfaces vital to flood relief and introduce multiple vehicular accesses

thereby reducing the level of communal on street parking. Proposals for off street parking in existing front gardens in residential areas, therefore, need to be balanced against loss of amenity (visual and physical) and communal spaces.

## **5.2. Listowel Municipal District Local Area Plan 2020-2026**

The development of Ballybunion...is critical in the settlement structure for realising balanced regional development, acting as a focus to strengthen their own areas.

**BN-GO-02** Ensure that all development shall have regard to the scale and setting of the town in an attractive environmentally sensitive coastal landscape.

**BN-GO-08** Encourage the development of a compact and sustainable town structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites.

**BN-GO-11** Encourage the development of streetscapes in new residential developments particularly on frontages adjoining public roads.

## **5.3. Natural Heritage Designations**

The Proposed Natural Heritage Area: Cashen River Estuary Site Code: 001340 is within 10metres of the subject site and the Special Area of Conservation: Lower River Shannon SAC Site Code: 002165 is within 217 metres west of the subject site.

## **5.4. EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

One appeal was received from Eileen Butler (Buckley) on behalf of the Buckley family, the family home 'Sandhill Lodge' is located to the south of the proposed development.

The appellant highlights that this application was recently granted following a long planning process whereby the applicant was given several opportunities to produce an appropriate and well-designed proposal. Planning permission was refused previously in respect to a similar proposal planning register reference 23/21. The appellant considers that the previous reasons for refusal have not been sufficiently addressed, with respect to scale, form and bulk leading to overshadowing and loss of privacy, in the current proposal to justify a grant of permission.

The grounds of appeal can be summarised as follows:

- Residential amenity impacts - Negative impacts on residential amenity (overshadowing, overbearing on the property to the South Sandhill Lodge, lack of privacy, loss of daylight and sunlight).

The side building line is much closer to Sandhill Lodge than the existing building with only 1.8m gap proposed between the proposed southern elevation and the site boundary. Given the size, mass and scale of the proposed dwelling this would have significant negative impacts on the existing dwelling to the south.

Several habitable windows on the side elevation of Sandhill Lodge face the proposed development. The proposed windows along this elevation would have negative residential amenity impacts given the size and proximity of the proposed dwelling and would impact on daylight/sunlight. While these are proposed to be frosted and non-opening windows, this level of mitigation should not be required, and it would indicate that a redesign is required.

Possible exit stairs indicated on the side elevation – lack of clarity in respect to proposals.

No methodology submitted with the Shadow Impact Assessment.

- Visual impacts - Poor design in respect to the development plan requirements of para. 1.5.1 of the Development Management Standards, excessive scale and bulk and inappropriate proposed rear elevation fronting onto the historic streetscape of Sandhill Road.
- Conditions
  - concerns that the applicant may not adhere to conditions taking into account that further information and clarification of further information was sought in respect to the submission of a Construction and Demolition Resource Waste Management Plan (RWMP) and that this was not furnished. Therefore, the planning authority attached a condition to address this omission.
  - no condition attached in relation to the frosted non opening windows on the side elevation or screening for the balconies.
  - insufficient details provided with respect to the landscaping plan and boundary treatment plan.
  - no condition has been attached with respect to construction hours.

## **6.2. Applicant Response**

- Received out of time.

## **6.3. Planning Authority Response**

- None received.

## **6.4. Observations**

- None.

## **7.0 Assessment**

- 7.1. The Kerry County Development Plan 2022-2028 (the development plan) encourages the development of derelict sites and underutilised sites and buildings in urban areas in the interest of achieving the most efficient use of urban lands and to stimulate

regeneration (para.4.3.4). I am of the opinion that the existing property whilst currently vacant does contribute positively to the historic streetscape with respect to its form and scale. Notwithstanding its contribution I note that the building is not a protected structure nor located in an Architectural Conservation Area (ACA) as such I consider the proposed demolition and replacement with a new dwelling to be acceptable in principle at the subject site. I acknowledge that the subject site abuts the designated visually sensitive coastal area and forms part of the Wild Atlantic Way route. As such my assessment will be framed by the consideration of whether the development satisfactorily integrates into the landscape in addition to compliance with the proper planning and sustainable development of the area.

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on residential amenity
- Visual impact

7.3. *Impact on residential amenity*

7.3.1. Planning permission was refused for a similar proposal under register reference 23/21 on the subject site, please see section 4.0. This subject application has been revised in response to the refusal and provides for a reduced roof profile, pitch reduced to 25 degrees resulting in a reduction in height from 9.533m (as proposed under planning register ref. 23/21) to 8.778m. A reduction in the length of the two storey element along the boundary with Sandhill Lodge was also originally incorporated into the current proposals with a single storey bedroom projection to the proposed new front elevation at what is the rear of the subject site.

7.3.2. The proposed replacement dwelling has been further reduced in size following a request for further information from the planning authority. I note on the submitted ground floor plan (No.2), as revised, it is stated that the total floor area of the proposed dwelling is 448.6 sq. metres. I note the planning application form indicated that the original floor area proposed is 448.6 sq. metres. There is obviously an error in the stated total floor area as the building has been reduced in length by

approximately 5 metres in part by the reduction in the proposed garage from a double to a single garage and the reconfiguration of proposed bedroom no. 1. As part of the response to the further information request the applicant has also revised the proposed positioning of the building on the site setting it back to align with the front building line as defined by the conservatory extension of the original house, approximately 16 metres from the edge of the site with Sandhill Road.

- 7.3.3. The submitted revised Streetview (No. 2) drawing illustrating Sandhill Lodge does not appear to accurately reflect the proposed positioning of the proposed dwelling which would in my opinion obscure the windows of the rear return of Sandhill Lodge entirely, as indicated on the site layout map. Notwithstanding, I shall assess the proposed developments impacts on the established residential amenities taking into account the noted discrepancies.
- 7.3.4. The proposed development is for a large replacement dwelling approximately three times the floor area of the existing dwelling, which is stepped in footprint to respond to the subject site's configuration and its orientation is reversed to maximise the potential for sea views from the dwelling. This response has resulted in a deep plan form and a significantly long side elevation of approximately 22metres of two storey height within 1.8 metres of the southern boundary with the appellant's property Sandhill Lodge.
- 7.3.5. Shadow impact drawings have been submitted, showing the existing dwelling and the proposed dwelling from January to November, following further information and clarification of further information request. I note the submitted drawings indicating the existing overshadowing and the proposed overshadowing in January (9am, 3pm and 6pm) and in August (9am, 3pm and 6pm). I note no such comparison has been provided for March.
- 7.3.6. I would concur with the appellant that the information as submitted does not make clear the methodology used, include an analysis of the results nor consider the potential impact on daylight to windows on adjoining properties. I acknowledge that the subject site is located to the north of the appellants property and as such a significant increase in overshadowing of the appellant's property would not be anticipated. Notwithstanding, I do not consider that sufficient evidence has been provided to demonstrate that the proposed development would not result in a

significant increase in overshadowing to the property to the north of the subject site and loss of daylight to the habitable rooms in both these adjoining properties to justify a recommendation of planning permission.

- 7.3.7. Given the extent of the proposed two storey side elevation of approximately 22 metres in length, in close proximity to the mutual boundary with Sandhill Lodge, I consider that the proposed development would result in significant overbearing impacts on the property and its private amenity space. As such I am of the opinion that the proposed dwelling would seriously injure the residential amenities of the adjoining property (Sandhill Lodge) by reason of visual obtrusion and overbearing.
- 7.3.8. I acknowledge that that applicant has attempted to mitigate potential overlooking with the inclusion of obscure glazing to the upper kitchen windows to the side elevation facing onto Sandhill Lodge and also positioning the en-suite bathrooms along the side elevation sections closest to the adjoining property to the north/northwest. The applicant has also proposed privacy screen to the proposed balconies I am of the view that these are reasonable measures to reduce the perception of loss of privacy given the constraints of the existing windows serving habitable rooms of Sandhill Lodge. I agree with the appellant there is a lack of clarity with respect to 'possible exit stairs' shown on the proposed side elevation. In my opinion, subject to clarification in respect to the 'possible exit stairs', the proposed development would not result in significant loss of privacy. I note the appellants concerns that a condition was not attached in respect to the installation of obscure glazing in the windows and in the event of a grant of permission the Board is recommended to attach a condition to ensure that the kitchen windows to the side elevation and screening for balconies is submitted and agreed in writing with the planning authority.

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#### 7.4. *Visual impact*

- 7.4.1. Sandhill Road is a sensitive coastal location and given the designation as a visually sensitive area to the immediate west of the subject site I am of the opinion that the site has a very prominent position. The immediate area is not characterised by one building type or height, and it is evident from my site inspection that the replacement of dwellings and new infill developments along Sandhill Road is a common

occurrence. There are several existing large balconies and terraces to the front of dwellings and guesthouses overlooking the golf course and the sea.

- 7.4.2. I am of the view, taking into account the diverse character of building types and design within the immediate locality, that the proposed development's design in itself would not be so incongruous as to warrant a recommendation for refusal.

Notwithstanding, I consider that the bulk of the proposed dwelling by reason of its proposed deep plan form and significantly long side two storey elevation in close proximity to the mutual southern boundary of the site is not appropriate for the subject site in the context of the adjoining properties, as already assessed in section 7.3 of my report.

- 7.4.3. I note that no details have been provided in respect of the proposed boundary treatments and I would agree with the appellant that the application would benefit from further details with respect to proposed landscaping, noting section 1.5.4.3 of the development plan relating to high quality landscaping and sustainable urban drainage measures to assist with climate resilience, and 1.5.7.6 with respect to design for off street parking. I consider that these matters could be addressed by condition in the event the Board is minded to grant planning permission.

## 8.0 AA Screening

### **Appropriate Assessment: Screening Determination**

#### **(Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed demolition of the existing single dwelling and construction of new two storey dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kerry County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description of the proposed development is presented in section 2.0 of my report. In summary the proposed development comprises the demolition of an

existing single storey dwelling within the designated regional town of Ballybunion and the construction of a replacement two storey dwelling. The development includes create a new parking area and driveway to the northern end of the subject site. Waste and water will be connected to local public services.

There are no watercourses or other ecological features on the site that would connect it directly to European Sites in the wider area. Ballybunion Golf links is located directly west of the subject site positioned between the development site and the Special Area of Conservation: Lower River Shannon SAC Site Code: 002165.

### European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). One European site is located within 250m of the potential development site.

- Lower River Shannon SAC Site Code: 002165

This very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head.

The planning authority have also identified Kerry Head SPA, River Shannon and River Fergus Estuaries SPA and Loop Head SPA. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of the Lower River Shannon SAC.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC [Site Code: 002165]	[1110] Sandbanks [1130] Estuaries [1140] Tidal Mudflats and Sandflats [1150] Coastal Lagoons* [1160] Large Shallow Inlets and Bays [1170] Reefs	250m	No direct

	[1220] Perennial Vegetation of Stony Banks  [1230] Vegetated Sea Cliffs  [1310] Salicornia Mud  [1330] Atlantic Salt Meadows  [1410] Mediterranean Salt Meadows  [3260] Floating River Vegetation  [6410] Molinia Meadows  [91E0] Alluvial Forests*  [1029] Freshwater Pearl Mussel ( <i>Margaritifera margaritifera</i> )  [1095] Sea Lamprey ( <i>Petromyzon marinus</i> )  [1096] Brook Lamprey ( <i>Lampetra planeri</i> )  [1099] River Lamprey ( <i>Lampetra fluviatilis</i> )  [1106] Atlantic Salmon ( <i>Salmo salar</i> )  [1349] Bottle-nosed Dolphin ( <i>Tursiops truncatus</i> )  [1355] Otter ( <i>Lutra lutra</i> )		
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#### **Likely impacts of the project (alone or in combination)**

Due to the infill nature of the development site and the presence of a significant buffer area (green) between the site and the coast, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site.

During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Lower River Shannon SAC make it highly unlikely that the proposed



development could generate impacts of a magnitude that could affect European Sites.

### **Likely significant effects on the European sites in view of the conservation objectives**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

### **In combination effects**

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

## **Overall Conclusion**

### **Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment (a submission of a NIS) is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by the planning authority.

## 9.0 Recommendation

I recommend that permission is refused for the following reasons and considerations:

## 10.0 Reasons and Considerations

1. Having regard to the proposed scale of the two-storey side elevation, in close proximity of the mutual boundary with Sandhill Lodge, the proposed development would seriously injure the residential amenities of the adjoining property by reason of significant visual obtrusion and overbearing. The proposed development would, therefore, be contrary to the proper planning and development of the area.

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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Claire McVeigh  
Planning Inspector

30 October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318982-24			
<b>Proposed Development Summary</b>	Demolish existing dwelling and build a private two storey dwelling and all associated site works.			
<b>Development Address</b>	Sandhill Road, Ballybunion, Co. Kerry.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	✓	
		<b>No</b>		
<b>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?</b>				
<b>Yes</b>				
<b>No</b>	✓		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>				
<b>Yes</b>	✓	Class/Threshold Part 2, Schedule 5 (Class 10 (a)) Construction of more than 500 dwelling units.		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	318982-24	
Proposed Development Summary	Demolish existing dwelling and build a private two storey dwelling and all associated site works.	
Development Address	Sandhill Road, Ballybunion, Co. Kerry.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for demolition of existing single storey dwelling and shed and the construction of a two-storey dwelling and associated site works.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	No
Location of the Development		

Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?	The subject development is not located on an ecologically sensitive site. the Proposed Natural Heritage Area: Cashen River Estuary Site Code: 001340 is within 10metres of the subject site, which includes Ballybunion Golf Links Course and the Special Area of Conservation: Lower River Shannon SAC Site Code: 002165 is within 217 metres west of the subject site.	
Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.	
Conclusion		
<p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&amp;D Regs 2001 (as amended).</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)