



An
Coimisiún
Pleanála

Inspector's Report

ABP-320749-24

Development

(a) planning permission to demolish the garage ground floor with external alterations (b) planning permission to construct a new extension to front, rear and side of dwelling house and modify alter and extend incorporating same to dwelling house (c) planning permission to construct gym/storage area with all associated site works.

Location

Scrahan Court, Ross Road, Killarney, Co. Kerry.

Planning Authority

Kerry County Council.

Planning Authority Reg. Ref.

23/1115

Applicant(s)

Laura Moynihan.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Eoghan O'Brien & Claire Griffin.

Observer(s)	None.
Date of Site Inspection	22-08-2025.
Inspector	Adam Kearney.

1.0 Site Location and Description

- 1.1. The subject property is a semi-detached dwelling located at Scrahan Court close to the intersection with Ross Rd and circa 300m from Killarney Town Centre. The subject dwelling dates from the 1960's, is currently vacant and in a semi-derelict condition. There is a large area of open space with an overgrown side garden and elongated garden to the rear. A public footpath fronting the site narrows significantly at the western end of the site.

2.0 Proposed Development

- 2.1. The applicants are seeking permission to demolish the garage ground floor to the side with external alterations and seeking permission to construct new extensions to the front, rear and side and permission to construct a detached gym/storage unit to the rear offset c.25m from rear wall of the primary dwelling.

3.0 Planning Authority Decision

3.1.1. Grant Permission (Subject to 12 conditions)

- 3.1.2. Having regard to the provisions of the current Development Plan for this area, the existing development in the area and to any submissions received in relation to the application, it is considered that subject to compliance with the conditions set out in Schedule 2, the proposed development would not be visually obtrusive or out of character with the surrounding area and would not seriously damage the amenities of the adjoining residential properties. It is considered, therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area.

3.1.3. Conditions of Note:

Condition 4 sought the setback of the front boundary.

Condition 12 stipulated no commercial use of the Gym Area.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.2. The initial area planner's report indicated that the extension was not sympathetic to the original dwelling and considered that the proposed development due to the design, scale and bulk, would have an unduly negative impact on the amenities of the adjoining semi-detached dwelling.

3.2.3. The report recommended that in order to avoid a refusal, the design (especially front elevation) scale and bulk of the proposed extensions should be reconsidered and redesigned to address these concerns.

3.2.4. Revised design received in response to a further information request took into account the concerns raised. The ridge roof height has been reduced, and it is considered that the proposed extension is acceptable in terms of scale and design and will not give rise to overlooking.

3.2.5. Other Technical Reports

- Town Engineer requested that further information is sought in relation to the setting back of the front boundary wall
- Irish Water records indicate the presence of water/waste infrastructure which may be impacted by the proposed development and requested a Pre-Connection Enquiry.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None.

4.0 Planning History

4.1. None on the Subject Site.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028 was adopted on the 4th of July 2022 and includes the Killarney Town Development Plan. The site is zoned 'Existing Residential'.

5.1.1. Volume 6 Development Management Standards.

Section 1.5.3 General Residential Development Design Standards.

Sub Section 1.5.4.6 Private Open Space.

- All houses should have an area of private open space of a suitable gradient, exclusive of car parking, to the rear of the building line.
- The minimum area of private open space to be provided shall be in accordance with Table 1 for all new residential units.
- The prescribed private amenity space will allow for a private amenity area, which can accommodate the storage of bins/garden shed etc, and the provision of an area for vegetable growing, etc. Reduced quantum may be considered in respect of well-designed high-quality development where it can be demonstrated by the applicant the space is usable, appropriately located & shaped and of high quality

Section 1.5.6 Other Development in Built-up Areas.

Sub Section 1.5.6.1 Extensions to Dwellings

5.1.2. Front Extensions - Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house and shall not dominate the front elevation of the dwelling. Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design and impact on visual and residential amenities. A break in the front building line will be considered subject to scale and design and impact on

established residential and visual amenity. A minimum driveway length should be maintained appropriate to the site context.

5.1.3. 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. First floor rear/side extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, the following will be considered:

- Degree of overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Size and usability of the remaining rear private open space.
- 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. In addition, a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage. Alterations at Roof/Attic Level Roof alterations/expansions to main roof profiles (changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example) and additional dormer windows will be assessed having regard to the following:

- The character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Established streetscape character and roof profiles.

5.2. S28 Guidelines

5.2.1. *Quality Housing for Sustainable Communities: Design Guidelines*, Department of the Environment, Heritage, and Local Government, (2007)

- 5.2.2. *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*, Department of Housing, Local Government and Heritage, (2024)

6.0 Natural Heritage Designations

- 6.1. There are no Natura 2000 sites within the boundary of the appeal site.

Killarney National Park, McGillicuddy's Reeks and Caragh River catchment SAC and Killarney National Park SPA are c. 150 metres from the site.

7.0 EIA Screening

- 7.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (As Amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

8.0 The Appeal

8.1. Third Party Grounds of Appeal- Summary of Main Points

- 8.1.1. The revised two-storey rear and side extension submitted as part of the further information process continues to be excessive in terms of its height, scale, overall bulk, and proximity to the boundary party wall to the rear.
- 8.1.2. As currently proposed it would seriously injure the residential amenity of our adjoining home in terms of overshadowing, loss of natural light, visual impact and the future developability of same by virtue of its scale, bulk and overbearing design. It would therefore be contrary to the proper planning and sustainable development of this area.

8.1.3. Whilst the refurbishment and redevelopment of a vacant property is to be encouraged; the excessive scale, bulk and overall design proposed in this application is not compatible with the existing structure and surrounding area.

8.2. First Party Appeal Response

8.2.1. The applicant through their planning consultant set out that;

- The house is long unoccupied and eligible for considerable 'grant aid'
- The property is too small and is no longer fit for purpose at circa 100m² with many of the rooms sub-standard in terms of modern day standards.

8.2.2. The response continues to refute the grounds of appeal;

- In terms of excessive bulk and scale they contend that the overall width is only marginally different, and the ridge height of the rear extension is also only marginally higher and substantially the same as the existing building.
- In terms of claims that the two-storey extension is excessive, the appellant points to the substantial size of the site (640m²) and that the proposed footprint at 118m² covers only 20% of the site and at 212m² over two floors, the plot ratio will be 1.3 and that there will be a large amenity space remaining for a site so close to the town centre.
- With regard to the assertion of incompatibility with adjacent structures the appeal sets out how care has been taken to ensure compatibility of the new proposal with the existing building and a CGI depicting the subject property and neighbouring dwellings addressing the public road is provided. The existence of a three-storey apartment complex nearby is also highlighted.
- Counters the claim that there will be interference with appellants right to light, amenity and potential overlooking by stating that the extension to the rear will be set back from the side boundary although there is no requirement to do so. Claims the proposal will have little impact on the adjoining property and refers to a shadow study provided with their response that makes it clear that the extent of overshadowing will be minimal, helped by the existence of a 'two

storey hedge' and that no windows will directly overlook the rear garden of the appellants private open space.

- Regarding Existing Irish water services, the applicants have been in discussion with Irish Water, and the matter of the existing sewer line has been dealt with by condition 7.
- The appellant also points out 'Planning Gains' with the regeneration of the house from its current state and the setback of the front boundary that will aid sightlines and pedestrian facilities.

8.3. Planning Authority Response

8.3.1. In correspondence dated the 21/10/2024 it was stated that

'Kerry County Council has no specific comments to make on the details submitted to ABP. The Planning Authority is satisfied that the relevant issues were covered in the Planner's Report'

9.0 Assessment

9.1. I have visited the site and reviewed the original application and appeal documents and consider the primary issues in this instance to be;

- Principle of development
- Design Quality
- Impact on Residential Amenity
- Other Matters

9.2. Principle of Development

9.2.1. The subject property is an existing semi-detached dwelling in a serviced urban area 300m from Killarney Town Centre. It is zoned 'Existing Residential' therefore the principle of development is established.

9.3. Design Quality

- 9.3.1. The initial application proposal in terms of the scale of the house extensions element of the application was deemed excessive by the Area Planner as it dominated the original built form of the semi-detached block with the ridge height of the rear extension significantly stepped above the existing ridge level and with projections to the front elevation that were out of character with the adjacent dwelling.
- 9.3.2. Revisions that were submitted retained the quantum of floor space as part of the FI response but reduced the overall ridge height and removed the front elevation roof projections and as a result the overall form of the proposed extension integrates much better into its surrounds and is sympathetic to the original block.
- 9.3.3. The proposed room sizes for living and bedroom space exceed minimum requirement as set out in the Quality Housing for Sustainable Communities Guidelines and the proposal in general terms complies with the Sustainable Residential Development and Compact Settlements Guidelines which sets out how planning authorities should actively promote and support opportunities for intensification that includes initiatives that support the more intensive use of existing buildings by adaption and extension.
- 9.3.4. I consider the revised extension and garden gym design to be acceptable and in conformity with the design guidance set out in the CDP and S28 guidance.

9.4. Impact on Residential Amenity

- 9.4.1. The appellants maintain that the revised extension will impact on daylight and will overlook their property thereby impacting their residential amenity. The rear two storey extension extends 4.5m from the rear wall of the existing dwelling and following the revised plans has a similar ridge level to the existing dwelling.
- 9.4.2. The adjoining dwelling northeast has an existing full width single storey extension that projects circa 3m from the rear back wall with private open space at ground level beyond this extension. While the flat roof and first floor bedroom windows of the

neighbouring dwelling will have some shadowing in the evening period, I am satisfied that the impact would be negligible given the orientation and relatively modest bulk of the revised proposal.

9.4.3. I note that the applicants have provided a shadow analysis and albeit I do not agree with reference to overgrown hedging as mitigation for potential over shadowing I am satisfied that the report demonstrates that there will not be a negligible impact in terms of overshadowing or loss of daylight.

9.4.4. In terms of potential for overlooking, the first floor of the proposed extension will have two windows with one serving an ensuite and the other the master bedroom. While the windows do not directly overlook the private open space of the neighbouring property, I believe the en-suite window due to its size and proximity to the common boundary should be opaque glass.

9.5. Other Matters

9.5.1. The Planning Authority have imposed a condition seeking the setback of the front boundary. Given the substandard footpath that exists to the western end of the property I fully endorse this course of action. There is ample room to setback the boundary and the realisation of a new section of usable footpath will be a benefit to residents of the subject dwelling and the residents of the wider area.

9.5.2. In summary I am satisfied that the extensions to the primary dwelling and the ancillary gm/storage unit as proposed subject to conditions will not impact on the residential amenity of the neighbouring dwelling.

10.0 AA Screening

I have considered the proposed development of domestic extensions and a garden room/gym in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to a European site. The closest European Sites, part of the Natura 2000 Network is Killarney National Park, McGillicuddy's Reeks and Caragh River catchment SAC and Killarney National Park SPA are c. 150 metres from the site

Having considered the nature, small scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale of the development.
- The location of the development in a serviced urban area

I consider that 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 and appropriate assessment is therefore not required.

11.0 Recommendation

11.1. I recommend that planning Permission be Granted

11.2. Reasons and Considerations

Having Having regard to the urban location of the site; and to the design and scale of the proposed development, it is considered that, subject to compliance with conditions below, the proposed extensions and gym/storage unit would not be injurious to the general amenity and architectural quality of the area, and would not seriously injure the visual or residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The proposed 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 05/07/2024 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 proposed development shall be carried out and completed in accordance with the agreed particulars
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	Reason: In the interest of clarity
2.	<p>The existing front boundary wall shall be demolished and setback to allow for the provision of a public footpath with a minimum width of 1.8m. Details of the footpath construction, including the height and makeup of the new boundary wall are to be agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of pedestrian and traffic safety.</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 proposed east facing first floor ensuite window glazing shall be manufactured opaque glass and shall be permanently maintained.</p> <p>Reason: In the Interest of residential amenity.</p>
5.	<p>The existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and 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>
6.	<p>The gym/store shall be used only for domestic purposes ancillary to the dwelling house only and not for any commercial use or for habitation.</p> <p>Reason: To regulate the use of the site.</p>
7.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: in the interest of public health.</p>

8.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: in the interest of public health and to ensure adequate water/wastewater facilities.</p>
9.	<p>Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Prior to commencement of development, the developer shall submit details of a Construction Management Plan for the written agreement of the planning authority. The plan shall provide details of intended construction practice for the proposed development, including traffic management, working hours, noise and dust management, and off-site disposal of construction/demolition waste. The proposed development shall be carried out in accordance with the written agreed details.</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity and public safety.</p>
11.	<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 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>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 Coimisiun Pleanala 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>
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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.

Adam Kearney

Planning Inspector

2nd September 2025

Appendix 1

Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320749-24		
Proposed Development Summary	(a) planning permission to demolish the garage ground floor with external alterations (b) planning permission to construct a new extension to front, rear and side of dwelling house and modify alter and extend to incorporating same to dwelling house (c) planning permission to construct gym/storage area with all associated site works.		
Development Address	Scrahan Court, Ross Road, Killarney, 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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-Screening conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Adam Kearney

Date: 02-09-2025