



An
Bord
Pleanála

Inspector's Report

321077-24

Development	Demolition of existing dwelling and construction of two new dwellings, with all associated site works
Location	Park Road, Killarney, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/60523
Applicant(s)	Tim Lyne
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Michael Hegarty.
Observer	None
Date of Site Inspection	16 th April 2025
Inspector	Ann Bogan

1.0 Site Location and Description

- 1.1. The site is located on the north side of Park Road, Killarney, the main route to the town centre from the east and is approximately 900m from the town centre. Park Road is characterised by a mix of detached houses, many of which are guesthouses/B&Bs, and small housing estates. The surrounding area is predominantly residential, with more recent mixed-use development focused on the roundabout to the west.
- 1.2. The 0.073ha site contains a five-bedroom two storey house with detached garage and store (total building area stated to be approx. 200sqm). A large guesthouse is located to the west and a commercial building and an Aldi store to the east, with the Aldi car park immediately to the rear of the house site.
- 1.3. The site is bounded by concrete walls of varying forms and heights, supplemented by railings on part of the side boundaries, and a hedge to the front. There are two large mature cherry trees in the front garden, which show some signs of decay.

2.0 Proposed Development

- 2.1. The development consists of:
 - Demolition of existing house, shed and garage
 - Construction of 2no three-bedroom, two-storey, detached houses, with a total floor area of 276 sqm
 - Provision of car parking for 4 cars to front of houses
 - Removal of the front boundary wall

A construction waste management plan accompanies the application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission granted subject to 15 conditions

Conditions: Most conditions imposed are standard conditions requiring compliance with the drawings submitted, payment of a development contribution, control of roof and external finishes, connection to services and measures relating to traffic and public safety and environmental protection during construction.

- Condition No 4 requires (a) the front boundary wall to be set back two metres to allow for provision of footpaths and cycle lanes, in accordance with a permitted Part 8 approval in place for Park Road; (b) a reduction in the opening across the front boundary to a maximum of 6m and a wall to be constructed across the remainder and (c) boundary walls to be constructed to rear of building line and to be 1.8m high and walls to be 1.2m high in front of building line.
- Condition 13 states that the buildings shall not be used for overnight commercial guest accommodation without prior grant of planning permission.
- Condition 14 requires first floor bathroom and landing window openings shall be fitted with frosted/opaque glass
- Condition 15 requires submission of a Demolition Resource Management Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning report considered the proposed development would not be visually obtrusive and would assimilate into the streetscape, would not give rise to overlooking of guesthouse to west, and that adequate private open space would be provided. Proposal to bring houses closer to the road was considered acceptable as there is no defined building line in the area.
- Concluded appropriate assessment not required as no realistic pathway to European Sites; and proposal does not require screening for EIA as due to its nature, scale and location there is no real likelihood of significant effects on the environment arising from the development.
- Recommended permission subject to conditions.

3.2.2. Other Technical Reports

- Executive Engineer Active Travel Kerry County Council: Recommended conditions requiring set back of front boundary wall by 2m to facilitate provision of footpaths and cycle lanes, entrance width of 6m, construction of wall along rest of front boundary.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Submission from agent on behalf of owner of a property in the vicinity raising issues including overdevelopment of the site, limited open space, lack of front boundary wall, inadequate space for proposed car parking, concerns re traffic safety, obscured glazing should be installed to prevent overlooking, side boundary walls should be higher.

4.0 Planning History

None on site

309948-21: Permission granted on neighbouring guesthouse property for family flat extension and retention of 2 private bedrooms in attic space of guesthouse.

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2022-2028, adopted on 4th July 2022 has regard to national and regional policies and guidance in relation to residential development and compact settlements and Volume 2 includes a town development plan for Killarney.

Site is zoned R2: Existing Residential.

Volume 6 Development Management Standards and Guidelines

Section 1.5.4 Residential Development: includes standards for private open space, site coverage, screen walls, management of construction waste.

Tables 3 and 4 provide guidance on dimensions of parking spaces and requirements for car parking for each use.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

Section 5.3.2 Private Open Space for Houses

“Well-designed private open space forms an integral part of houses and is essential for health and wellbeing. The minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.”

SPPR 2 - Minimum Private Open Space Standards for Houses

“It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house 20 sqm.

2 bed house 30 sqm

3 bed house 40 sqm

4 bed + house 50 sqm

..... For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity”.

5.3. Natural Heritage Designations

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC approx. 1.2km from site
- Killarney National Park SPA approx. 1.2km from site

6.0 EIA Screening

- 6.1.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See attached EIA Form 1 Pre-screening and Form 2 Preliminary Examination).

7.0 The Appeal

7.1. Grounds of Appeal

Appeal submission by agent Padraig Murphy on behalf of Michael Hegarty, a property owner in Park Road, Killarney. The grounds of appeal are summarised below:

- Proposal is considered an overdevelopment of the site
- Some points raised in submission to planning authority have been addressed in conditions but remains concerned re car parking
- Site is on a heavily trafficked road, should have been auto track or road survey to cover traffic movements
- If 4 cars parked on site, delivery vehicles will not have space to turn which will lead to vehicle reversing across footpath and cycleway into traffic, which is dangerous and should not be allowed

- Concern that there will be parking associated with the development which will park across the road in his property, due to lack of open space on the site, as happens already with patrons of Aldi who park in his property across the road
- Having an uncontrolled entrance so close to roundabout on one of main arteries into Killarney would be bad planning
- Building line is not maintained, building is forward of adjoining buildings
- Design of proposed two dwellings is in total contrast to substantial dwelling of a certain period dwelling house to left

7.2. Planning Authority Response

- None

7.3. Observations

- None

8.0 Assessment

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

- Compliance with Zoning Objectives
- Overdevelopment and Impact on Amenities
- Building Line and Design
- Traffic Safety
- Other Issues

8.2. Compliance with Zoning Objectives

- 8.2.1. The site is zoned 'Existing Residential' and adjoins an area to the west zoned 'District Centre/Neighbourhood Centre'. The site is in an established residential area, with mixed uses adjacent, and construction of two dwellings is acceptable in principle in this location. The existing dwelling, which is somewhat neglected in appearance, is not a protected structure and its demolition and replacement by two new dwellings would not detract unduly from the diverse character of the area and is in keeping with national and local objectives to create more compact forms of urban development.

8.3. Overdevelopment and Impact on Amenities

- 8.3.1. The appellant raises concerns that the proposal constitutes overdevelopment of the site which results in limited area for traffic circulation and open space. Traffic issues are addressed in 8.5 below.
- 8.3.2. There is a considerable variety in uses and forms of development on Park Road and plots were developed individually over time, with a mixture of residential uses, large guesthouses and commercial development. The area of the subject site (net of area taken up by road and footpath/cycle lane) is approximately 580sqm and the building footprint is approximately 199sqm, resulting in site coverage of 34%. While this is slightly above the existing site coverage, it is well below the maximum site coverage of 85% set out in the Section 1.5.4.8 of Volume 6, of the County Development Plan for urban areas, and in the context of the variety of development in the area, I believe it is an acceptable quantum of development on the site.
- 8.3.3. Private open space of approximately 70sqm is provided to the rear of house No 1 and slightly more to the rear of house No 2. This is well in excess of the minimum 40sqm required for private open space for a three-bed dwelling by SPPR2 of the Sustainable Residential Development and Compact Development Guidelines (2024) and also above of the Development Plan requirement (now superseded by the Guidelines) of 60sqm private open space for three bed dwelling. I am satisfied therefore that the proposed development will provide adequate amenity space for the occupants of the new dwellings.

- 8.3.4. Overall, I am satisfied that the proposed development does not constitute overdevelopment of the site, is not out of keeping with the general pattern of development in the area and would not impact negatively on the amenity of occupants of the proposed dwellings or of other properties in the area.

8.4. Building line and design

- 8.4.1. Due to the mixture and scale of uses and the incremental development of Park Road, there is no consistent building line along the road. The proposed dwellings would be approximately 7m from the proposed new front boundary. Although the buildings would be forward of the adjacent house, they would not be out of keeping with nearby commercial developments, or the dwellings further east along Park Road or on the opposite side of the road, where a building line 6m from the front boundary of the plot is not uncommon. I consider therefore that locating the proposed buildings as proposed is acceptable in this area.
- 8.4.2. The appellant contends that the design of the proposed dwellings is out of keeping with the adjoining large guesthouse. The neighbouring two storey guesthouse is itself a 'one-off' design in the context of its neighbours, being of a more recent construction and of different character from the simple design of the existing house, and also very different from the small terraced dwellings in the housing estate to the west. The proposed dwellings, although forward of the guesthouse and smaller in scale, are two-storey, with roofs slightly lower than the neighbouring guesthouse and designed so that the eaves height matches that of the neighbouring house. House No 1 also has bay windows which echo those of the guesthouse. I consider the design of the proposed dwellings to be acceptable in the context of the varied character of buildings along Park Road.
- 8.4.3. Concerns of overlooking of neighbouring property were raised in the submission to the planning authority. I believe that conditions proposed by the planning authority requiring bathroom and landing windows at first floor level to be of obscured glass and boundary walls of 1.8m in height to be provided to rear and side boundaries, to rear of front building line, are adequate to address these concerns and to protect amenities of neighbouring properties and of the proposed dwellings.

8.5. Traffic Safety

- 8.5.1. The site is currently served by a vehicular entrance directly onto Park Road, as is the neighbouring guesthouse and many other individual houses along the road which have developed over time.
- 8.5.2. Kerry County Development Plan 2022-2028 permits a maximum of 2 no parking spaces per dwelling in areas outside the town centre (Vol. 6, Table 4 Parking Requirements). In this case 2 no spaces are proposed for each dwelling. The dimensions of the spaces are in line with those set out in the Development Plan (Vol. 6, Table 3 Parking Space Dimensions), including the requirement for circulation areas to be at least 6m in width. I recommend that the entrance be 6m in width for ease of access and circulation, rather than “a maximum of 6m in width” as required under planning condition No 4 of the planning authority decision. Subject to this amended condition, I am satisfied that the circulation space within the site and the vehicular entrance will be adequate to allow safe access and egress from the site including deliveries, without a significant increase in risk to traffic and pedestrian safety, from that which pertains at present.
- 8.5.3. In relation to concerns re the use of the property across the road for car parking associated with the development, it is unlikely that the proposed 2 no residential units on the site would result in significant additional parking demand in the area, over that to be provided on site. In any case, the management of car parking in the property across the road is a matter for the property owner.

8.6. Other Issues

- 8.6.1. A Waste Management Plan for Construction and Demolition Waste accompanies the application. This is not referenced in the planning authority’s assessment of the project. I note condition No 15 attached the planning authority’s decision requires submission of a Construction and Demolition Resource Management Plan (RWMP) as set out in EPA Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D projects (2021) and on the basis that the requirements of the condition would appear to go beyond the Waste Management Plan submitted, I recommend retention of the condition.

9.0 AA Screening

9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development comprises demolition of an existing dwelling and construction of two new dwellings.

The subject site is located 1.2 km from the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and 1.2km from the Killarney National Park SPA.

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 and limited scale of the works
- Distance from and lack of connections to the nearest European site

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.

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

10.0 Recommendation

- 10.1. I recommend grant of permission for the proposed development subject to conditions, and for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, to the nature and scale of the development and to the existing pattern of development in this suburban location, it is considered that subject to compliance

with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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.	(a) The front boundary wall shall be set back a distance of 2 metres to allow for the provision of footpaths and cycle lanes, in accordance with Kerry County Council proposals for Park Road approved under Part VIII of the Planning and Development Act 2000 as amended. (b) The opening across the front boundary shall be reduced to 6 metres and a new boundary wall shall be constructed to form the remainder of the front boundary. A revised layout plan showing same shall be submitted to and agreed in writing by the planning authority prior to commencement of development. (c) Screen walls 1.8 metres in height of concrete block construction, capped and rendered, shall be provided to the side and rear boundaries of each dwelling, behind the front building line. Boundary fences to the front of the building line shall be of concrete block construction capped and rendered and shall be a maximum of 1.2 metres in height. Reason: In the interest of orderly development and visual and residential amenity.

3.	Roofs of the proposed dwelling shall be covered with slates or tiles which shall be either black, dark grey or blue black. The colour of the ridge tiles shall match the roof colour. All external finishes shall be neutral in tone, colour and texture. Reason: In the interest of visual amenity
4.	The developer shall enter into water and wastewater connection agreements with Uisce Eireann. Reason: In the interest of public health.
5.	All site works shall be in accordance with the Department of Environment, Heritage and Local Government publication 'Site Development Works for Housing Area and the details submitted with the application. Reason: In the of traffic and public safety.
6.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. No water from the proposed development shall be allowed flow onto the public road. 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. Reason: To prevent flooding and in the interests of sustainable drainage.
7.	Appropriate measures shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road. During construction all site vehicles shall be parked within the boundary of the development site. Reason: In the interests of environmental protection and public safety
8.	Good site management practices shall be employed by the developer during construction to prevent discharge of contaminated waters. Silt traps and/or interceptors shall be maintained at regular intervals during the course of construction work. Reason: In the interest of environmental protection.

9.	Any damage to the adjoining public footpath/roadway as a result of the proposed development shall be made good at the developer's expense to the satisfaction of the planning authority. Reason: In the interest of public safety.
10.	(a) The demolition of the existing structures shall be carried out in a safe and satisfactory manner and demolition and construction works shall not cause damage to, interfere with, or infringe upon adjoining properties. (b) Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of public health and to prevent pollution.
11.	Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0800 to 1300 hours 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. Reason: In order to safeguard the amenities of property in the vicinity.

12.	Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no part in the proposed houses shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission. Reason: In order to prevent overdevelopment of the site in the interest of residential amenity."
13.	The glazing to all first-floor bathroom, en-suite and landing windows in side elevations of the dwellings shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Reason: In the interest of residential amenity.
14.	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 commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable 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 Bord Pleanála to determine the proper application of the terms of the Scheme. 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.

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.

Ann Bogan
Planning Inspector

19th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321077-24		
Proposed Development Summary	Demolition of existing dwelling and construction of two new dwellings, with all associated site works		
Development Address	Park 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	X
		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	X	Class 10 (b)(iv)	Proceed to Q3.
No			Tick if relevant. 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	No		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b) (iv) Urban Development 10 Hectares. Area of proposed development 0.73ha (2 no dwellings)	Preliminary examination required (Form 2)

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

Inspector: Ann Bogan Date: 19/04/25

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 321077-24
Proposed Development Summary	Demolition of existing dwelling and construction of two new dwellings, with all associated site works.
Development Address	Park Road, Killarney, Co Kerry
The Board carried 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development of two houses has a modest footprint, comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban area on a previously developed residential site and has access to public water and sewerage services The development is removed from sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: Ann Bogan
Date: 19th April 2025

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____