



An
Bord
Pleanála

Inspector's Report ABP-321895-25

Development

Demolition of the existing flat roof extension and lean-to shed structure; construction of a part single, part two-storey extension; refurbishment and part reconfiguration of the existing house and all ancillary works.

Location

The Colony, Ventry, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2460316

Applicant(s)

Elis & Marc Ó Broin

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Sabrina O'Toole & Bruce Antonioni

Observer(s)

None

Date of Site Inspection

25th April 2025

Inspector

Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located in Ceann Trá, Venry village approx. 8 km to the west of Dingle. It comprises of a single storey mid-terrace cottage fronting onto the southern side of the Sleah Head Drive, which is a regional road, R559. The rear of the site backs onto the Venry Harbour area with access to the pier harbour via a road to the west of the site. The rear of the site enjoys scenic views to the south and Venry Harbour.
- 1.2. There is a garden to the rear of the subject dwelling, and access to same including to the rear of the adjoining cottages is via a shared Right of Way and consequently, the rear boundaries of the sites are not formally defined. The rear back garden is generous in depth and ground levels to the rear fall in the direction of the harbour. There is a stone lean-to shed to the rear of the dwelling covered by vegetation and a partial dry stone wall.
- 1.3. The row of cottages within which the appeal site is located is known as 'The Colony'. The adjoining dwellings to the west have two-storey rear return extension, and one at the southeast end also has a similar two-storey extension at the rear.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - The demolition of the extension at the rear of the dwelling, and a lean-to shed in the garden (gross floor area 6.0 m²);
 - The construction of a part single and part two-storey extension to the rear with a roof terrace incorporated;
 - The refurbishment and part reconfiguration of the existing dwelling and outhouse in the garden.
- 2.1.1. The appeal site has a stated area of 0.026 m². The existing dwelling has a gross floor area of 44 m² and a max roof height of 4.4 m. It is connected to the adjoining public water mains and public sewer.
- 2.1.2. The proposed extension would have a gross floor area of 120 m² in total and will retain the ridge height of the existing dwelling, but will have an overall proposed height of 5.617 m to the rear, due to the contours of the site.

- 2.1.3. Minor external alterations are proposed to the front elevation which entail new timber sash windows, smooth rendered walls and a natural slate roof.
- 2.1.4. A design statement and solar shading study were submitted in support of the application.
- 2.2. Further Information (FI) was sought in regard to:
1. Clarification of the proposed development vis a vis the public notices, i.e. what elements of the existing shed are to be retained, and what new works are proposed to the shed.
 2. Revised proposals (to include levels of ridge of roof, first floor overhang roof windows, eaves levels to the adjoining dwelling to the west) in regard to the proposed eastern elevation, to show the proposed extension relative to the existing dwelling adjoining the site to the west.
 3. Revised ground floor plans to indicate separation distances between the proposed extension and the east and west divisional boundary line of the site and adjoining structures, and to maintain a separation distance to allow for access to the side of the subject development, and to ensure no impact on light of adjoining properties.
 4. Concerns raised in regard to impact on light and residential amenities of adjoining properties, in particular the first floor windows of the eastern elevation of the adjoining dwelling to the west. Revised proposals including a mono-pitch roof and reduction in ground floor level, to be submitted which may include for a further set back of the proposed extension from the existing overhang style windows on the adjoining dwelling to the west. The proposed balcony is required to be omitted.
 5. Provide details of the proposed metal privacy screen.
- 2.3. The Planning Authority (PA) determined the FI response received on 06th December 2024 to be 'significant additional data'.
- 2.3.1. Revised details / proposals submitted on 06th December 2024 included the following:
1. Confirmed that no works were to be undertaken in relation to the existing shed.
 2. Revised elevation submitted shows the adjoining dwelling shown in the background. The max roof ridge height is 5.618 m.

3. Revised drawings showing an increase to the separation distance of 1.65 m between the extension and the adjoining property to the west.
4. Revised drawings submitted to address concerns raised in relation to impact on light and residential amenities of adjoining properties. The revised design includes the following amendments:
 - i) Reduction in width for improved access and reduce impact:
 - At ground floor level, the overall width of the proposed extension was reduced by 600mm to enable side access and a reduction in the proximity of the structure to the boundary, thereby lessening the visual impact on adjoining properties and access to light.
 - At the first-floor level, the width was reduced by 300mm to align with the ground floor to minimise potential overshadowing or overbearing effect on the windows of the adjacent property, particularly the first floor windows on the east elevation of the neighbouring dwelling to the west.
 - ii) A revised mono-pitch roof proposed at both ground floor and first floor roof levels which is of angled design to ensure a more gradual transition of the roof profile, reducing the potential for overshadowing the neighbouring property's windows.
 - iii) First-floor balcony omitted to protect residential amenities.
 - iv) Reduction of visual massing by simpler design, omission of stonework proposed to the rear elevation.
 - v) No works proposed to the existing shed structure in the rear garden.
5. Details in relation to the proposed privacy metal screen submitted which 2.549 m wide x 2.742 m high and is of aluminium construction.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By Order dated 23rd January 2025, Kerry County Council decide to grant permission subject to 7 conditions. The conditions are generally standard and include for the

management of construction related activities, surface water management, and a development contribution. The following conditions are of note:

- Condition 3(b) – No part of the extension shall overhang onto adjoining property.
- Condition 4 – The proposed extension shall be of design and construction in accordance with the revised drawings received on 06th December 2024 and all external finishes shall be neutral in colour, tone and texture.
- Condition 7 – No access shall be permitted to the mono-pitch roof at first floor level other than for maintenance. The roof areas shall not be used as a balcony, roof terrace or garden area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports form the basis for the assessment and recommendation.

First Planning Report 05th July 2024

- Notes the land use zoning of the site 'R2 Existing Residential' and that an extension can be considered.
- Concerns raised in regard to residential amenities in particular arising on the first floor windows located on the eastern elevation of the adjoining dwelling to the west, and overlooking from the balcony.
- Rated the visual impact of the proposed development as acceptable.
- Recommended FI in relation to the issues set out in Section 2.2 above.

Second Planning Report 23rd January 2025

- Regarding the revised drawings relating to the eastern elevation relative to the adjoining dwelling to the west, the reduction in height was considered acceptable and noted that windows are not proposed on the western elevation.
- The separation distances from the neighbouring properties was acceptable.
- The reduction in width by 600 mm at ground floor level and 300 mm at first floor level and the proposed mono-pitch roof were satisfactory to reduce impacts on the adjoining property.

- The proposals for the metal privacy screen were considered acceptable.

The issues raised were considered to be addressed and the planning officer recommended a grant.

3.2.2. Other Technical Reports

- County Archaeologist – No objection raised.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. Two third party observations were received in regard to the proposed development. The issues raised are largely covered by the grounds of appeal.

4.0 Planning History

Appeal Site

None.

Adjoining Sites

P.A. Ref. 94/961 – Permission granted to demolish rear extension and porch to front of dwelling and reconstruct extension to front and rear at No. 4 The Colony (August 1994).

P.A. Ref. 94/141 – Permission granted to demolish existing single storey rear return and construct rear extension (March 1994).

P.A. Ref. 97/117 – Permission granted for extension to rear of Tigin Bán, The Colony (April 1997).

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

5.1.1. Chapter 11 Environment

- Section 11.6.2 Landscape Sensitivity

KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

- Section 11.6.5 Views and Prospects

KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4.

5.1.2. **Volume 6 – Section 1 Development Management Standards and Guidelines**

- Section 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. 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.
- Dormer extensions to roofs, i.e. to the front, side and rear, will be considered with regard to impacts on existing character and form and the privacy of adjacent properties.

5.1.3. **Section 2.0 Land Use Zoning**

- Section 2.3.1 Land Use Zoning / Myplan Classification

The appeal site is zoned R2 'Existing Residential'. The objective and description are as follows:

Objective:

Provide for residential development and protect and improve residential amenity.

Description:

For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.

5.2. **Corca Dhuibhne Electoral Area Local Area Plan 2021-2027**

- The appeal site is located within the settlement boundary of Ceann Trá.
- Ceann Trá is designated as a 'Small Village' in the settlement hierarchy.
- Zoning – R2 'Existing Residential'.

5.3. Natural Heritage Designations

- pNHA: 001384 - Ventry Dunes And Marshes – approx. 66 m to the west.
- SPA: 004153 - Dingle Peninsula SPA – approx. 2.3 km to the south.
- pNHA: 001960 - Burnham Inlet – approx. 3.07 km to the east.
- pNHA: 001372 - Parkmore Point – approx. 2.5 km to the southeast.
- SAC: 002172 - Blasket Islands SAC – approx. 7 km to the west.
- SPA: 004008 - Blasket Islands SPA – approx. 9.4 km to the west.
- SAC: 000375 - Mount Brandon SAC – approx. 5.6 km to the northeast.
- pNHA: 000375 - Mount Brandon – approx. 5.6 km to the northeast.

6.0 EIA Screening

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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 appended to this report.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. One third party appeal submission was received from Sabrina O'Toole and Bruce Antoniontti whose property adjoins the appeal site to the west. The grounds of the appeal can be summarised as follows:

Daylight / Overshadowing

- The revised drawings and solar shading study submitted in response to the FI request show that the proposal will still have a negative impact on residential amenities as a result of height, length and close proximity to the eastern side of property and will affect day light to the kitchen, bathroom, bedroom, sitting room windows.

- The solar shading study shows the impact to the main bathroom and guest w.c. which will be in shade at all times.
- The solar shading study did not include all windows on the east wall.
- The first floor windows will be negatively impacted by the proposed extension not being sufficiently setback.
- The revised roof design will not reduce potential for overshadowing of the windows as the deviation in pitch is minimal.
- The provision of guttering will give rise to further overshadowing of the windows and rooms.

Height / Overhanging

- The drawing (0179.116 'Proposed Elevation 2/2') submitted in response to point 2 of the FI request does not clearly outline levels of the ridge of roof, first floor overhang roof windows and eaves levels.
- The proposed extension will be overbearing relative to the eastern wall of appellants property, it extends above liveable portion of the first floor of appellants dwelling.
- The height of the proposed extension will be 5.618 m and will project by approx. 1.45 m above the level of the first floor windows.

Separation Distances

- The separation distances show on drawings ref. 0179.111 (Proposed Ground Floor Plan) and 0179.112 (Proposed First Floor Plan) of 600 mm and 300 mm is inadequate to ensure that there is no impact on light, or to enable construction work or maintenance of the west wall of the proposed extension.
- Concerns are raised in regard to impacts arising from construction stage i.e. erection of scaffolding, laying foundations, in terms of trespassing and interference with adjoining property and existing laneway.
- There will be overhang at first floor over the ground floor which will result in construction and maintenance repair impossible. It will not be possible to implement the permission without trespassing adjoining property.

- The proposed extension will not leave a gap with the adjoining property to the east.

Design & Material Finishes

- The revised roof design does not integrate with the character of the existing dwelling. The angle of the mono-pitch roof militates against it sympathetically integrating with immediate environs.
- The proposed metal privacy screen which is a large aluminium structure to cover a window is overbearing and out of character with the surrounding area and adjoining developments.
- The proposed external finish corrugated metal cladding to the south facing elevation of the extension is inappropriate and is not suitable and is out of place within a row of 5 no. cottages that area seaward facing to Ventry Harbour and will 'industrialise' the look of the proposed development.

Procedural Matters

- Proposal to Demolish Existing Shed
 - The response to the FI request outlines that no works will be carried out to the existing shed (which is already substantially demolished).
 - It appears that permission is granted on 23rd January 2025 relating to the application details received on 23rd May 2004 which included for the refurbishment of the existing shed, however following the FI request, this was amended and the refurbishment of the existing shed was omitted.
 - Condition 4 of the grant requires the construction of the extension to be in accordance with revised drawings received on 06th December 2024.
 - The agent in response to point 5 of the FI request clarified that the proposals for the existing shed at the rear of the garden were to be omitted.
 - The letter of the 09th December 2024 from the council to the applicant regarding 'significant additional data' stated that the development description should be amended to include full permission for: (a) the demolition of the existing flat roof extension and lean-to shed structure to the rear, (b) the construction of a part single, part two-storey extension to

the rear, and (c) the full refurbishment and part reconfiguration of the existing house, and all associated ancillary site works.

- Following the request for FI, the amended application details does not make reference to the existing shed.

7.2. Applicant Response

7.2.1. A response to the third party appeal was received from the applicants Eilis and Marc Ó Broin which can be summarised as follows:

Impact on Light

- The comments regarding impact on shadowing are exaggerated.
- The Shadowing Study submitted was carried out in accordance with guidance 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (Paul Littlefair BRE Press 2nd Edition)'.
- The BRE recommends that the potential for good daylighting exists where a vertical sky component of 27 % or higher is available to the windows serving habitable accommodation. The results of the shadow study demonstrates compliance with this recommendation.
- In regards to the assessment of sunlight levels available to neighbouring recreation / private garden areas, it is confirmed that more than 60% of the adjoining garden is capable of receiving two hours of direct sunlight over the course of a day. It is also confirmed more than 60% of the garden area is capable of receiving at least two hours of sunshine on the 21st of March.

Height

- The overall height of the rear two-story extension is 5.618 m. The overall height of the rear extension is lower than the adjoining extended dwellings.
- The proposed design of the rear extension minimises the distance between the top of the ground floor window and the sill of the first floor window to achieve more favorable elevational proportion.
- Requests the Board to review that the proposed extension will be smaller than the taller adjoining neighboring rear extension.

- Regarding any impact on neighbouring buildings, the proposed height is sympathetic with regard to lower overall height in comparison to neighboring buildings.
- The overall height and massing of the taller pitched roof dominates the front elevation of the row of cottages. The proposal to extend the subject dwelling has a much less visual impact and it will not be visible from the front elevation of the dwelling / public road.
- The appellants dwelling contains a large number of windows that directly overlook the appeal site. The proposed extension will have no adverse privacy impact on the adjoining dwelling. The rear elevation of the appellants dwelling contains large horizontal windows which dominate the rear facade.

Separation Distances

- Regarding construction works and future access being maintained, the construction of the extension is possible without impacting upon the adjoining property.
- The separation distance between properties will be 1.65 meters. Modern methods of construction allow for a lot of works to be completed off site within a factory if required.
- It is typical for mid terrace properties to have little or no gaps between buildings.

Length of Extension

- The length of the proposed extension is in keeping with the precedent and character of adjoining dwellings already extended.
- The proposed extension is shorter in length than the appellants dwelling to the west.
- The proposed length of the extension does not adversely impact on adjoining dwellings to warrant refusal or any design amendment to reduce length.

Roof

- The roof design of the rear extension was amended to reduce the impact on adjoining dwellings as per the FI request. The proposed amended mono-pitch

roof design is lower than adjoining dwellings, and the dwelling steps down, with the ground slope, and reduces the impact to adjoining dwellings.

Metal Privacy Screen

- The proposed privacy screen is to help with privacy between neighbours and is not visually dominant, there are very limited oblique views of the screen.

Shed

- The existing shed is in poor condition and needed to be replaced. The floor area of the shed is under 25 m². The applicant requests the Board to consider that any works to the shed be considered exempted development.

Visual Massing

- The proposed works to the rear of the dwelling cannot be viewed from the front elevation. Other properties on the terrace have been extended in a similar way. There are adjoining dwellings that are taller and bulkier in terms of mass and scale.
- The rear extension was designed to sit comfortably into the landscape. The floor area and width of the rear extension has been reduced. The roof has been modified and reduced and the proposed palette of materials has been simplified.

Corrugated Metal Cladding

- The proposed choice of materials including metal cladding is suitable to the local context and results in a high quality appearance.
- The proposed materials are in keeping with the location of the property on the coast.
- The use of slate and stone is reflective of local building finishes.

7.3. Planning Authority Response

A response to the appeal was received from Kerry County Council which can be summarised as follows:

- Having regard to the focal site location within in Ventry village, the vernacular nature of the building and streetscape at this location, it is desirable to see the reoccupation and renovation of the structure on site.
- It is noted that many of the dwellings in this terrace have been extended to the rear with two-storey style extensions.
- Through revised design on foot of FI request, the proposed extension to the rear is deemed acceptable.
- The impact on light to the adjacent dwellings is deemed acceptable for this urban location.
- Renovation and extension of the dwelling house on site is acceptable in principle.
- The design and scale of the proposed extension is acceptable.

7.4. Observations

None.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports 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:

- Principle of Development
- Design and Scale
- Impact on Residential Amenity
- Visual Impact and Impact on Character of Adjoining Area

8.1. Principle of Development

Having regard to the zoning objective of the site which is R2 'Existing Residential', and to the provisions of the development plan which supports proposals for extensions to domestic dwellings, in particular Section 1.5.6.1, I am satisfied that the overall principle of the proposed development is acceptable subject to the amenities of surrounding properties being protected, and the scale and design of the subject development respecting the character of the area. These matters will be considered below.

8.2. Design and Scale

- 8.2.1. The substantive issue arising in this case relates to the suitability of the design and scale of the proposed extension and impacts arising on the amenities of adjoining property.
- 8.2.2. The appeal site is a mid-terrace cottage which extends and slopes to the rear of the site. The general layout of the adjoining dwellings is reflective of the existing dwelling in terms of building height, separation distances and rear back garden depth. The roadside facing elevation of the terrace comprises of part dormer scale cottages at the southeastern end and single storey cottages to the west. To the rear, a number of the cottages have been extended with two-storey extensions. The site boundaries to the rear of the terrace are not formally defined due to Right of Way access from the harbour road located at the western end of the terrace. The existing rear return extension of the subject dwelling which is proposed to be removed retains the building line of the adjoining property to the east.
- 8.2.3. The ground floor of the extension will be stepped due to the level contours within the site. The east facing elevation will contain a floor to ceiling window in the mid section of the extension at ground floor level and will extend to the first floor serving a bedroom. The proposed metal clad privacy screen will be placed at this location at first floor level.

Separation Distances & Site Boundaries

- 8.2.4. The appellants raised concern in relation to the proximity of the extension relative to the eastern wall of their property and the limited separation distances.

- 8.2.5. In the Development Management Standards of the development plan, Section 1.5.6.1 requires the degree of setback from mutual side boundaries to be considered and that no part of the extension shall encroach or overhang adjoining third party boundaries.
- 8.2.6. Following a request for FI by the PA, concern was raised in regard to potential impacts to existing adjoining residential amenities in particular, to the windows existing on the appellants property to the west. The applicant modified the design of the extension which has resulted in the scale being reduced by a reduction in width of the extension on both floors and by removing the previously proposed balcony. In this regard, on the western side of the extension the overall width of the extension was reduced at ground floor by 600 mm and at first floor level by 300 mm resulting in an overall separation distance of 1.65 m between the subject extension and the external wall of the appellants dwelling. This in my view will serve to enable adequate width for side access and reduce the proximity of the structure to the west. The terrace area will remain, however the PA included a condition restricting its use for maintenance purposes only. I consider these revised proposals satisfactory and in the event of a grant, I recommend the inclusion of a condition similar to the PAs restricting the use of the balcony / terrace area at first floor level.
- 8.2.7. I note that there is no established boundaries on the ground defining each of the rear private amenity space for each of the properties within The Colony terrace, and between the appeal site and the adjoining properties either side. It is stated that a Right of Way exists to the rear of the row of cottages, however this is not delineated on any of the plans or drawings submitted.
- 8.2.8. I note that the proposed extension is shown to abut the south-eastern application site boundary. Arising from the FI request, no alterations were proposed to the width of the eastern side of the extension. As proposed, I consider that the scale of the development in this location at ground floor level would be slightly overbearing. In noting the proximity of the proposed ground floor element to the adjoining property to the east, I consider that it should be stepped back from the eastern boundary by approx. 0.5 m so as to lessen the impact on residential amenities of this adjoining property. Should the Board be minded to grant permission I recommend the inclusion of a pre-development condition to submit revised drawings to reduce the width of the ground floor extension at the eastern side. This would be in accordance with the provisions of Section 1.5.6.1 of the development plan.

8.2.9. The appellant has raised the issue that overhanging will occur at first floor level and will give rise to issues at construction stage. The submitted drawings do not indicate that the proposed development will encroach or over-sail the existing boundaries of either adjoining property to the west or east of the appeal site or impede access to the rear of the adjoining dwelling to the east. I note that the issue was raised by the PA at FI stage and were satisfied that that this would not arise. Notwithstanding I would note that any matters relating to shared boundaries are a civil matter, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended). Party boundary / wall agreements are covered under separate legislation and are not a matter for the Board. In any case, should the Board decide to grant permission, I recommend the inclusion of a condition similar to condition 3(b) of the final grant to prevent overhanging / oversailing of the adjoining property.

Height

- 8.2.10. Following the request for FI, a revised roof design was provided. It is mono-pitch in profile and will have a slight variation in height. A mono-pitch roof is also proposed at ground floor roof level.
- 8.2.11. At first floor, when viewed on the proposed south facing elevation drawing DWG Ref. 0179.115, due to the angle of the pitch the overall height of the extension is lower at the western end and is approx. 5.20 m, and the pitch increases to 5.618 m on the eastern end giving a max overall height of 5.618 m. In viewing the proposed north elevation, it retains the ridge height of the existing cottage. Having viewed the site, and the levels there on, I would consider this to be satisfactory however subject to ensuring that impacts to adjoining residential amenities are not unduly impacted.
- 8.2.12. Having regard to the foregoing, overall I am satisfied that the design and scale of the proposed development adequately integrates with the existing dwelling on the site and that the site can accommodate it. It is also lower than the ridge height of the roof on the adjoining property to the west. The revised amendment recommended to the width will reduce overbearance and the proposed material finishes are also considered to be acceptable and are modern and aesthetically pleasing.

8.3. Impact of Residential Amenity

Overlooking

- 8.3.1. No windows are proposed on the west facing elevation of the proposed extension therefore no issue arises to the west. In relation to the east facing elevation, one window is proposed which extends from ground floor to first floor to serve the living area at ground floor level and a bedroom at first floor level. The window aligns with the footprint of the flat roof rear return of the neighbouring property to the west. No direct over-looking arises however it is proposed to provide a metal privacy screen which was deemed to be acceptable by the PA. I consider this to be appropriate and agree with the PA in this regard.

Access to Sunlight & Overshadowing

- 8.3.2. The appellants submit that the revised extension will have a negative impact on their residential amenities as a result of the proposed roof height, the length of the extension and its close proximity to the eastern side of their property. In particular, daylight to the kitchen, bathroom, bedroom and sitting room windows will be affected.
- 8.3.3. The issue of overshadowing and loss of daylight was raised by the PA at FI stage and in response the applicant sought to address this through revised design proposals and modifications. Also a Solar Shading Study was submitted in regard to the amended design proposal.
- 8.3.4. The appellant has questioned why all windows on the east wall of the dwelling were not included in the Solar Shading Study. In this regard and having regard to the details contained in the appeal, I note that on the eastern elevation of the appellants property there is a total of 4 no. windows at first floor level and 4 no. windows at ground floor level. At first floor level, the windows serve a bedroom and a sitting room. At ground floor level 2 no. windows serve a kitchen and 2 no. serve the kitchen / living room area.
- 8.3.5. The European Daylighting Standard is set out in EN17037:2018 and provides a harmonised standard for daylighting in buildings. The UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) provide useful guidance with regard to daylighting and sunlighting of new developments in accordance with the requirements of EN17037:2018.
- 8.3.6. Section 2.2 and 3.2 of BRE Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2022) deals with the impact of development on sunlight to existing buildings.

- 8.3.7. The shadow impact assessment was carried out showing views of the existing dwelling and the proposed extension for the winter and summer solstice in two orientations. The row of cottages that make up the terrace are located on the southern side of the Slea Head Drive road and have the benefit of a southeasterly, southern and south-westerly aspect, and given the direction of the sun path from east to west, this allows for ample daylight.
- 8.3.8. In addressing loss of sunlight, it should be noted that direct sunlight can be obscured by cloud cover and would be much brighter than daylight while daylight on the other hand is the volume of natural light entering a building. In this regard for the purposes of this assessment daylight is referred to.
- 8.3.9. In relation to overshadowing and loss of daylight, I note that the eastern elevation of the rear of the appellants property at ground floor level and first floor level is where the potential for overshadowing or loss of daylight would occur. However, I note that the only habitable room of concern is at first floor level. It is noted that the proposed extension will not block the windows which serve the sitting room at first floor level or the kitchen / living room at ground floor level. These spaces further benefit by large windows on the south facing elevation. I note that the applicant in the revised proposals submitted to the FI request has further undertaken to safeguard access to daylight of the adjoining property by setting back the rear building line of the extension so that it does not impinge on the existing windows at ground floor and first floor levels, to the rear. I am therefore satisfied that any impacts arising will not significantly affect residential amenities overall to these spaces.
- 8.3.10. I note from the shadow study that daylight increases from noon onwards during the summer solstice and 10 am during the winter solstice. In terms of the existing first floor windows serving the bedroom, the level of impact to direct daylight being received would be greater during the winter solstice. The appellant submits that the revised roof design will not reduce potential for overshadowing of the windows as the deviation in pitch is minimal. I note that the revised mono-pitch roof profile does allow to some degree for additional daylight due to the pitched profile which is lower at the western end (approx. 5.23 m). This would allow more daylight to the eastern elevation at first floor level and whereby the space in question has two roof lights integrated with the windows below. Although the overall height of the roof remains at 5.618 m, I do not consider this to be excessive, and in this case I consider that a mono-pitch roof profile

would be less obstructive than an 'A' pitched roof, similar to that of the adjoining property to the west. Having regard to the foregoing, I am satisfied that the proposed development would not unduly impact on the amenities of the adjoining property. I would note also that an overall reasonableness is required given the scale of the property to the west and the orientation of existing windows relative to the appeal site. In that regard I am satisfied that the proposed development does not unduly impact on the use of the site.

- 8.3.11. Having regard to the foregoing, and to the south / southwest orientation of both the appeal site and the appellants property to the west and the adjoining property to the east, I am satisfied that the proposed development would not contribute to significant overshadowing or unduly impact on the level of daylight being received and is therefore acceptable. I would further note that I do not agree with the appellants submission that rainwater goods would contribute materially to any overshadowing effects.

8.4. Visual Impact and Impact on Character of Adjoining Area

- 8.4.1. The provisions of the development plan as set out in Sections 1.5.6.1 seek to facilitate a rear/side extension including first floor extension, where there will be no significant negative impacts on surround visual amenities.
- 8.4.2. The grounds of appeal raises issue in terms of the design and material finishes of the proposed extension, in particular the form of roof, the proposed metal screening on the eastern elevation and the corrugated cladding to the southern elevation, which are out of character with the area and not in keeping with adjoining developments.
- 8.4.3. The primary proposed material finishes include for timber sash windows, smooth painted render, natural slate roof and corrugated metal cladding.
- 8.4.4. Pursuant to site inspection, I noted that Ventry village is a small costal village which is characterised by a mix of housing that is synonymous with the rural area. The row of terraced cottages in which the appeal site is located are small in scale fronting onto the Slea Head Drive road and are bright in colours which would be typical of seaside villages and towns.
- 8.4.5. I note that it was raised in submissions to the application and in the appeal that The Colony refers to the row of cottages dating back to c. the 1840s. I note that The Colony

is not a designated Architectural Conservation Area or any of the cottages are identified as protected structures in the development plan including the appeal site.

- 8.4.6. The proposed extension to the rear will not impede or impact on views of the coast or Ventry Harbour along Sleah Head Drive. The design proposal makes use of the contours on site and the proposed extension will align with the roof level of the existing dwelling and will not exceed it. While it does differ with the adjoining developments to the rear in terms of form, roof profile, and material finishes, I am satisfied that it is acceptable as it is of a contemporary design, and the high quality of material finishes proposed would make a positive contribution to the surrounding area and to the seaward view of Ventry Harbour. Having regard to the provisions of Sections 1.5.6.1 of the development plan and objective KCD 11-78, I consider the proposed development to be acceptable, and I do not consider that it would detract from the character or unduly impact on the visual amenities of the area, if permitted.

8.5. Other Matters

Proposal to Demolish Existing Shed

- 8.5.1. Discrepancy arose in regard to the proposals for the existing lean-to shed on site. While the public notices outlined that the existing shed was to be demolished and refurbished, the plans and drawings indicated a new storage shed in part. The third party appellant has highlighted that following the request for FI, the amended application details does not make reference to the existing shed.
- 8.5.2. I note that following the request for FI, the applicant clarified that works would not be carried out to the existing shed or any new shed on site and I also note that the revised proposals submitted have omitted proposals for the existing lean-to shed. Condition 4 of the final grant requires the proposed extension be carried out as per the revised drawings received on 06th December 2024. No condition was included with regard to the existing shed. In the event of a grant, in order to clarify the nature of the development, I recommend that the Board includes a condition whereby the redevelopment of the existing shed does not come within the scope of the permitted development.
- 8.5.3. In response to the third party appeal, the applicant has requested that the Board consider that any works to the shed be considered exempted development. Section 5

of the Planning and Development Act 2000 (as amended) is the mechanism by which a declaration in respect of the existing shed in question can be obtained. Consequently, the issue raised in the appeal submissions by the applicant regarding the status of the existing shed are not a matter for the Board to consider in this appeal.

9.0 AA Screening

9.1.1. I have considered the proposed extension in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The nearest European Sites located relative to the appeal site are as follows:

- SPA: 004153 - Dingle Peninsula SPA – approx.2.3 km to the south.
- SAC: 002172 - Blasket Islands SAC – approx.7 km to the west.
- SPA: 004008 - Blasket Islands SPA – approx. 9.4 km to the west.
- SAC: 000375 - Mount Brandon SAC – approx. 5.6 km to the northeast.

9.1.2. The proposed development comprises the removal of an existing flat roof extension to the rear of the existing dwelling and the construction of part single and part two-storey extension to the rear of the existing dwelling and ancillary site works.

9.1.3. No conservation concerns were raised in the planning appeal.

9.1.4. Having considered the nature, scale and location of the proposed development 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:

- Small scale and domestic nature of the development.
- The location of the development within the development envelope of a serviced village and which is connected to the adjoining public sewer and water mains.
- Location-distance from nearest European Sites and lack of connections.
- Taking into account the AA Screening determination by the planning authority.

9.1.5. 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.

- 9.1.6. Likely significant effects are excluded and therefore appropriate assessment (stage 2) (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

10.0 Recommendation

I recommend that permission for the development is granted subject to the following conditions.

11.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension and the provisions of the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, 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.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd May 2024 as amended by Further Information received on the 06th December 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 development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The is permission does not authorise the works to the existing shed structure to the rear of the site.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to commencement of development the developer shall submit revised plans and drawings to the planning authority for written agreement in relation to the following;</p> <p>a) The width of the ground floor extension serving the kitchen / dining area at the eastern elevation, shall be reduced by 0.5 metres.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of the protection of the adjoining residential amenities.</p>
4.	<p>The first floor roof areas shall not be used as a balcony, roof terrace or garden area.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>The external finishes of the proposed extension shall as specified on the plans and drawings received by the planning authority on the 06th December 2024 unless otherwise agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
6.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, 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>
7.	<p>The proposed development shall not overhang any adjoining third party properties.</p> <p>Reason: To safeguard residential amenity and in the interest of orderly development.</p>

8.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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>Construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off site disposal of construction demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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 commencement of the 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. The application of any indexation required by this condition 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.</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.

Clare Clancy
Planning Inspector

09th May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP 321895-25
Proposed Development Summary	Demolition of the existing flat roof extension and lean-to shed structure; construction of a part single, part two-storey extension; refurbishment and part reconfiguration of the existing house and all ancillary works
Development Address	The Colony, Ventry, Co. Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	