



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321997-25

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<b>Development</b>	Construction of a dwelling house, a garage and all associated site works.
<b>Location</b>	Ardroe, Inch, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2460952
<b>Applicant(s)</b>	Anne Kennedy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Anne Kennedy.
<b>Observer(s)</b>	Lisa Brody John Greenaway Veronica Tinney Emma Kennedy.
<b>Date of Site Inspection</b>	20 <sup>th</sup> May 2025
<b>Inspector</b>	Jennifer McQuaid



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## 1.0 Site Location and Description

- 1.1. The subject site (0.33ha) is located in Ardroe, Inch, Co. Kerry. The site is located along a narrow substandard private road serving a number of one-off dwellings, many of which appear to be in use as holiday homes. The site is an upland scenic location overlooking Dingle Bay, circa 1.5km northwest of Inch beach car park.
- 1.2. The subject site rises from the public roadway to the rear of the subject site, site boundaries exist along the roadside and the western boundary. The rear and east boundaries are open.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - Single storey dwelling
  - Single storey garage
  - All associated site works
  - New mechanical treatment unit & sand polishing filter
  - Connection to private well

## 3.0 Planning Authority Decision

### 3.1. Decision

Refusal for 2 reasons:

1. The private access road serving the site is substandard and inadequate in terms of surface and width. It is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the zoning of the landscape as Visually Sensitive and the existing high density of dwellings in this area, it is considered that the

proposed erection of a further dwelling at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- **Rural Settlement Policy:** the applicant has stated she is from the area but has worked and lived in America all her life, she is returning to Ireland to retire. The applicant has not completed the Supplementary Information section of the application form, further information required to establish if the applicant complies with the rural settlement policy.
- **Traffic:** the access road is substandard and only allows one car to pass at a time, the surface is mainly gravel and potholes. It is considered that the road has reached its capacity in terms of development and 16 no. dwellings already exist on this substandard road. A refusal is recommended.
- It is noted that the applicant's brother was refused retention permission for a glamping pod within a dwelling house along this road due to the condition of the road.
- **Visual Impact:** The site is highly scenic upland rural location overlooking Dingle Bay. The site is zoned as Visually Sensitive. There are already an excessive number of dwellings along this 600m stretch of roadway. The current proposal would extend a line of ribbon development further impacting negatively on the rural character of the landscape at this location. A refusal is recommended on grounds of visual impact relating to existing high density of housing and impact on the character of this rural landscape.

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

- **Environment:** No objection subject to conditions.

### 3.3. Prescribed Bodies

- TII: The Authority will rely on the Planning Authority to abide by official national policy in relation to development on/affecting national roads.

### 3.4. Third Party Observations

A total of 8 submissions were received. The concerns raised were:

- Access: Negative impact on the adjoining private access road. Ownership of land and access road queried. Previous development refused along this road. The road was supposed to be upgraded under a previous grant of permission and this hasn't happened yet.
- Services: Surface water disposal and inadequate infrastructure.
- Landscape: Excessive number of houses along the road. The road is part of Dingle Way and needs to preserve its integrity. Impact on tourism. Negative impact on natural beauty of the area
- Local Need: Applicant is not local and will be used as a holiday home.

## 4.0 Planning History

**001563:** Outline permission refused for 3 dwellings.

#### **Adjacent site:**

**2460949:** Permission refused for retention of existing structure on site to convert to a glamping pod.

1. The existing dwellinghouse on the site was constructed pursuant to planning permission granted under Planning Register No. 03/416. The proposed development would contravene materially Conditions No. 3, 4 and 9 attached to the existing permission for development on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposal for a second living unit within the curtilage of an existing dwelling house with both residential units connecting to the one septic tank

system would contravene the policy objective contained in volume 6, section 1.5.10.7 of the KCDP 2022-2028 – “Only one dwelling unit shall be connected to a single septic tank”. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The private access road serving the site is substandard and inadequate in terms of surface and width. It is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development would comprise the construction of a tourist accommodation unit within the curtilage of a dwelling house located in a rural unserviced area. This proposal would not comply with the policy of the Council in relation to Camping/Glamping, Campervans and Caravans as set out at section 10.3.5.1 of the KCDP and would materially contravene objective KCDP 10-31 to “Support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements, established tourism assets or adjacent to a main farmyard complex on suitable sites and at an appropriate scale subject to normal planning considerations”. The proposed development would set an undesirable precedent for similar developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Section 5 EX1263:** Deemed not exempt for clearance of access road and placement of shipping or storage container.

**ABP: PL08.24001: (PA Ref: 161132):** Permission refused for new garage and carport with recreational space overhead.

1. It is considered that the proposed development, by reason of its height, scale, design and proximity to the dwelling house on the adjoining site, would seriously injure the amenities and depreciate the value of property in the vicinity by reason of overlooking and would be contrary to the proper planning and sustainable development of the area.

2. The existing stone shed on the appeal site reflects local vernacular architecture. Policy Objective (H45) in the Kerry County Development Plan 2015 to 2021 encourages protection and retention of structures such as this. The proposed development would involve demolition of the existing attractive stone structure on the appeal site. It is considered that the proposed development would be contrary to Policy Objective H45 of the Kerry County Development Plan 2015 to 2021, would detract from the architectural heritage of the local area and would, therefore, be contrary to the proper planning and sustainable development of the area.

**03416:** Permission granted for dormer dwelling

## 5.0 Policy Context

### 5.1. Development Plan

#### Kerry County Development Plan 2022-2028

Chapter 5 relates to Rural Development Policies.

The subject site is located in area identified as Other Rural Areas and directly adjacent Rural Areas under Urban Influence. Some of these areas have low population density and by virtue of their location and topography are isolated. In these areas, the challenge is to stop unsustainable population and economic decline with a focus on both villages and rural areas.

KCDP 5-16 In Other Rural Areas accommodate demand for permanent residential development as it arises subject to good sustainable planning practice in matters such as design, location, wastewater treatment and the protection of important landscapes and environmentally sensitive areas. Preference should be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

KCDP 5-17 Monitor the trends in rural housing and population during the lifetime of the plan to ascertain if further rural housing policy responses are required during the plan period.

KCDP 5-18 Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within unfinished developments where services have already been completed to the satisfaction of the local authority.

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

KCDP 5-20 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

### Landscape

Section 11.6 relates to Landscape

Objective KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Objective KCDP 11-78 Protect the landscape 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 11.6.3 relates to Landscape Designations.

Section 11.6.3.1 relates to Visually Sensitive Areas. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

Section 11.6.4 refers to Development in Designated Areas and notes that the landscape and scenery are not just of amenity value but constitute an enormous economic asset.

The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

1. Topography – development in elevated areas will usually be visible over a wide area: development in enclosed areas will not.
2. Vegetation- areas which support (or which have the potential to support) trees, tall hedges and woody vegetation can screen new development from view. Areas which cannot easily sustain such vegetation will be unlikely to screen new development.
3. Development - new development is likely to be more conspicuous in the context of existing development in the landscape. Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development is not precluded in visually sensitive landscapes; however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape. The following provisions shall apply to development in Visually Sensitive Landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.
- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.

- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.
- Extending development into unspoilt coastal areas is to be avoided. Notwithstanding the landscape designation of a site, where infrastructure is proposed by the Local Authority or another prescribed body, these works will be considered on their own merits on a case-by-case basis in accordance with the proper planning and development of the area.

Volume 6 refers to Standards for Residential Development in Rural and Non-Serviced Sites.

## 5.2. Natural Heritage Designations

The proposed site is not located within a designated site, the following are in close proximity to the subject site:

- Dingle Peninsula SPA (Site Code: 004153) is located 92 metres to the south and 250 metres to the northwest.
- Castlemaine Harbour SAC & pNHA (Site Code: 000343) Castlemaine Harbour SPA (Site Code: 004029) is located 370 metres south.
- Slieve Mish Mountains SAC (Site Code: 002185) is located 1.9km east.
- Mount Brandon SAC (Site Code: 000375) is located 5.6 km northwest.
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC & pNHA (Site Code: 002070) is located 9.6km northeast.
- Blasket Islands SAC (Site Code: 002172) & SPA (Site Code: 004008) is located 32km west.

### 5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in the Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of the potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

### 5.4. Water Framework Directive

The subject site is located in the rural townland of Ardroe, the nearest stream is located approximately 200 metres to the west of the subject site. The proposed development comprises of a one-off dwelling and domestic garage with connection to onsite wastewater treatment system and soakaway. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- The nature of the proposed development of a single dwelling due to size and scale.
- The location from the nearest water bodies and lack of hydrological connections.

Taking into account WFD screening report I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been received from the applicant. The following concerns were noted:

- Access & Traffic: The design of the access road was modified following the initial application. The site entrance is widely splayed with a setback of almost 6 metres, and any hedgerows/trees will be cut back to provide sightlines in both directions. The sightlines are well in excess of legal requirements including Development Plan and Transport Infrastructure Ireland (TII) standards.

The narrow and uneven surface of the road act as natural traffic calming measures, keeping speed to around 20km/h. passing areas are plentiful. As a consequence, there will be negligible impact on safety for other users, including walkers along the Dingle Way or the nearby road network. The road is on the “waiting list” to be taken in charge and upgraded by the County Council.

Regarding the mention of “addition traffic movements” – the existing lane carried very little traffic, and it is hard to see how the addition of one private dwelling would raise the level that can be regarded as unsafe.

- Visual impact: The Building a House in Rural Kerry Design Guidelines (BHRKDG), page 9 includes a photo of similar landscape to that of the subject site and the guidelines acknowledge that limited and suitable development (i.e. Reflecting actual rural need) is acceptable.

“The traditional settlement patterns in these areas consisted of informal compact cluster type settlements incorporating simple architecture particular to the region, which is referred to as “vernacular architecture”. Vernacular architecture is a term used to describe methods of construction which use locally available materials and traditions to address local needs. Vernacular architecture tends to evolve over time to reflect the environmental, cultural and historical context in which it exists. Future development in this landscape

is best achieved by locating development reflective of the traditional vernacular style within or directly adjacent to such settlements in an informal fashion”.

The applicant considers the proposal complies with BHRKDG taking into account:

- Close to existing dwellings yet respecting privacy
- Reflect typical local forms and vernacular features
- Use muted colours and local materials
- Be inconspicuous, by being lower and smaller than other buildings within the adjacent cluster.
- Avoid breaking the ridgeline
- Landscaping with native species.

The proposed dwelling will be part of an existing cluster of dwellings which are part of the local character as are rocks, mountains and sea. The number of dwellings already along this section of Dingle Way, the sheer breadth of the landscape at this point and the modest size of the new dwelling will make it innocuous in appearance and hence, it is suggested it is acceptable in policy terms.

- Viewpoints: The most prominent views will be from Inch Beach/R561, this is 100’s of metres away and about 90 metres lower than the site. The proposed dwelling will be read as part of an existing cluster of modest vernacular homes set into the hill that rises behind it. It will not be prominent, being screened by buildings and trees, and well below the ridge beyond. The applicant has submitted a number of photomontages showing the property is smaller than most dwellings in the area and will be well screened behind the natural ridge line and natural vegetation.
- Dingle Way: Walkers will have a close-up view but from that road the house will simply be read as part of the existing row of rural properties along the lane. The proposed dwelling is much smaller than its immediate, larger two-storey neighbours.

- Benefits of the dwelling include:
  - Provision of a new addition to the local housing stock at a time of housing shortage.
  - Add to the inadequate stock of local houses adapted for the elderly or disabled.
  - Allow a doctor to move back into the area, benefitting the community through her expertise and directly through her proposed ultrasound scheme.
  - Enable care to be provided for an existing Kerry disabled resident.

## 6.2. Applicant Response

- As above

## 6.3. Planning Authority Response

- None

## 6.4. Observations

4 number observations were received. The concerns raised are:

- Road is substandard and already at capacity. The construction vehicles will further diminish the road. The Road Assessment does not accurately assess the capacity of the road. Laneway is not a cul-de-sac or of reasonable quality. The proposal does not comply with section 1.5.10.5, 6.3, 7.5 of the CDP.
- Is the proposed house a two storey or single storey as the applicant refers to a carer in the future “living upstairs”.
- Applicant does not reside at the given address but lives in the US. Applicant mother lives over 7.5km from the site. The applicant refused the opportunity of an oral hearing, as they do not reside in the area. Applicant has no local employment. The letter provided from the local doctor had no knowledge as to the purpose of the letter. The proposal does not comply with section 8.0 of the CDP.

- House design appears dominant and does not comply with policy objectives KCDP5-2, KCDP5-16, KCDP5-19, KCDP11-2, KCDP11-78, KCDP11-81. Section 7.7, 7.13, 7.16/7.17, 7.19, 9.0 of the CDP
- The laneway is private not public.
- Negative impact on Dingle Way.

## 6.5. Further Responses

- None

## 7.0 Assessment

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

- Principle of Development
- Design & Visual Impact
- Access & Traffic
- Other Issues
- Appropriate Assessment

## 7.2. Principle of Development

The subject site is located in area identified as “Other Rural Areas”. It is the objective KCDP 5-16 of the Council to accommodate demand for permanent residential development as it arises subject to good sustainable planning practice in matters such as design, location, wastewater treatment and the protection of important landscapes and environmentally sensitive areas. Preference should be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

- 7.3. The observations received, state that the applicant does not reside at the given address but lives in the US and the applicant's mother lives over 7.5km from the site. Applicant has no local employment. The letter provided from the local doctor had no knowledge as to the purpose of the letter.
- 7.4. I note that the Planning Authority did not issue a refusal in relation to the compliance with Other Rural Areas. It is noted that the applicant is from the general Annascaul area (Annascaul Village noted as over 4km from the site) but has been working and living in America all her life. The applicant has outlined that she wishes to return to Ireland to retire and to look after her mother. The applicant claims that she currently lives in her brother's house along with her mother which is next door to the subject site. During my site visit, the applicant's brother's house appeared vacant with no sign of residents at that time. The applicant has not submitted a Supplementary Information Section of the application form which is required by Kerry County Council, and this is noted in the Planner's report. I note no further information has been provided with the appeal documentation.
- 7.5. In relation to objective KCDP 5-16 which states to accommodate demand for permanent residential development as it arises, I note that there is no requirement to demonstrate any local links or ties to the area, however, as the objective allows for permanent residential development, the applicant shall be required to demonstrate a need for this proposed dwelling and to demonstrate that she currently resides in the area either at her mother's house or her brother's house. The applicant has not provided any information other than stating her mother is in ill health and that she needs a new home specifically designed to accommodate elderly care. The applicant has provided a letter from her brother outlining that the applicant helps to care for their mother and the applicant currently resides in her brother's house. In addition, a letter has been submitted from the local health centre, stating the applicant is working with the health centre to establish a Point of Care Ultrasound Service (POCUS), a subsequent letter from the local doctor states the applicant has approached the health centre about purchase of an ultra-unit that would allow them to perform point of care ultrasound (POCUS).
- 7.6. It is in my opinion that the applicant has not sufficiently demonstrated a requirement for a permanent residential development at this location. The applicant has not submitted any documentary evidence that she resides at her brother's residence with

her mother, and as noted above, during my site visit, there was no evidence of person/s residing in her brother's residence. I am not satisfied that the applicant has demonstrated sufficient local connections to the area in terms of employment or family ties to the area in order to provide a permanent residential development.

- 7.7. I note objective KCDP 5-16 also states preference should be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house. The applicant has stated that her mother's home cannot be adapted, however, no information has been provided in relation to the location or condition of the dwelling and no supporting documentation from an engineer or suitably qualified person has been submitted.
- 7.8. Based on the information submitted, I cannot determine if the applicant complies with objective KCDP 5-16 of the CDP. The applicant has not sufficiently demonstrated that she currently has a requirement for a permanent residential development in this area.
- 7.9. **Design & Visual Impact**
- 7.10. The subject site is located within Landscape Character Area 17 Annascaul, Inch and Southern Slieve Mish Mountains. The area is described as partly High sensitivity and the remainder as Medium/High sensitivity meaning the key characteristics and qualities of the landscape are sensitive to change. The site is zoned as Visually Sensitive Area, and a scenic viewpoint is located along the R561 looking south. This is located to the south of the proposed development. The Planning Authority refused permission as it was considered that the proposed erection of a further dwelling at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective KCP 11-78 of the CDP.
- 7.11. The grounds of appeal state the proposed house design is in accordance with The Building a House in Rural Kerry Design Guidelines (BHRKDG), as the dwelling remains close to existing dwellings yet respecting privacy, reflects typical local forms and vernacular features, uses muted colours and local materials, is inconspicuous, by being lower and smaller than other buildings within the adjacent cluster, avoids breaking the ridgeline and will be landscaped with native species. The applicant has carried out a number of photomontages, the most prominent views will be from Inch

Beach/R561, this is quoted as 100's of metres away and about 90 metres lower contour than the site. The proposed dwelling will be read as part of an existing cluster of modest vernacular homes set into the hill that rises behind it. It will not be prominent, being screened by buildings and trees, and is well below the ridge. It is also submitted that Dingle Way walkers will have a close-up view the house will simply be read as part of the existing row of rural properties along the lane.

- 7.12. The observations received noted that the house design appears dominant and does not comply with policy objectives KCDP5-2, KCDP5-16, KCDP5-19, KCDP11-2, KCDP11-78, KCDP11-81 or Section 7.7, 7.13, 7.16/7.17, 7.19, 9.0 of the CDP and the applicant has made reference to a carer in the future "living upstairs". The drawing presented indicate a single storey dwelling.
- 7.13. I note the proposed development of a single storey dwelling & garage with a floor area of 314sqm on a site size of 0.33ha is located within an area designated as Visually Sensitive. These areas are particularly sensitive to development and development will only be considered subject to satisfactory integration into the landscape and compliance with proper planning and sustainable development of the area.
- 7.14. The subject site rises from the laneway from 92 m above sea level (asl) to 99m asl to the rear of the site, the proposed dwelling will be placed at a ground floor level of 97.1. The internal access driveway will sweep along the western boundary hedgerow and service the rear of the dwelling. The proposed dwelling will have an overall height of 6.2 metres and will be finished in off white render, natural untreated timber cladding with natural stone to the chimney. The applicant has submitted a cross section taken from the roadside, the proposed dwelling will have a lower ridge height than the adjacent dwelling to the west and will site at approximately the same elevation. The overall length of the proposed dwelling is over 20 metres, and the width is over 20 metres. It should be noted that the ground floor plans do not provide dimensions for the proposed dwelling and are off a poor quality. The dwelling is a modern H shape with the double garage located to the rear of the site. There is extensive glass panelling. I note the proposed dwelling will be the 5<sup>th</sup> dwelling within a 150 metres continuous road frontage and there are 6 dwellings in a row opposite the subject site with a further 6 dwellings constructed approximately 250metres from the subject site. Sustainable Rural Housing Guidelines, Appendix 4 refers to Ribbon

development where 5 or more houses exist on any one side of a given 250 metres of road frontage. The proposed development will be the 5<sup>th</sup> dwelling in a row; therefore, it is considered as ribbon development and the Kerry Rural Design Guidelines also state that ribbon type patterns of development should be avoided in rural areas. I consider the landscape has reached its threshold in terms of one-off dwellings along this elevated cul de sac with views towards Inch Beach. The addition of another dwelling will lead to a proliferation of one-off dwelling along this cul de sac and create ribbon type patterns of developments in a visually sensitive landscape.

7.15. I have reviewed the proposed development in accordance with the provisions which shall apply to development in Visually Sensitive Landscapes areas. And each are set out below.

7.16. In regard to point one which state, there is no alternative location for the proposed development in areas outside the designation.

The applicant has not demonstrated if alternative family lands are available outside of the Visually Sensitive Landscape. Reference is made to the family home, but no map or location details have been provided.

Point two; Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.

The applicant is proposing a large single storey dwelling, although the height and proposed material may integrate into the site, the overall size and scale of the proposal will have an adverse impact on the character, integrity and distinctiveness of the landscape as the surrounding landscape is already over developed and density populated with one off dwellings, there are 10 dwellings within a 300 metres distance located on both sides of a rural narrow cul de sac. The addition of another dwelling will dilute the rural nature of the area.

Point three: Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.

As noted above, the design of a single storey dwelling is appropriate for an elevated site, however, I have concerns regarding the scale and footprint of the proposed dwelling on an open exposed elevated location and within an area currently overdeveloped with one off houses. I note the photomontages submitted with the application, which demonstrate that the proposed dwelling is at a lower ridge height than the existing dwellings and will not be visible from Inch Beach, however, the proposed development will add to the already over developed area and dilute the character of the rural countryside.

Point four; Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.

The design is a modern style with natural finishes and extensive glass features, the single storey and siting does take into account the elevated nature of the site, however, I have concerns regarding the length and width of the proposed structure within a rural site. Other development management issues are dealt with throughout this report.

Point five; The new structure shall be located adjacent to, or a suitable location as close as possible to, the existing farm structure or family home. Individual residential home units shall be designed sympathetically to the landscape, the existing structures and sited so as not to have an adverse impact on the character of the landscape or natural environment. Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.

The applicant has not provided any details on alternative sites available within the family landholdings. The family home is noted as being in Annascaul, however no details have been provided on whether the existing family home can be adopted or if there are more suitable sites closer to the family home. The proposed site is detached from the family home and as I have stated above, the proposed site location is already excessively developed with one off house and the addition of another dwelling will negatively impact the character of the rural landscape.

- 7.17. Having regard to the proposed site located within a Visually Sensitive Area as defined in the KCDP and Objective KCP 11-78 of the KCDP which seeks to protect the landscape, it is my opinion that the proposed development will negatively impact

the visual setting of this landscape character by adding to the proliferation of one off dwelling and exacerbating the over development along this rural cul de sac.

**7.18. Access & Traffic**

7.19. The proposed development will be accessed off a narrow roadway, which currently serves 16 dwellings. The road is substandard, it generally consists of hard stone with large potholes and cuts in the laneway due to water runoff. During my site visit, the cul-de-sac is barely passable where I had to drive at low speed, there are limited areas to pull in to allow cars to pass where only available at dwelling entrances.

7.20. The grounds of appeal state the design of the entrance was modified following the initial application. The site entrance is widely splayed with a setback of almost 6 metres, and any hedgerows/trees will be cut back to provide sightlines in both directions. The sightlines are well in excess of legal requirements including Development Plan and Transport Infrastructure Ireland (TII) standards. The narrow and uneven surface of the road act as natural traffic calming measures, keeping speed to around 20km/h. passing areas are plentiful. As a consequence, there will be negligible impact on safety for other users, including walkers along the Dingle Way or the nearby road network. The road is on the “waiting list” to be taken in charge and upgraded by the County Council. Regarding the mention of “addition traffic movements” – the existing lane carries very little traffic, and it is hard to see how the addition of one private dwelling would raise the level that can be regarded as unsafe.

7.21. The observations received also outline that the road is substandard and already at capacity. The construction vehicles will further diminish the road. The Road Assessment does not accurately assess the capacity of the road. Laneway is not a cul-de-sac or of reasonable quality. The proposal does not comply with section 1.5.10.5, 6.3, 7.5 of the CDP. The laneway is private not public.

7.22. The Planning Authority refused permission as the access road is substandard and inadequate in terms of surface and width and it is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard.

7.23. I have reviewed the applicant’s Highway Engineer’s Report submitted with the appeal. The access road is described as 3 metres in width and with the applicant’s

existing field gate is located approximately 215m from the local L8065 junction. It is claimed that the average speed limit is 20km/h and that the existing geometry and road surface on the access laneway act as a natural traffic calming measures, slowing vehicles to appropriate and safe speeds to reflect these conditions. It is also stated that although an un-sealed road, the surface is of reasonable quality, typical of the area. The report concluded that in terms of road safety and sightlines would operate in a safe and efficient manner, with negligible impact on road users.

7.24. During my site visit, I travelled the access road to the proposed site, the road is very narrow with the only passible areas at the entrance gates to existing dwellings. The road surface is extremely rough with large potholes and cuts in the roadway. The access road is not fit for purpose and not suitable for carrying additional traffic. The access road is at best suitable for agricultural purposes. The applicant has not proposed any improvements measures, however, has highlighted the access road is on the waiting list for improvement by Kerry County Council, however the access road is on this list since 2001, and no date of possible works has been provided. Therefore, I consider the access road is unsuitable due to its substandard condition for any additional traffic.

7.25. Having regard to the condition of the substandard access road, the width of the access road and the current users on the road, I do not consider the access road is suitable for any additional traffic and without any definite plans for its upgrade, the access road is at its limited capacity if not exceeding it.

7.26. **Other Issues**

7.27. Dingle Way

7.28. The proposed site is located directly along the Dingle Way walking route. I note the observations received have concerns regarding the negative impact on the Dingle Way. I have concerns regarding the excessive number of dwellings along this route and the addition of another dwelling will further negatively impact the visual and rural nature setting of the Dingle Way. Furthermore, the applicant proposes to remove the existing hedgerow in order to improve sightlines, this will further impact the visual setting of the Dingle Way. Although, the visual impact on the Dingle Way is not a ground for refusal, the Dingle Way shall be considered while designing and siting a development along this route.

## 8.0 AA Screening

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

The proposed site is not located within a designated site, the Dingle Peninsula SPA (Site Code: 004153) is located 92 metres to the south and 250 metres to the northwest.

The proposed development comprises of one single storey dwelling and garage and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development
- Distance to the nearest European site at over 90 metres to Dingle Peninsula SPA
- The lack of connections, it is noted the groundwater status at the site is good and not at risk. The Site Characterisation Form states the subject site is suitable for a wastewater treatment system subject to all soils to 700mm in the footprint of the filter area should be removed and good quality soil imported to form a level bed to remove the risk of runoff during periods of high precipitation.

I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the location of the site within "Other Rural Area" as identified in Kerry County Development Plan 2022-2028 and objective KCDP 5-16 which seeks to accommodate demand for permanent residential development as it arises subject to good sustainable planning practices, it is considered that the applicant has not adequately demonstrated a need for a permanent residential development at this location in accordance with the Development Plan. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located within "Visually Sensitive Area" as set out in the Kerry County Development Plan 2022-2028 for the area, and objective KCDP 11-78 which aims to 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. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its depth and scale, the removal of the front boundary hedging and proliferation of one-off dwellings, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity and would contravene objective KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located along an unsurfaced minor laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard.
4. The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Jennifer McQuaid  
Planning Inspector  
3<sup>rd</sup> June 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP- 321997-25
<b>Proposed Development Summary</b>	Construction of a dwelling house, a garage and all associated site works.
<b>Development Address</b>	Ardroe, Inch, Co. Kerry
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP- 321997-25
<b>Proposed Development Summary</b>	Construction of a dwelling house, a garage and all associated site works.
<b>Development Address</b>	Ardroe, Inch, Co. Kerry
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>The proposed development consists of the construction of one number single storey dwelling and domestic garage.</p> <p>The development will consist of typical construction and related activities and site works. This will not result in the production of significant waste, emissions or pollutants.</p> <p>Surface water will be discharged to an on-site soakaway.</p> <p>Wastewater will be discharged to an on-site wastewater treatment system.</p>
<p><b>Location of development</b></p> <p>(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).</p>	<p>The proposed site is located within a rural area, there are no significant sensitivities in the immediate area.</p> <p>The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> <li>• Dingle Peninsula SPA (Site Code: 004153) is located 92 metres to the south and 250 metres to the north west.</li> <li>• Castlemaine Harbour SAC &amp; pNHA (Site Code: 000343) Castlemaine Harbour SPA (Site Code: 004029) is located 370 metres south.</li> <li>• Slieve Mish Mountains SAC (Site Code: 002185) is located 1.9km east.</li> <li>• Mount Brandon SAC (Site Code: 000375) is located 5.6 km northwest.</li> <li>• Tralee Bay and Magharees Peninsula, West to Cloghane SAC &amp; pNHA (Site Code: 002070) is located 9.6km northeast.</li> <li>• Blasket Islands SAC (Site Code: 002172) &amp; SPA (Site Code: 004008) is located 32km west.</li> </ul>

	My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site. The subject site is located outside any flood risk area for coastal and fluvial flooding.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site size measures 0.33ha. The size of the development is not exceptional in the context of a rural environment. There are existing dwellings adjacent to the proposed site. No concerns were raised in relation to the location of the proposed dwelling to the existing dwellings. The proposal is a relatively small development in the rural context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2: Water Framework Directive Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-321997-25</b>	<b>Townland, address</b>	Ardroe, Inch, Co. Kerry
<b>Description of project</b>		Construction of a dwelling and all associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is located within the rural area of Ardroe townland, the site is located directly adjacent to 4 no. constructed dwellings. The applicant is proposing an onsite wastewater treatment system and a soakaway to dispose of surface water. The site is elevated and rises to the rear.</p> <p>There are no water features on site or adjacent the subject site.</p> <p>The site is not within a flood zone area.</p>	
<b>Proposed surface water details</b>		Surface water will be disposed of on-site via a soakaway.	

<b>Proposed water supply source &amp; available capacity</b>	A private well will be constructed onsite.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	An onsite wastewater treatment system is proposed.
<b>Others?</b>	

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
e.g. lake, river, transitional and coastal waters,	The site is appropriate	The site is in the Laune-Maine-Dingle	Groundwater status is described as	Groundwater is described as Not At Risk.	None identified	Potential surface water run-off

groundwater body, artificial (e.g. canal) or heavily modified body.	ly 200 metres east of River Gortnanoor an East_010 and appropriate ly 40 metres north of Dingle Bay.	Bay Catchment 22 and subcatchment Emlaghmore _SC_010 Groundwater Body is Dingle (code: SW_G_033)	Good (period for GW 2016-2021)				
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor	Pathway (existing and new)	Potential for impact/ what is	Screening Stage	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water</b>

		(EPA Code)		the possible impact	Mitigation Measure*		environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	River Gortnanoor an East_010	Located appropriately 200metres west of subject site. No noted drainage ditches to river	Spillages	Standard Construction practice	No due to separation distance	Screened Out
2.	Ground	Dingle (code: SW_G_033)	Pathways exist through drainage underground	Spillages	Standard Construction practice	No	Screened Out
<b>OPERATIONAL PHASE</b>							
3.	Surface	River Gortnanoor an East_010	Located appropriately 200metres west of subject site. No	Spillages	SuDs features	No	Screened Out

			noted drainage ditches to river				
4.	Ground	Dingle (code: SW_G_033)	Pathways exist through drainage underground & seepage from percolation area for wastewater treatment system & soakaway	Spillages/seepage	SuDs Features and installation of wastewater treatment system to EPA guidelines	No	Screened Out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						

