



An
Bord
Pleanála

Inspector's Report

ABP-322035-25

Development	Refurbishment and alterations to house and construction of an extension. A new wastewater treatment system, front boundary wall and gates and all ancillary site works.
Location	Feohanagh, Ballydavid, Tralee, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24203
Applicant(s)	Cuan Granville
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eoin O'Muircheartaigh
Observer(s)	None
Date of Site Inspection	10 th April 2025
Inspector	Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is located within the rural area of 'An Fheothanach', close to the western edge of the Dingle peninsula and is approximately 10km northeast of Dingle. The site is located about 450m from the coast and c 200m from the small village of 'An Fheothanach'. Access to the site is from local road L12234, a narrow road in poor condition. The site contains an existing two storey house, painted blue, constructed early 20th century. Whilst there is some boundary hedging / vegetation around the curtilage of the house, it is on elevated lands and the house is visible from the surrounding area. The western boundary adjoins the road and is marked by a stone wall. There are two access points from the road to the site – one to the front of the house and one to the rear of the house which is to a large hard surfaced area. There are historic stone outbuildings located along the road to the south / rear of the site. The adjoining lands are in agricultural use.

2.0 Proposed Development

- 2.1. Permission is sought for:
- the refurbishment and alteration of the existing house,
 - the construction of a two storey extension to the side of the house,
 - a new waste water treatment system,
 - new front boundary wall and gates and
 - ancillary site works.
- 2.2. The area of the site is 0.25ha. The existing house is 100m². The floor area for demolition is 13.3m² and the proposed works have a total overall floor area of 238.8m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided by order dated 11th February 2025 to grant permission subject to 11 conditions.

Condition 4 – (a) the use of the dwelling shall be all year round private residence, (b) the extended dwelling shall not be used as holiday home or second home.

Condition 5 – the renovated and extended dwelling shall be occupied by the initial occupant for seven years.

Condition 6 – (a) the development shall be in accordance with design drawing received 16/01/2024. Revised site layout map showing footprint of dwelling as per revised drawing shall be submitted for agreement of planning authority within four weeks of the decision.

Conditions 7. 8 and 9 relate to on site waste water treatment system.

Condition 11 relates to landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Case planners report of 05/07/2024 recommends further information in relation to waste water treatment and disposal and concerns regarding the visual impact of the proposed extension
- Further information requested on 05/07/2024 on two items. Item 1 relates to additional information on the design of the proposed on site waste water treatment and disposal system, layout and the on site assessment. The planning authority notes concerns in relation to the visual impact of the proposed extension and its ability to integrate with the existing house, site is highly visible. Advised that extension should be subsidiary to the house – give consideration to single storey extension, reduced height extension or flat roof.
- Response to further information received on 19/12/2024 (advertised as Significant FI – copy of public notices received 16/01/2025) Response provides the requested information on the waste water treatment and disposal. Revised drawings are provided. Revisions include introduction of single storey glazed corridor link between existing house and extension and extension relocated away from main house, reduced width by 600mm and floor level reduced by 300mm with overall lowering of ridge height by 1m. Ridge level of the proposed extension is 1m lower than the ridge level of the

main house. Extension to be plastered and painted in dark tone and roofed in slate.

- Second planners report dated 10/02/2025 recommends grant of permission.

3.2.2. Other Technical Reports

- Environment – report of 10/02/2025 - recommended conditions set out in relation to wastewater treatment and disposal; report of 10/02/2025 recommended further information be sought in relation to wwts.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Third party observation received from E.O’Muircheartaigh – out of scale, out of character for exposed landscape, demolition works not properly described, detail missing on WWTS, safe disposal of asbestos necessary, single storey extension more appropriate.

4.0 Planning History

None relevant on site.

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022-2028 applies.

- Site is located within a ‘rural area under urban influence’

Chapter 5 Rural Housing

Rural Housing

- KCDP5-15 In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life

limiting) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- KCDP5-19 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 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.
- KCDP5-22 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.

Section 5.7 Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas

- KCDP 5-25 Seek to preserve traditional or vernacular rural houses in order to protect the varied types of housing stock in the County and to preserve the rural built heritage
- KCDP 5-26 Promote the viable re-use of vernacular dwellings and buildings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings as permanent places of residence.
- KCDP 5-27 Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence

Chapter 8 Gaeltacht Areas, Culture and Heritage

- Site is located within the Kerry Gaeltacht Corca Dhuibhne.
- KCDP 8-46 Encourage the retention, appreciation and appropriate revitalisation of the vernacular-built heritage of Kerry by deterring the replacement of good quality older buildings with modern structures and by protecting these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type.

- KCDP 8-47 Promote the sympathetic maintenance, adaptation, and re-use of the county's vernacular built heritage, including thatched structures, in recognition of their role in tourism, economic revitalisation, climate change, placemaking and quality of life.

Chapter 11 Environment

- 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.
- 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.
- Site is in a Rural General area. Land on the western side of the public road is within a visually sensitive area. The visually sensitive area wraps around the coast and extends from the L5005 towards the north / northeastern lands beyond.
- Views and prospects – north of An Fheothanach , the prospects from the R549 towards south is protected. Prospect from R549, south of An Fheothanach, the prospect the west is protected.
- 11.6.3.2 Rural General

Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

Development Management Standards and Guidelines

- 1.5.10 Standards for Residential Development in Rural and Non-Serviced Sites

- Building a House in Rural Kerry – Design Guidelines 2019

5.2. Natural Heritage Designations

Sites designated for natural heritage in the surrounding area include:

- Mount Brandon SAC, Mount Brandon pNHA – c .3.4km from site
- Blasket Islands SAC – c 11km from site
- Smerwick Harbour Sandhills and Marshes pNHA – c 2.8km from site
- Sybil Point/Carrigbrean pNHA – c 4 km from site
- Dingle Peninsula SPA – c 0.2km from the site

5.3. 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 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised in the grounds of appeal are summarised as follows:

- Object to the proposed development.
- The proposed extension, by reason of its scale and height is excessive relative to the existing traditional farm house and is visually dominant in this 'visually sensitive area' with protected views and prospects and out of character with the exposed rural landscape. A single storey extension would be more appropriate. The modern form and materials proposed do not complement the traditional vernacular of the old farmhouse. Extension should not be located at angle to existing house. Does not replicate the traditional form of architecture in the area. Cladding the extension in natural stone may soften impact. The existing dwelling and the proposed extension break the

skyline. A landscaping scheme should be proposed to integrate the development into the landscape. The extension should be subsidiary to the main house.

- The development results in an intensification of use on the existing road. The cost of upgrading the road should be levied in any grant of permission.
- The applicant has no connection to the Feohanagh area and is not contributing to the community. The applicant has failed to demonstrate that he complies with rural settlement policy.
- The house layout is set out as two separate living units with two stairs. The proposal is commercially driven and represents two separate rental units.
- No problem in principle with appropriate redevelopment and extension of the house.
- Recommend refusal of permission.

6.2. Applicant Response

The applicant has responded to the grounds of appeal. The issues raised are summarised as follows:

- The proposed works are in accordance with the Kerry County Development Plan and government guidelines. Refusal not justified.
- Site is within 'rural general' landscape which has capacity to absorb development.
- The extension has ridge 1m lower than house and will have little impact on the landscape.
- Applicant is native Irish speaker with strong familial connections to this area.
- The CDP (objectives 5-25, 5-26, 5-27) gives positive consideration to the renovation and restoration of the existing structure and vacant buildings in the rural area for use as primary residences. The existing house is not suitable for modern purposes, risks dereliction and blot on the landscape and the renovation and upgrades will bring it back to modern use.

- Kerry rural house design guide states that extensions should be subsidiary. Revisions at FI include lowering height by one meter, lowering ground level by 300mm, introduction of darker colour palette and zinc cladding, in order for the extension to be subsidiary to the house. The proposal is a discrete and attractively designed building. Other design alternatives have been considered. The current proposal is successful and should be supported.
- The building is in long established residential use. Any damage to roadway is as a result of traffic generated by all users and others. The proposal does not result in intensification of traffic.
- The applicant has strong familial connections to this area. House was built by the applicants grandfather. It is not a requirement of the development plan to establish a local connection for renovation of existing buildings.
- The extension is the same form and scale as the existing house. It is appropriate to use modern materials. The form is in keeping with the existing building and with vernacular traditions.
- Regarding breach of skyline, the extension is 1m lower than the existing building.
- There is no intention to use the building as two separate accommodation units.
- The proposal to reuse an existing vacant building is in accordance with Government policy.
- The proposal is compatible with the development plan. The design has been modified in consultation with the planning authority to ensure compliance with Kerry rural house design guidelines. There is no basis for refusal. Government policy is to reduce vacancy. Government funds are available for renovation of vacant properties. The design approach is sympathetic, in accordance with CDP policy to bring dwellings back into use. There is no impact on residential amenities of adjoining properties. Urge Board to grant permission.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- principle of development
- design and visual impacts
- traffic considerations

7.2. **Principle of development**

- 7.2.1. The proposed development is located within a rural Gaeltacht area in County Kerry. The proposed development consists of the refurbishment and extension of an existing vacant house including the installation of a new on site waste water treatment and disposal facility and works for new roadside boundary and gated entrance.
- 7.2.2. The Kerry County Development Plan (CDP) 2022-2028 sets out objectives under Section 5.7 to promote the renovation and restoration of existing and vacant buildings in rural areas including objective 5-26. The building on the site is an existing vacant vernacular farm house dwelling in poor condition. The proposal to upgrade and extend the dwelling to bring it back into use is acceptable in principle and is in accordance with objective 5-26 to promote the re use and restoration of disused vernacular dwellings.
- 7.2.3. The appellant raises that the applicant has not demonstrated that they have a connection to this local area. The site is located within a rural area under urban influence. Objective 5-15 sets out a requirement for applicants of new single rural houses to demonstrate compliance with the councils criteria to show rural generated

housing need. I am of the opinion that this requirement relates to proposals for new single housing. The subject proposal relates to an existing established dwelling and there is no requirement for the applicant to show that they qualify for a rural house under 5-15.

- 7.2.4. The appellant raises concerns that the proposal, for a house separated across two separate blocks each served with internal stairs, amounts to two separate dwelling units and is commercially driven. In this regard, I am satisfied that the proposal as presented in the development description and drawings is for one single house.

7.3. Design and visual impacts

- 7.3.1. The existing house is a traditional vernacular farmhouse built c. 1930s. The site is located on lands that are designated in the CDP as part of 'rural general' landscape. Land in the surrounding area is designated 'visually sensitive' landscape. As outlined in Section 11.6.3.2 of the CDP, rural general landscapes generally have a higher capacity to absorb development than visually sensitive landscapes. However notwithstanding, proposals should integrate into their surroundings in order to minimise effects on the landscape. Objective 11-77 is to protect landscapes for their economic and amenity contribution. There are protected prospects in the surrounding area. The house is located on elevated lands and the existing house is visible and prominent in the surrounding area. Whilst there is some boundary vegetation, this is not well established and does not screen the house. Whilst I note that the site is on land that is 'rural general' landscape, this is still an attractive and scenic coastal rural area.
- 7.3.2. Objective 5-22 of the CDP is to ensure that the design of housing in rural areas complies with the Kerry Rural Design Guide. The guide sets out advice in relation to extensions and renovations. It states *"In the case of extensions the scale should be subsidiary to that of the main dwelling house. As a general rule, maintaining the existing ridge height or stepping it down from the existing dwelling house can be considered appropriate."* The design guide sets out general advice regarding the design of new dwellings. I consider that this advice is of relevant also in considering extensions. I also note that objective 5-26 to promote the reuse of vernacular dwellings without losing their character and 8-47 to promote works for maintenance and re use of built heritage in a sympathetic manner.

7.3.3. The existing house is a two storey 100m² house with ground to ridge height of 7m. The house is of traditional rural form and design with traditional hipped roof and finished in blue painted render and natural slate roof. The house has narrow plan and windows have vertical emphasis. It is proposed to demolish the exiting single storey rear kitchen extension and to construct a new extension to the rear. The new extension consists of a flat roofed single storey glazed lobby with zinc cladding roof which connects to a new part single part double storey block. Based on the drawings, the proposed extension has a maximum ground to ridge height of 6.3m. It is to have a finished floor level 300mm lower than the existing house and the ridge level of the proposed extension will be 1m lower than the ridge level of the existing house. The new block consists of a two storey and single storey gable with the southern eroding roof profile, spanning across the double and single storeys. The proposed house is to have a floor area of 210m² and therefore accounting for demolition, the extension is 123m². The south elevation of the extension is stepped and has an overall width of 13.8m and is of much wider span than the elevation of the main house which is 9.5m. The two storey block has an eastern elevation which is stepped and has an overall length of 7.9mm which is longer span than the eastern elevation of the main two storey house which has a length of 5.5m. The proposed two storey block is to be finished in plaster with dark pain finish and slate roof. There are a mixture of window shapes in the new extension.

7.3.4. The Kerry Design Guide sets out the key features of good rural design. In summary these include features such as simple form, narrow plan, windows with vertical emphasis, neutral colours, slate roofing. Fussy suburban design is not considered appropriate.

7.3.5. The proposed extension has a deeper plan, suburban gabled form with eroding roof design, all of which I consider not to be as per the principle of good rural design as set out in the design guide. Views of the rear elevation of the existing farmhouse will be blocked and dominated by the proposed extension. Notwithstanding the lower height, in all other respects including the extent of floor area and the overall mass of building, the proposed extension is of larger scale to the existing house. The house is prominent and highly visible in the surrounding area. Having regard to the size and mass of the proposed extension and fussy gabled design and roof design, I consider that the proposed extension is bulky and dominates the existing house and

that the design is not appropriate to the rural area and fails to adequately respect the vernacular character of the existing farmhouse. The proposed development would be detrimental the visual amenity of the area and the built heritage on the site and would not be consistent with the objectives 5-22 and 5-26 of the CDP.

7.4. Traffic considerations

- 7.4.1. The appellant has raised concerns that the proposed development would result in the intensification of traffic on the existing road and a contribution towards the upgrade of the road should be considered. The site is accessed via the L12234 public road which is a narrow road in poor condition. There is an existing house on the site. The proposed development is for an extension and upgrades to the existing house. Having regard to the existing pre established use of the site for dwelling, I do not consider that the proposed works would result in any material intensification of the existing use. Historically, the house was served by a small gated entrance to the front which is still in place. As per aerial photographs, in more recent years, an area to the rear of the house was hard cored and entrance formed which provides parking. There appears to be no permission in place for the entrance and driveway however these works are shown within the site boundary and form part of the current development proposal and the development description includes permission for a new front boundary and gates.
- 7.4.2. This is a lightly trafficked rural road where vehicles travel at slow speeds due to the constraints and condition of the road. Having regard to the nature of the proposed development being for works to an existing established house, I consider that the road, albeit in poor condition, has capacity for the proposed development and that there would be no traffic hazard issues associated with the proposed development.
- 7.4.3. The proposed roadside boundary is to be marked by 1.37m high coursed rubble drystone wall with a painted galvanised metal gate in traditional style. The gated entrance is recessed and set back from the road. The design is acceptable and is in keeping with the rural character of the area.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located

within or adjacent to any European site The closest European site is the Dingle Peninsula Special Protection Area located c 240m from the proposed site.

- 8.2. The subject site is located within a rural area on the developed site of an existing house. The proposed development comprises the refurbishment and extension of the existing house including the installation of a new upgraded wastewater treatment and disposal system. Water supply is via public mains and surface water disposal is to soakpit on site.
- 8.3. 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:

- The small scale domestic nature of the proposal on an existing developed site of a house including proposed improvements to effluent disposal and the absence of any material intensification of use or works that would impact on qualifying interests,
 - The location of the site outside of any European site and the lack of significant connections to the European site network.
 - The report of the Case Planner which states that the project is not likely to have a significant effect on any European site in view of the sites conservation objectives.
- 8.4. 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.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive Screening

- 9.1. The site is located within the Tralee Bay-Feale WFD catchment and AnDunRua_SC_010 sub catchment. The nearest river is Feohanagh 020 which is 430m from the site. The site is c 460m from the coastal water body Smerwick Harbour. The site overlays the Brandon Head ground water body. Brandon Head is

WFD protected area Article 7 for abstraction of drinking water. The nearby SPA with water dependent habitats and species is also WFD protected area. Under the 3rd cycle covering 2022-2027, Feohanagh 020 is 'not at risk', Smerwick Harbour is 'not at risk' and Brandon Head ground water is 'not at risk'. The 2016-2021 status of Feohanagh 020 is 'good', Smerwick Harbour is 'good' and Brandon Head groundwater is 'good'.

9.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and 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.

9.3. The reason for this conclusion is as follows:

- The small scale domestic nature of the development including upgrades to the system for waste water treatment and disposal.
- The distance to the nearest surface water bodies,

9.4. 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 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.

10.0 Recommendation

It is recommended that permission be refused.

11.0 Reasons and Considerations

1. The site is located in an elevated and visually exposed and prominent position in a 'rural general' landscape that is scenic and which contains views and

prospects. It is considered that the construction of the proposed extension, by reason of its design, scale, bulk and fenestration, fails to respect the architectural integrity of the existing vernacular farm house. The proposal is not in accordance with KCDP5-26 which is to promote the re use of vernacular dwellings without losing their character. The proposed extension is not 'subsidiary' to the main house and is not in accordance with KCDP5-22 of the County Development Plan to ensure that the design of housing in rural areas complies with the Rural Kerry Design Guidelines 2009. The proposed development would seriously injure the visual amenities of the area and would fail to be adequately absorbed and integrated into the landscape. The proposed development 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.

Aisling Mac Namara
Planning Inspector

27th May 2025

Form 1 - EIA Pre-Screening

Case Reference	322035
Proposed Development Summary	Refurbishment and alterations to house and construction of an extension. A new wastewater treatment system, front boundary wall and gates and all ancillary site works.
Development Address	Feohanagh, Ballydavid, Tralee, 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 type of proposed road	

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

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

Inspector: _____ **Date:** _____