



An
Coimisiún
Pleanála

Inspector's Report ABP-322561-25

Development	Construction of block of 10 apartments with associated site works.
Location	Farranwillian, Ardfert, Tralee Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560129
Applicant(s)	Gearoid Sheehan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gearoid Sheehan
Observer(s)	John O'Driscoll & Rachel McCarthy Anne O'Mahony The Residents of Pairc an Fhearainn Thomas & Niamh Lyne
Date of Site Inspection	24 July 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site measures c. 0.144 hectares, and is located in Ardfert village, 300 metres south of the village centre. It fronts onto the R551 road, close to the junction with the entrance road to existing housing developments (10 houses in Pairc an Fhearainn, immediately to the east of the site, 53 houses in An Fearann, further east, and 6 apartments and 16 houses in Áit Ardeaglais to the north-east). To the north and east, the site borders green amenity areas associated with the existing residential developments. To the south, it borders the site of a two-storey detached house which faces the main road, while the tail of the site runs between that house and no 1 Pairc an Fhearainn. A public car park is located across the estate road, with a pharmacy and medical centre beside it. The Ardfert Recreational Centre is to the north of the Áit Ardeaglais development, and accessed from it. The car park was full and there were cars partly parked on the footpaths of the estate road on the date of my site visit.
- 1.2. Ardfert is c. 9 kilometres northwest of Tralee on the R551 road. It is served by a number of Local Link bus routes daily (Tarbert to Tralee, Kerryhead/Ballyheigue to Tralee, Banna to Tralee). The closest railway station is Tralee.
- 1.3. Ardfert was an important settlement throughout the Middle Ages, and the Historic Town of Ardfert is on the Sites and Monument Record (KE020-046). Ardfert Cathedral and Franciscan Abbey (both ruinous, at the north of the village) are OPW monuments in state care and open to the public as a tourist attraction.

2.0 Proposed Development

- 2.1. It is proposed to construct a three-storey apartment block as follows:
- 10 two-bedroom apartments arranged over three storeys
 - Existing vehicular access from Pairc an Fhearainn, 11 car parking spaces, (1 per apartment, plus one which is universally accessible) and 20 cycle parking spaces
 - Hard and soft landscaping

A new pedestrian path is shown in the green area to the north (outside the red line boundary).

Density is 69 units per hectare.

Site coverage is c. 31%

Plot ratio is c. 0.81:1

Amenity open space is provided in two areas, (113 sqm and 150 sqm) totalling 263 sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for five reasons as follows:

1. It is considered that the proposed development would constitute over-development of this confined site, because of excessive site coverage, its bulk, scale and height which would result in substandard residential development which would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by reason of proximity to houses in the vicinity would, seriously injure the amenities and depreciate the value of property in the vicinity by reason of over-shadowing and over-looking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would result in substandard development due to inadequate provision of off-street car parking and when taken in conjunction with surrounding traffic/parking congestion issues would result in substandard residential development which would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.
4. Having regard to the proximity to the public Regional R551 roadway, the bulk, scale and three-storey nature of the proposed development, it is considered that it would not integrate satisfactorily into the surrounding area and that it would constitute a highly visible and obtrusive feature in the urban landscape/streetscape.

The proposed development would negatively impact on the towns historic, cultural and architectural heritage and would be contrary to Objectives AT-GO-02 and AT-GO-06 of the Tralee Municipal District Local Area Plan 2018-24. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. The proposed development by reason of its inadequate qualitative and quantitative provision of both private and communal open space for the apartments conflicts with the provisions of Policy Sections 1.5.4.4, 1.5.4.6, 1.5.5 & 1.5.5.3 of The Development Management Standards in Volume 6 of the Kerry County Development Plan 2022-2028 and with the minimum standards recommended in the Sustainable Residential Development Compact Settlements, Guidelines for Planning Authorities, 2024 and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023. The proposed development, therefore, is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One report, dated 22/04/25, noted the site context, the planning history of the site, Development Plan policy, policy, objectives and guidance of the Tralee Municipal District Local Area Plan 2018-24, third party submissions and reports received. Assessment reflected the reasons for refusal.

3.2.2. Other Technical Reports

- Housing Estates Unit – report dated 4 March 2025 queried a number of details (boundaries, access, car parking, drainage, SuDS, landscaping, height), requested further information, and recommended conditions in the event of a grant.
- Biodiversity/Environmental Assessment Unit report – report dated 26 March 2025, recommending a condition re urban trees to be planted.

3.3. Prescribed Bodies

No reports.

3.4. Third Party Observations

Four observations were received, all opposed to the development, from residents of Pairc an Fhearainn. Issues raised were as raised in the appeal observations, as well as concerns regarding water supply and drainage capacity, and devaluation of property.

4.0 Planning History

On site:

- Reg ref 003059 – application for outline permission for two 2-storey dwelling houses, changed to application for one 2-storey dwelling house. Granted with conditions. Not implemented.
- ABP ref PL.08.119001 reg ref 992191 – application for outline permission for 34 dwelling houses, service road, and ancillary sewerage, watermain and services. Granted with conditions. This was a larger site, incorporating the existing site, the Pairc an Fhearainn estate, the An Fearann estate, the car park, pharmacy, and existing apartment block at the north of the spine road.

On neighbouring sites:

- Reg ref 04295 – application for pharmacy and medical centre to north. Permission granted subject to conditions.

No planning history files were provided for the housing developments to the east, which were built following consent under the Part 8 process by the Local Authority.

5.0 Policy Context

5.1. Local Policy

5.1.1. Tralee Municipal District Local Area Plan 2018-24

- 5.1.2. This plan set out the overall vision for Ardfert *to ensure that it develops sustainably as a compact, attractive location for residents and visitors alike and that future development preserves the village's historical character and reinforces it where necessary.*

5.1.3. The site was zoned M2-Town Centre in this plan. This is a one of five mixed use zonings. Proposed developments should improve the vitality and viability of the town centre. Residential development will be encouraged, particularly in mixed use developments. The zoning matrix shows 'residential unit' as open for consideration in the zoning.

5.1.4. That plan contained the following Objectives:

AT-GO-02 Ensure that all development shall have regard to the scale and setting of the existing village in an attractive rural landscape.

AT-GO-06 Encourage the development of a compact and sustainable village structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites.

5.1.5. **Proposed variation no 1 of the Kerry County Development Plan 2022-28**

5.1.6. This variation, advertised on 20 February 2025, includes a Settlement Plan for the Tralee Municipal District. Material Alterations to the variation were advertised on 5 June 2025.

5.1.7. The draft map shows the site zoned M2 Village Centre. The green area immediately to the north is zoned G1 Open Space/Park, while the residential areas to the east (including the green areas and roads) are zoned R2 Existing Residential. The zoning matrix shows 'residential unit' as open for consideration in the zoning.

5.1.8. The text reiterates the housing unit target of 61 units set in the Development Plan, and states the following as part of Section 3.2.2 Development of Ardfert:

An appropriate increase in the population should be sympathetic to the rural character of the settlement, encourage consolidation of the settlement and retention and improvement of local services and facilities to serve Ardfert and its surrounding rural area.

Proposals for residential development adjacent to the core of the settlement will be prioritised. An increase in density may be considered subject to design, layout and location.

Given the scale of the settlement, it is preferable that overall expansion proceeds on the basis of a number of well-integrated sites within and around

the settlement core rather than focusing on rapid growth driven by one very large site.

3.2.4.1 Stone Walls

Stone walls form an integral part of the town's heritage. The visual impact of these walls contributes positively to the character of the historic landscape. In recognition of their contribution to our quality of life, as well as their embodied energy, the Council aims to protect these walls and support owners in their retention and preservation.

5.1.9. It contains the following objectives:

KCDP AT-2 Encourage the development of a compact and sustainable settlement structure by ensuring that new development is contiguous with existing development in scale and setting and makes effective use of backland and infill sites.

KCDP AT-14 Preserve historic stone walls throughout the town.

5.2. Kerry County Development Plan 2022-28

5.2.1. Chapter 3 Core and Settlement Strategy sets out a Settlement Hierarchy for the county at Table 3.6.

5.2.2. Ardfer is designated as one of 13 District towns in the county, the third of five tiers (Key Towns of Tralee and Killarney, 8 Regional Towns, 13 District Towns, and a larger number of Villages and Small Village Settlements).

5.2.3. Table 3.7 Population & Housing Growth 2022-2028 states that Ardfer had an estimated population of 797 in 2022, and a housing target of 61 units over the life of the plan.

5.2.4. Chapter 4 Towns and Villages contains the following objectives:

KCDP 4-2 Facilitate and support the sustainable development of towns and villages of sufficient scale and quality to be drivers of growth, investment, and prosperity.

KCDP 4-17 Facilitate the development of sustainable compact settlements with the "10-minute" town concepts, whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes, with walkways

and link routes to Greenways or are accessible by high quality public transport services connecting people to larger scaled settlements delivering these services.

KCDP 4-40 Ensure that developments have regard to the Ministerial Guidelines, Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities the DHPLG (2020), Urban Development and Building Heights – Guidelines for Planning Authorities DHPLG (2018) and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) DEHLG (2009).

Chapter 8 deals with Gaeltacht Areas, Culture & Heritage.

KCDP 8-39 Ensure that rejuvenation and placemaking projects in the county enhance the physical, social, architectural, and historic settlement pattern of the locality.

- 5.2.5. Chapter 11 Connectivity sets policies and guidance on transport and (as part of a long Section 14.3.2 Sustainable Mobility) states:

The Council will allow a reduction in car parking standards in suitable town centre locations to encourage a modal shift away from the private car to more sustainable forms of transport, such as public transport, cycling and walking.

- 5.2.6. Chapter 13 deals with Water and Waste Management.

- 5.2.7. Section 13.2.4 Stormwater Management notes that Sustainable Drainage Systems (SuDS) allow water to be either infiltrated to ground or conveyed more slowly to water courses using porous surface treatments, ponds, swales, filter drains, or other installations, rather than hard engineering options (concrete gullies, pipes, drains etc). The benefits are not just flood risk management, but also improved water quality, biodiversity, and climate adaptation and mitigation. SuDS should be considered in the early design stages, including at zoning and masterplanning stages.

- 5.2.8. The Council will require the application of SuDS in new developments and proposals to extend existing developments. At a minimum surface water runoff will be restricted to greenfield runoff rates.

- 5.2.9. Volume Two contains Town Development Plans and Volume Four contains zoning maps; however, Ardfert does not feature in these.

- 5.2.10. Volume Six Section 1 contains Development Management Standards and Guidelines.
- 5.2.11. Section 1.5 Residential Development contains several sections of interest, including 1.5.1 Urban Design, 1.5.2 Density, 1.5.3 Dwelling Design, Size & Mix, 1.5.4 General Residential Development Design Standards, and 1.5.5 Apartment Standards.
- 5.2.12. *Section 1.5.5.3 Communal Open Space* sets out that communal open space must be provided for apartments in line with the Ministerial Guidelines.
- 5.2.13. *Section 1.5.4.4 Public Open Space* sets out that public open space should be provided at a minimum rate of 15% of total site area.
- 5.2.14. *'The open space should be designed to complement the residential layout and be informally supervised by residents. The spaces should generally be centrally located within groupings, and be visually and functionally accessible, of a suitable gradient, useable and overlooked by a maximum number of dwellings. Incidental pieces of unusable land shall not be considered to fulfil or partially fulfil the 15% requirement; for example, narrow tracts of open space, which are difficult to manage, will not be acceptable.'*
- 5.2.15. In brownfield sites or infill sites, a minimum of 10% may be provided, and developments of 5 units or less may be exempt, considered on a case-by-case basis. Communal open space must also be provided for apartment developments.
- 5.2.16. *Section 1.5.4.8 Maximum Site Coverage* sets out a maximum of 85% site coverage (or higher, if existing site coverage is higher on a brownfield site) in urban areas, and 65% site coverage for rural areas and one-off housing.
- 5.2.17. *Section 1.5.5 Apartment Standards* reiterates the standards set out in the Ministerial Guidelines *Design Standards for New Apartments, Guidelines 2020*.
- 5.2.18. *Section 1.5.8 Village Development* refers solely to development of serviced sites as an alternative to rural housing.
- 5.2.19. *Section 1.20.2 Parking* notes as part of a longer text that while the plan *'promotes a modal shift away from the private car to more sustainable modes of transport, the car will continue to be an important mode of transport, and therefore there will normally be a requirement to provide car parking as part of a development'*.

- 5.2.20. It notes parking may be provided on- or off-street, with a preference for on-street car parking and shared parking clusters to facilitate increased housing densities, and notes that *“in relation to infill sites and sites adjacent to public transport corridors or civic parking facility, a flexible application of standards will be considered”*.

Section 1.20.7 Car Parking Standards and Table 4: Parking Requirements set out that for apartments in sites such as this one (lands located within town centres (zoned M2)) the maximum car parking provision is 1 space per bedroom.

Section 1.20.9 Bicycle Parking Standards sets out that 1 private secure cycle parking space should be provided per bed space.

5.3. National Policy and Guidance

5.3.1. **Project Ireland 2040 – National Planning Framework (2018, updated 2025)**

- 5.3.2. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth.

5.3.3. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)**

- 5.3.4. This sets out Specific Planning Policy Requirements (SPPRs) on unit mix; unit sizes, aspects, and floor-to-ceiling heights; lift and stair cores; and co-living. These SPPRs take precedence over any conflicting policies and objectives of development plans, and the Board and Local Authorities are obliged to apply these SPPRs.

- 5.3.5. It also sets required minimums for room widths and floor areas, storage space, and private and communal open space, and provides guidance on communal facilities, play areas, and parking and access. It notes that planning authorities should have regard to quantitative performance approaches set out in guides such as A New European Standard for Daylighting in Buildings EN17037 or the UK National Annex BS EN17037 and the associated BRE Guide 209 2022, in the assessment of daylight.

5.3.6. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

5.3.7. These guidelines set out SPPRs and Policies and Objectives on separation distances; private, semi-private, and public open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements.

5.3.8. *SPPR 1 Separation Distances* sets a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses as the standard minimum, with distances below this permissible where privacy measures have been designed into the scheme.

Policy and Objective 5.1 Public Open Space sets parameters of 10-15% of site area as the public open space requirement for residential developments, save in exceptional circumstances. These requirements may be set aside where a planning authority considers it unfeasible to locate the open space on site, and a Section 48 financial contribution may be imposed for the upgrade or enhancement of an existing public open space or amenity. *Section 5.3.3 Public Open Space* sets out that the spaces should form an integral part of the design and layout of a development, and provide a connected hierarchy of spaces, with suitable landscape features, including seating and provision for children's play.

5.3.9. *Section 5.3.4 Car Parking – Quantum, Form and Location* notes that the approach to car parking should take account of proximity to urban centres and sustainable transport, to promote more sustainable travel choices. In areas where car parking is reduced, planning authorities '*should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share). On-site or proximate spaces should also be prioritised for use by mobility impaired persons and leased on a demonstrated needs basis rather than being sold with units.*'

5.3.10. SPPR 3 sets out maximum (rather than minimum) standards for car parking. For city centres and urban neighbourhoods in cities, car parking should be minimised or reduced, with a maximum of 1 space per dwelling. In accessible locations (close to existing or planned high frequency urban bus services), the maximum rate is 1.5 spaces per dwelling. For intermediate and peripheral locations, the maximum rate of

car parking provision shall be 2 spaces per dwelling. All lands in small and medium sized towns and in rural towns and villages are considered peripheral, as per *Table 3.8 Accessibility*. However, accessibility should be considered in light of capacity, wider network accessibility, and journey time to significant destinations.

- 5.3.11. SPPR 4 sets out minimum standards for cycle parking. All new housing shall include safe and secure cycle storage, with a general minimum standard of 1 space per bedroom, in a dedicated secure permanent storage facility, with provision made for a variety of bike types, including cargo bikes and electric bikes, with visitor parking also provided.
- 5.3.12. The guidelines also set out various density ranges for different size settlements, and also set out criteria for assessing appropriate density, relative to proximity to public transport. In rural towns and villages with a population of less than 1,500 persons, no particular density range is set. The guidelines note that these settlements are not identified for significant population growth and should grow at a limited pace, appropriate to the function of the settlement, and the capacity of the infrastructure.

The key priorities for compact growth in Rural Towns and Villages in order of priority are to:

(a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,

(b) realise opportunities for infill and backland development, and

(c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into, or can be integrated into the existing built up footprint of the settlement and can be serviced by necessary supporting infrastructure.

- 5.3.13. Table 3.7 sets out as a policy and objective that development in rural towns and villages is tailored to the scale, form and character of the settlement, and the capacity of services and infrastructure (including public transport and water services infrastructure).

- 5.3.14. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan,

which was adopted in 2022. As noted above, planning authorities are required to apply these SPPRs in making decisions on planning applications.

5.3.15. Design Manual for Urban Roads and Streets (DMURS)

5.3.16. This sets out a preference for on-street car parking, while noting that off-street car parking is required as a supplementary provision in denser developments. It notes the need for balance in the quantum of parking provided, with too much parking being visually dominant and conflicting with sustainability objectives, and an under provision encouraging poor parking practices such as kerb mounting, parking on footpaths and on open spaces. Spaces which aren't allocated to individual dwellings allow for a more efficient turnover of spaces, with fewer spaces required overall.

5.3.17. Urban Development and Building Heights: Guidelines for Planning Authorities 2018

5.3.18. These guidelines set out as SPPR1 that Development Plans should not have blanket limitations on building heights. They set out development management principles and criteria with which to assess applications for taller buildings, considering transport capacity, integration into the public realm, design, provision of daylight, ventilation and views, impacts on daylight and sunlight, microclimate, and fire safety.

5.4. Natural Heritage Designations

Tralee Bay Complex SPA 004188 – c. 2.7 km west

Akeragh, Banna and Barrow Harbour SAC 000332 – c. 2.7 km west

5.5. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of 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.

5.6. Water Framework Directive Screening

- 5.6.1. The subject site is located in a built up area in Ardfert village, c. 550 metres south of the Tyshe River, within the Tyshe_020 sub basin (IE_SH_23T020500). The site is located on top of the ground water body Ardfert (IE_SH_G_008).
- 5.6.2. The proposed development comprises the provision of ten apartments.
- 5.6.3. No water deterioration concerns were raised in the planning appeal.
- 5.6.4. I have assessed the 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.
- 5.6.5. The reason for this conclusion is as follows:
- the relatively small scale and nature of the development
 - the distance from the nearest water bodies and the lack of hydrological connections
 - the location of the site in a built-up area
 - the connection to public services.
- 5.6.6. 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

One appeal was received, on behalf of the first party, against the refusal. Issues raised are summarised below:

- The proposed development responds to an identified need for smaller housing units in Ardfert. The target market is older people, who require safety, independence, low maintenance, and space.
- It was designed in strict compliance with national and local policy documents.
- It is an infill site, accessible, not car dependent, and close to all necessary services and public transport. It is a long-established built up area, and the development will contribute to village centre consolidation, and contribute to the 40% of homes nationally to be constructed within existing settlements as national policy – a policy which cannot be ignored by planners.
- The proposal should be considered in light of national policy, not the 2018-24 LAP and the 2022-28 County Development Plan, which have been superseded by a seismic shift in national policies and objectives. Some overlooking and impacts on privacy are inevitable in urban settings, and the Local Authority has not properly considered national policy.
- For example, the suggestion that 2 parking spaces per apartment are required is outdated and does not reflect the Ministerial Guidelines on Apartments of 2023. It would result in the construction of car parking instead of homes on valuable serviced urban sites.
- The planner's report inaccurately refers to overshadowing, which is not an issue, due to the design and location of the building. Similarly, care has been taken in the placement of balconies to mitigate against undue overlooking of private garden areas.
- The planning authority was unduly influenced by third party objections, and failed to apply proper planning principles and government policy to increase residential density within existing settlements and develop vacant, derelict and under-utilised lands to prevent continuing sprawl. The Development Plan is

required to have regard to national policies, and objectives KCDP 4-27 and KCDP 4-40 reflect this. These were not regarded.

- A three-storey apartment development is the only appropriate development for this urban serviced site. The height of 10.7 metres is relatively low, and a refusal is not warranted on height. The refusal on overshadowing and overlooking grounds worryingly suggest that the assessment of the case was not properly undertaken, as these are non-issues.
- The development was refused on non-compliance with Ministerial Guidelines, but the report fails to set out how it failed to meet these guidelines.
- This development would be ideal for older people in Ardfert looking to downsize and have a safe, accessible, secure home.
- There is no evidence of a heritage report on the file, notwithstanding the refusal for impacts on the town's historic, cultural, and architectural heritage. The protected structures in the town are not located in proximity to the site, nor are any monuments, and as such, they remain unaffected.
- The applicants are happy to make amendments by condition, should the Board require. In the unlikely event of a refusal, the applicants would appreciate directions to improve the development.

6.2. Planning Authority Response

None received.

6.3. Observations

Four observations have been received, all from residents of Pairc An Fhearainn. One observation contained a copy of a petition with a large number of residents' signatures, and contained photographs showing parking on footpaths. Issues raised are summarised below:

- The height and density of the development does not respect the character of the locality, a historic village rooted deep in the Irish countryside. The area is already well built up with commercial developments.

- Parking is inadequate, with only 11 spaces for 10 apartments. Many units will have more than one car. Overspill from the development will exacerbate existing dangerous parking (from customers of the many nearby commercial developments), leading to traffic hazard, especially for children. It will also impact residential amenity of Páirc An Fhearainn, preventing residents from parking conveniently near their homes.
- Three storeys is too high, out of character with the two-storey heights in the vicinity, and constitutes an eyesore.
- The three-storey development will invade privacy by overlooking homes, with resulting discomfort and potential mental health issues. The appellant's claim that certain levels of overlooking are inevitable in an urban area is unreasonable in a small rural village like Ardfert.
- The development will block views from nearby residences, including views of the Kerry mountains, and block evening sunshine and natural light.
- The development will lead to construction noise and noise pollution from an increase of residents in the area.
- Local amenities such as schools, doctors and creches are under strain from recent major housing developments. This development risks overwhelming local resources.
- The appeal is contradictory, claiming the development is required both for family homes and for elderly people. It is suited to neither. It is more likely to accommodate mobile, working-age adults.
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6.4. Further Responses

None received.

7.0 Assessment

- 7.1.1. 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
- Scale, height, site coverage, and density
- Visual impact and heritage
- Residential Amenity of Development
- Impact on Neighbouring Residential Amenity
- Transport and Car Parking

7.2. Principle of Development

- 7.2.1. Given the central location of the site within the village, the zoning both in the 2018-24 Local Area Plan and the proposed variation no 1 to the Development Plan, and national policy to deliver compact urban growth, development of the site is appropriate. The previous and proposed zoning is M2, reflecting its location in the built-up area. Residential units are open for consideration in this zoning. There is a housing target of 61 units in Ardfert over the course of the plan, and (in a search of the Local Authority's online planning register) I found no evidence of any housing permitted in the town since the adoption of the plan, apart from applications for individual units. Residential development is an appropriate use for the site.

7.3. Scale, height, site coverage, and density

- 7.3.1. The Local Authority considered the development to have excessive site coverage, bulk, scale and height.
- 7.3.2. Neither the Development Plan nor the Ministerial Guidelines set standards for residential density on a site like this, with the Compact Settlement Guidelines stating that developments should be tailored to the scale, form and character of the settlement and the capacity of services and infrastructure. I note the site coverage is c. 31%. This is considerably lower than the maximum set in the Development Plan (85%) for a greenfield urban site such as this one. Regarding height, a site-specific

assessment is required, as per the relevant Ministerial Guidelines. I have considered the impacts of the height and the design of the building below, under the various headings of the assessment.

7.4. Visual impact and heritage

- 7.4.1. The planning authority was dissatisfied with the visual impact of the development, in the context of the town's historic, cultural, and architectural heritage. The appellant contends that the site is not within sight of any heritage sites, and therefore cannot have any effect on them.
- 7.4.2. I note that Ardfert is a Registered Monument as a medieval town, RMP no. KE020-46, and the site falls within the boundary of this registered monument. It is a particularly low rise, low density village, with a handful of terraced buildings giving directly onto the street. The majority of buildings of all ages are set back from the street, and either detached or paired. The ruinous Cathedral closes the vista at the north end of the Fair Green. At the south end of the village, the urban form is less defined, with suburban style developments set behind parking forecourts, and creating no sense of enclosure to the street. The proposed variation to the Development Plan notes that *"the traditional urban form and structure which has defined the streetscape is being undermined by fragmented building lines and architectural design elements which do not relate in scale or character to existing development"*.
- 7.4.3. The site is a prominent one, located on the main thoroughfare through the village. A high standard of design and finish is required. In my view, the design, which uses a mix of pitched roofs and flat-topped mansard roofs, with gablets of various sizes to accommodate windows in the roof space, is not successful. While the use of pitched roofs and the accommodation of part of the living space within the roof volume might lower the overall height of the development marginally, it leads to an incongruous form with an overly complex roofline and unusual proportions, which does not reflect the heritage or character of the town.
- 7.4.4. The location is a prominent one, and requires a development of excellent architectural character which makes a positive contribution to the streetscape. I recommend a refusal on this issue.

7.5. Impact on neighbouring residential amenity

- 7.5.1. Injury to properties in the vicinity due to the size of the building was one of the reasons for refusal, as was overshadowing and overlooking due to proximity. No detail was provided in the Planner's Report, or the refusal, on which properties were considered to be affected. No daylight and sunlight assessment was submitted with the application or the appeal.
- 7.5.2. The closest dwelling to the site is due south, with c. 3 metres between this building and the proposed building, with the majority of the setback on the appeal site. This building is a two-storey house, built in close proximity to its northern boundary, with a deep plan and a large number of windows to the north gable.
- 7.5.3. Due to the location to the south, I do not have concerns regarding overshadowing. However, daylight (diffuse daylight, as opposed to direct sunlight) to some of the windows on the north elevation would be likely to be affected, as would views out. Regarding overlooking, the proposed closest wing has a blank gable, with rooms facing either over the road or the car park. There would be first- and second- floor bedroom windows facing the existing house at a distance of c. 12 metres (again, with the vast majority of the setback on the appeal site). This house is built in close proximity to the northern boundary (c. 500 mm setback), and any development on this neighbouring zoned land would be likely to have some impact upon those windows. Overlooking and daylight impacts are more significant to habitable rooms, but no history file was provided, and I did not find plans on the online planning register, to indicate whether the relevant windows serve habitable rooms. I note no third party submission or observation has been received from that neighbour.
- 7.5.4. There is a bungalow across the road, some 15 metres west. Due to the location across the public road I have no concerns regarding privacy. However, I note that the distance and the height of the proposed building are such that impacts on daylight cannot be ruled out; as per *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* by Littlefair et al, if the distance of the new development is more than three times the height above the lowest existing window, or if the angle of elevation between the two is less than 25 degrees, no further assessment is required. This is not the case here; however, no evidence has been submitted that impacts on daylight to this building were assessed. Nonetheless, the angle of

elevation is marginally over the 25 degree standard, and I consider the impacts likely to be acceptable in the urban context.

- 7.5.5. Regarding overbearing, overshadowing, and overlooking impacts on the houses in the neighbouring estate, no 1 Pairc An Fhearainn is the closest, with its gable facing the site, where parking and communal open space is proposed. The proposed building is set back a minimum of 11 metres from its west boundary, with the car park located on that side. The proposed building is c. 19-21 metres from no 1 Pairc An Fhearainn, at an oblique angle, to the north-west, to the front and side of the house. Given the orientation of the existing house, its windows, and its rear garden, there would be very little visual impact on the property from the new development, with oblique views of the development from the front windows. The new building is some 25 metres from the rear garden, and partly blocked by the existing house and the neighbouring house. Regarding overlooking, there are two above-ground living room windows that have an oblique view into part of the rear garden at a distance of c. 30 metres. This is a significant distance, and unlikely to give rise to any discomfort in the context of pre-existing mutual overlooking. The garden is already overlooked by its neighbours (the house to the west facing the road, and 2 Pairc An Fhearainn) at closer distances.
- 7.5.6. The other houses in the housing estate are further away. Overbearing, overshadowing, and privacy impacts would be negligible, if not imperceptible, due to the distances involved. There is c. 60 metres distance between the proposed building and the row of houses at 7-10 Pairc An Fhearainn. I note the observer's concerns regarding views of the mountains. There are views from within the housing estate towards the mountains to the west, partly obscured by the car service garage and the cottage across the road. This is not a protected view in the Development Plan. Both the appeal site, and the much larger site across the road, are serviced sites within the built up area which have been zoned for development. Any development, of any height, will inevitably impact on the views of the mountains.
- 7.5.7. Overall, while I have some concerns regarding impacts on the immediately neighbouring house to the south, these impacts are ultimately due to the construction of the house with windows in very close proximity to its northern boundary in an unneighbourly fashion. The proposed development has been designed to mitigate these impacts, with a reduced height and a blank gable to the

block to the south. Impacts on neighbouring residential amenity would be acceptable.

7.6. Future Residential Amenity of the Development

- 7.6.1. I note that the recently published Ministerial Guidelines *Design Standards for Apartments, Guidelines for Planning Authorities (2025)* are applicable only to applications or appeals made after 9 July 2025 when they were issued. The *Design Standards for New Apartments (2023)* are the relevant standards, and set out standards and guidance for room sizes and widths, overall floor area, private open space, storage space, floor-to-ceiling height, and aspect.
- 7.6.2. Each proposed apartment exceeds the overall floor area set out in the guidelines. One bedroom (bedroom 2 in apartment 7) falls marginally short of the minimum room width and area, but this is the exception, with the majority of rooms well exceeding the standards, and being regularly shaped and arranged. There are a number of storage rooms that exceed the 3.5 sqm maximum set out at Section 3.31 of the guidelines, some of which have windows. However, these are relatively minor issues, which could be addressed by condition in the event of a grant. The overall standard of internal residential amenity is good, with generous floor-to-ceiling heights, and all apartments being dual or triple aspect, ensuring adequate daylight, sunlight, aspect, and ventilation to all apartments, notwithstanding the relative proximity of the building to the boundary wall to the west.
- 7.6.3. Regarding private open space, the balconies are somewhat narrow, and appear marginally short of the 1.5 metre minimum depth required. This could be addressed by condition in the event of a grant. Landscaping is provided to ground floor terraces, to distinguish them from communal open space. I have some concerns about the useability of some of the ground floor terraces; that to apartment 1 is essentially located in the car park, while that to apartment 2 is north-facing and lacks privacy and security.
- 7.6.4. Regarding communal open space, the requirement is 7 sqm per two-bedroom four-person apartment (a total of 70 sqm). The requirement for public open space is in the region of 144 sqm.

- 7.6.5. I have no concerns regarding the quantum of open space provided (two areas, one of 101 sqm, and one of 150 sqm). Both areas are more appropriately reserved as communal open space for the residents of the apartments, rather than public open space as part of the public realm. The proposed variation to the Development Plan has an objective to preserve stone walls in the town, and the applicant notes (in their original cover letter) an intention to retain the stone wall at the front of the site, resulting in open spaces that are not easily accessible as part of the public realm.
- 7.6.6. I note the close proximity of the site to active recreation facilities (GAA, pitch and putt, Ardfert Recreation Centre, and the community playground).
- 7.6.7. Regarding the quality of the open space, both areas are to the south of the building, and would be adequately sunlit. One area is an incidental area of space somewhat removed from the building, and further disconnected by the provision of the universal parking space at its north end. Revised landscaping proposals with sitting out areas and greater levels of amenity than that provided by large areas of lawn could be addressed by condition.

7.7. Transport and Car Parking

- 7.7.1. Both the Development Plan and the Ministerial Guidelines set maximum rather than minimum standards for car parking. For this site, the Development Plan sets one space per bedroom as a maximum, with a flexible application of standards considered in relation to infill sites and sites adjacent to public transport corridors or civic parking facilities.
- 7.7.2. The Compact Settlement Guidelines set 2 car parking spaces per unit as a maximum in a location such as this, which is considered peripheral under Table 3.8 of that document, as it is within a village as opposed to a larger settlement. It does not benefit from urban bus services or proximity to a rail connection. However, it is centrally located within a settlement, and is within 5 minutes' walk of a number of services and amenities, including a convenience shop, cafés and bars, hairdresser, pharmacy, GP surgery, Ardfert primary school, Ardfert Recreation Centre and Ardfert Community Playground. It is within 10 minutes' walk of Ardfert Community Centre, Ardfert Pitch and Putt, and Ardfert RC Church.

- 7.7.3. The site is within 5 minutes' walk of the pick-up points for the Local Link bus service, which provides commuter services to Tralee, with stops at the MTU campus and the railway station, with journey times of approximately 30 minutes.
- 7.7.4. As such, given its close proximity to local amenities and commuter transport services, I consider a reduction from the maximum of 2 car parking spaces per unit might be acceptable, subject to an assessment of parking demand.
- 7.7.5. I note the concerns regarding existing overspill parking by the third parties and observers. The residents' observations (and the original submissions) state that this car parking is generated by nearby commercial developments and the recreation centre. There were no complaints about insufficient car parking provision within their own estate, or neighbouring housing estates; rather, the concern is with car parking generated by the patrons of nearby commercial and social facilities. This seems likely; I noted the civic car park adjacent to the medical centre was in heavy demand at 5 pm on the afternoon of my site visit, with additional cars parked on the footpath on the estate road in proximity to the medical centre, with no significant parking overspill in the An Fearann housing estate, and a number of empty spaces there. I note that the 10 houses in Pairc An Fhearainn have 20 car parking spaces, while the 53 houses in An Fearann have 90 spaces (a rate of 1.69 spaces per unit, with the bungalows having a lower provision than the two-storey houses).
- 7.8. I have consulted the results of the 2022 Census for Ardfert town, available on cso.ie, and note that of 287 households who responded to the question on car ownership and availability, 11% had no car, 52% had 1 car, 30% had 2 cars, 6% had 3 cars, and 2% had 4 or more motor cars. This is a rate of approximately 1.4 cars per household. As the proposed dwelling units are relatively small (2 bedrooms each); I would expect car ownership to be lower than the average in the town.
- 7.9. As such, I do not consider 2 spaces per unit to be required to satisfy parking demands for the new development, with a reduced figure more appropriate to match observed residential demand in the area, and compliant with both the Development Plan and the Ministerial Guidelines.
- 7.10. Twenty bicycle parking spaces are proposed, as two-tier storage. Greater provision for cargo bikes and electric bikes is required, to comply with the standards set out in the Compact Settlement Guidelines, to encourage a switch to more sustainable

transport modes, and to support reduced car ownership. I further note that the proposed 11 car parking spaces have potential for flexibility, and could be allocated according to need by a management company. Subject to a condition on bike storage and the submission of a robust mobility management plan, I consider the quantum of car parking satisfactory.

7.11. Other Issues

- 7.11.1. Minimal information was provided on drainage, and no SuDS measures are indicated. The Development Plan notes that these should be designed in at an early stage.
- 7.11.2. Non-compliance with Section 1.5.4.6 was given as a reason for refusal – this section pertains to private open space for houses, and is not relevant to the proposal.
- 7.11.3. The proposal includes the provision of a new footpath across the green area to the north, to provide a pedestrian entrance, and the photomontages show additional landscaping and tree planting here – this area is outside the red line boundary, and outside the control of the applicant.

8.0 AA Screening

- 8.1.1. The Planning Authority's report screened out appropriate assessment. The site is located within the built-up area of Ardfert, approximately 2.7 kilometres east of the Tralee Bay Complex SPA 004188 and the Akeragh, Banna and Barrow Harbour SAC 000332. It is considered that the hydrological connection to this SAC and this SPA is indirect, weak and sufficiently remote. Foul runoff and residual surface runoff will ultimately be drained through the public sewerage system.
- 8.1.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.

9.0 Recommendation

I recommend a refusal for the following reason:

10.0 Reasons and Considerations

Having regard to the prominent location of the site, giving onto the main thoroughfare through Ardfert, which is on the Register of Monuments and Places as a Medieval Town, and which is a significant tourist destination in north Kerry, it is considered that the proposed development, consisting of a an apartment block with a mansard roof and gablets would be incongruous in terms of its design, would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, 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.

Natalie de Róiste
Planning Inspector

4 September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322561-25
Proposed Development Summary	Block of 10 apartments
Development Address	Farranwilliam, Ardfert, 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>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 checked="" 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>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold</p> <p>Class 10(b)(iv) [Urban Development – 10 hectares – sub 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>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322561-25
Proposed Development Summary	Block of 10 apartments
Development Address	Farranwilliam, Ardfert, Tralee, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development is an apartment block with 10 apartments in an urban area, connected to public services.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development is in a built up area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)