



An
Coimisiún
Pleanála

Inspector's Report PL-500138-KY

Development	Dwelling and all other site works.
Location	94 Lackabane Village, Fossa, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25/60533
Applicants	Amy Murphy & Galen Carroll
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Nuala & Tim Coffey and Decklin O'Driscoll
Observer(s)	None
Date of Site Inspection	8th January 2026
Inspector	Suzanne White

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1.0 Site Location and Description

- 1.1. The site is located within an existing housing estate, Lackabane Village, on the outskirts of Killarney Town just off the N72, (Ring of Kerry route to Killorglin) on the western approach to the town. The village of Fossa is located c. 0.64km to the west. Lackabane village is a relatively modern housing estate on the northern side of the N72, situated within the rural area. The lands on the southern side of the N72 comprise the Killarney Golf and Fishing Club grounds while to the east is Lackabane Golf Course and beyond which is the Liebherr manufacturing site. Lands immediately to the north of the estate comprise a small wooded area, beyond which are agricultural lands. The lands directly to the west include a small number of single rural houses arranged along the N72, behind which are agricultural lands.
- 1.2. The southern part of the housing estate is on relatively level ground, while the northern part is elevated. The estate road curves around to the east and terminates in an east-west oriented cul-de-sac at the northern extent of the development. The appeal site is situated close to the end of the cul-de-sac on the southern side of the road. Lackabane Village is arranged around a central internal road with several areas of public open space at the southern end and in the central section. The southern part of the estate comprises mainly semi-detached houses, albeit with some detached dwellings, all of two storeys in height and featuring a common design theme which includes a predominantly render finish.
- 1.3. The northern section of the estate, within which the application site is situated, comprises detached houses only, which differ markedly from those in the southern part. There are 16no. houses constructed in this portion of the estate (Nos 83-101). The majority of the dwellings are gable fronted, dormer style houses with a stone finish, though some variation in design (house nos. 91 & 92) and scale (nos. 83, 91 & 101) is evident. The dwellings are split level and there are design differences between those on the northern and southern side of the cul-de-sac road. Those on the northern side have a smaller gable fronted projection combined with a flat roof element and integrated garage at lower ground floor level, facing the cul-de-sac. Those on the southern side, have a wider gable fronted wall and split floor level which descends with the topography to the rear. The application site is the last vacant plot on the southern side of the cul-de-sac. There are two further

undeveloped plots at the end (westernmost side) of the cul-de-sac on its northern side.

- 1.4. The appeal site is a vacant, infill site located between nos. 93&95 Lackabane Village and has a site area of 0.079ha. The depth of the site varies from 39-43m. Ground levels fall away from the public road by approx. 4 metres to the rear boundary. The gradient is steepest at the southern end. There is an existing vehicular entrance from the estate road, with a gate and gate pillars, and a low boundary wall on the northern side. The western, eastern and southern boundaries are defined by concrete block walls.
- 1.5. The existing houses on either side of the appeal site, nos. 93 (one of the appellants' houses) and 95 are consistent with most of the existing dwellings on the southern side of this part of the cul-de-sac road. The two more recently completed dwellings further west, nos. 91&92, are both of contrasting design.

2.0 Proposed Development

- 2.1. The proposed development seeks permission to construct a detached two-storey split level dwellinghouse on the site. The stated floor area is 236.46m². The proposed dwelling would be oriented north-south and located centrally within the northern portion of the site. It would be set back c.7m from the front estate road, providing for parking to the front and a private garden to the rear. It would be single storey in height to the front, increasing to two storeys to the rear, utilising the slope of the site to incorporate a lower ground floor on the southern side. The front elevation would comprise double gables, with a taller gable roof element set back. The rear elevation takes a gable form also and features an overhanging roof above a full width terrace at ground floor level (over lower ground to the rear). The living room at ground floor level on the rear (southern) elevation would feature a vaulted ceiling and full height glazing looking out to the terrace and rear garden. A central courtyard space, enclosed on three sides by the building, would be positioned on the western side of the dwelling. The building would be set back c.3.6 metres from the eastern boundary and c.3.2m from the western boundary. A projecting window, with glazing facing north and south, is proposed on the eastern elevation, serving a playroom. Windows on the western elevation at ground floor level, serving a hallway and living

room, are indicated as clear glazed. The rear elevation would be set back a minimum of c.13 metres from the southern boundary. It incorporates dry moats on either side of the proposed dwelling with a set of external steps leading down to the garden on the western side. The proposed materials are fibre cement slate and render (roofs and walls) and uPVC/AluClad windows. The existing vehicular entrance and boundary treatments are to be retained, albeit supplemented by a mixture of timber fencing and hedging in places. The driveway and parking area is to be finished in a permeable surfacing treatment.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development, by order dated 2nd October 2025, subject to 10no. conditions.

Conditions

Condition 2 related to development contributions.

Condition 8 required that no part of the dwellinghouse be used for the provision of overnight commercial guest accommodation, without prior grant of planning permission.

Condition 10 required that the site be landscaped with indigenous trees and shrubs, in accordance with the indicative landscaping scheme submitted on the 28th August 2025.

Further information

Prior to resolving to grant permission for the proposed development, the Planning Authority sought Further Information from the applicant on 8th August 2025 in relation to:

- The height of the proposed dwelling. The applicant was requested to submit a site section drawing on an east/west axis showing the proposed dwelling in relation to neighbouring dwellings
- Proposals to prevent overlooking onto dwellings to the east and west from the proposed rear balcony.

- Concerns raised in an objection with regard to a proposed chimney stack in relation to fire safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report dated 30th July 2025

- The estate is outside of the development boundary for Fossa and is located within an area zoned "Rural General".
- The site is a vacant infill site in the Lackabane Village residential estate. The estate has been taken in charge by Kerry County Council.
- Planning permission was granted for a dwelling house on this site under pp ref 15/446 but was not commenced. The principle of development on this site has been established.
- The dwellings to the east and west of the site were built to the original design granted for the estate. Dwellings have been built to a more contemporary design on sites nos. 91 and 92 to the west. The dwelling granted under 21/102 has a basement/lower ground floor similar to what is proposed in the current application.
- The site layout plan submitted indicates that the proposed dwelling house is further from the site boundaries to the east and west than the house granted permission under pp ref 15/446.
- The roof pitch would be similar to those of the dwellings to the east and west.
- The dwelling is proposed to have a plain render to the front façade. The dwellings granted on sites 90 and 91 have different finishes to the front façade that were found to be acceptable and provide relief from the expansive use of yellow granite in the estate.
- The dwelling is higher than that previously granted, and an est-west cross section has not been submitted to help to assess the impact on the streetscape.

- In relation to the objection from TII in relation to access onto National Secondary Roads, it should be noted that this site is located within an existing residential estate and permission has been granted previously on this site.

Planner's Report dated 2nd October 2025

- All of the issues raised in the request for further information have been addressed in the particulars received on 28/08/2025.
- The height of the dwelling has been reduced to match that of the previously permitted dwelling house on the site. The proposed dwelling has a narrower footprint than that permission.
- It is considered that the proposed dwelling will not be visually obtrusive.
- Screen glazing has been incorporated into the balcony feature to take account of concerns raised regarding overlooking.
- The chimney feature to the outdoor dining area has been removed.
- The proposed development would not be visually obtrusive or out of character with the surrounding area and would not seriously damage the amenities of adjoining residential properties.

3.2.2. Other Technical Reports: none.

3.3. Prescribed Bodies

TII: the proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.

3.4. Third Party Observations

The Planning Authority received 2no. objections to the application, from the appellants in this case. I consider that the issues raised in the submission are covered in the third-party grounds of appeal.

4.0 Planning History

Application site:

15/446: planning permission granted to construct a two storey dwelling and all associated works (granted outline planning permission under PRR 08/1729) and planning permission under PRR 99/3389 at site no. 94, Lackabane Village.

08/1729: outline planning permission granted to erect 2 no. detached two storey dwellings at site no.s 82 and 96 and refuse outline permission to erect 4 no. detached two storey dwellings at site no.s 91,92,93 and 94. *Note- site no.96 in this application refers to the current appeal site.*

99/33899: permission granted for extension of duration.

99/3389: planning permission granted to erect split-level house type in lieu of previously approved two-storey houses on sites 83-95 & split-level dwellings at site nos. 96-104, revisions to include alterations to site layouts, external cladding with use of natural stone and slate finish.

97/1244: planning permission granted for change of house type from 4 bedroomed detached to 4 bedroomed semi-detached house type b as register reference no 884/94 to include alterations to site layout at sites no 15 and 16.

94/884 – planning permission granted for construction of 161 no. dwellings, service roads, footpaths, ancillary site works and recreation area to serve same.

Nearby sites:

ABP-310021-21 (PA ref. 21/102): permission granted to construct a detached 2-storey dwelling house served by connection to existing mains surface and foul water services together with all associated site works at 92 Lackabane Village, Fossa.

24/60335: planning permission granted to construct extension to existing dwelling house at 91 Lackabane Village.

15/1095: planning permission granted to construct a two storey dwelling house with integrated garage and all associated ancillary site works at 91 Lackabane Village.

5.0 Policy Context

5.1. National Planning Framework – First Revision April 2025

NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2. Section 28 Guidelines

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

DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

5.3. County Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. On the 19th January 2026, Proposed Variation No.2 of the Kerry County Development Plan 2022-2028, relating to Killarney Municipal District Settlements' Plan, was adopted by the Council. Variation No.2 provides a settlement plan for the Killarney Municipal District Area, replacing the Killarney Town Development Plan as contained in Volume 2 of the Kerry County Development Plan 2022-2028 and the Killarney Municipal District Local Area Plan 2018-2024. The Variation to the Plan extends the settlement boundary of the town of Killarney to include the application site.

The relevant policies and objectives pertaining to the proposed development are set out below.

Killarney Municipal District Settlements' Plan

The proposed zoning of the application site is 'R2 - Existing Residential'. The Zoning Objective for R2- Existing Residential (set out in Volume 6 of the CDP 2022-2028) is: *"Provide for residential development and protect and improve residential amenity"* and the description of this zoning is *"For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of*

other uses that support the overall residential function of the area may also be considered”.

KCDP KY-4 Ensure that the town is attractive, liveable, vibrant, and a well-designed urban place with diverse and integrated communities enjoying a high quality of life and promote an enhanced sense of place, liveability and personal wellbeing.

KCDP KY-27 Facilitate the development of 1,277 residential units within the Killarney Town boundary in accordance with the Core Strategy (Table 3.7) housing target for Killarney town in the Kerry County Development Plan 2022 - 2028.

Volume One - Written Statement

Chapter 3: Core Strategy

KCDP 3-4 Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements

Chapter 4: Towns and Villages

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 5: Rural Housing

KCDP 5-23 Ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape.

Chapter 7: Housing for All

KCDP 7-6 Facilitate the housing needs of people in their local communities through actively providing / assisting the provision of housing in settlements as identified in the Settlement Strategy and the Housing Strategy.

KCDP 7-8 Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the policies of the NPF, RSES, Housing for All and the ‘Sustainable Residential Development in Urban Areas’ Guidelines 2009 (DoEHLG).

KCDP 7-12 Support the completion and consolidation of unfinished estates where services have been satisfactorily completed.

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.

Chapter 14: Connectivity

KCDP 14-22 Protect and sustainably develop the County's principal transportation assets including ports, Kerry Airport, and strategic road and rail corridors.

KCDP 14-25 Seek to protect and safeguard the significant investment made in strategic economic infrastructure, in particular the network of roads, the existing rail line to Tralee and major water and wastewater projects, through the promotion of appropriate development and settlement patterns and the integration of land use and transportation activities.

KCDP 14-29 Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.

KCDP 14-30 Avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Volume 6: Development Management Standards and Guidelines.

5.4. Natural Heritage Designations

The nearest designated sites to the appeal site are:

- Killarney National Park SPA (004038) and Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) c. 950m to the south
- Castlemaine Harbour SAC (000343) c. 4.2km to the west

6.0 EIA Screening

6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

The issues raised in the Appellant's grounds of appeal may be summarised as follows:

- Significant concern raised about the proposed height of the dwelling as it will be at odds with the existing houses in the row. The highest element of the house provides no potential use as it is a vaulted space. The proposed height was reduced by only 25cm and is still well out of sync with the other houses in the row.
- Visually, on entrance to the development, the back of this house will significantly stand out comparative to the rest of the houses on the slope at the back of the development.
- Concerns also raised in respect of the proposed external material proposed, which is not in keeping with the rest of the row. The house will not fit in with the specific uniformity of the existing stone houses.

7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The proposed dwelling house is to be the permanent residence of the applicants.
- In response to the Planning Authority's Further Information Request, all ridge levels of the proposed dwelling were reduced without the need to lower the dwelling further into the site. The submitted Site Cross Section drawing demonstrates that the proposal sits within the footprint of the previously approved dwelling and has a considerably narrower profile.
- The proposed dwelling is considered to be modest in form to the estate roadway.
- There is a precedent set for the use of alternative external materials in the estate with houses of varying styles and forms as well as contemporary material palettes. The Planner's Report considered that 'the proposed dwelling will not be visually obtrusive'.

The response includes reference photographs of Nos. 91 & 92 Lackabane Village, an annotated copy of the submitted Site Section drawing and copies of the submitted CGIs.

7.3. Planning Authority Response

Kerry County Council has no specific comments to make on the details submitted to ACP. The Planning Authority is satisfied that the relevant issues were covered in the Planner's Report.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

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

local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Visual impact on the character of the area
- Impact on adjoining residential amenities
- Transport impacts
- Other issues - conditions

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including connection to services. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. Permission is sought for the construction of a new 2 storey detached dwelling house on an undeveloped plot within the Lackabane Village estate, located on the outskirts of Killarney.
- 8.1.2. At the time of the Planning Authority's decision, the site was located outside the settlement boundary of Killarney, within an area zoned "Rural General".
- 8.1.3. As noted above, Variation No.2 of the Kerry County Development Plan 2022-2028 was adopted on the 19th January 2026. Under this Variation, the settlement boundary of the town of Killarney has been extended to include the Lackabane Village estate, within which the application site is situated.
- 8.1.4. The zoning of the site has also changed under the Variation, to "R2- Existing Residential" for which the zoning objective is '*Provide for residential development and protect and improve residential amenity*' and the description is '*For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close*

relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.'

- 8.1.5. Having regard to the zoning objective, I consider that the development of an additional housing unit on the subject site is permissible in principle under this zoning, subject to accordance with other relevant objectives of the Development Plan.

8.2. Visual impact on the character of the area

- 8.2.1. The 3rd Party Appellants, in their grounds of appeal, raise concern in respect of the height and external materials of the proposed dwelling, which they consider will be at odds with the existing houses in the row.
- 8.2.2. The Further Information Request issued by the Planning Authority raised concern in respect of the height of the dwelling, asking the Applicant to submit a site section drawing on an east/west axis showing the proposed dwelling in relation to neighbouring dwellings. On receipt of amended drawings showing the height of the building reduced by 0.29m, the Planner's Report noted that the height of the dwelling had been reduced to match that of the previously permitted dwelling house on the site and concluded that the issue of height had been addressed.
- 8.2.3. The Development Management Standards and Guidelines (Volume 6 of the CDP) at Section 1.5.4 'General Residential Development Design Standards' states that the design and layout of individual dwellings should provide a high-quality living environment and that variety in design, within a unified concept, will generally be required and may be achieved through scale, massing, roof profiles, materials and decorative details. It further states that, in smaller schemes i.e. less than 15 units, uniformity in design and finishes may be acceptable, depending on the site context.
- 8.2.4. I note that the height of the proposed dwelling was reduced, as part of the Applicant's Further Information Response to the Planning Authority, from 7.31m to 7.02m, measured from the lowest ground level of the driveway (43.81m), which itself is slightly lower than road level (44m). When measured from the level of the patio to the rear (41.8m), the height of the dwelling has decreased from 9.32m to 9.03m.

- 8.2.5. The submitted site section drawings show that the revised maximum height of the dwelling would be similar to that of the previously approved dwelling on the site (PRR 15/446). In addition, I note that the height of the proposed dwelling would sit between the ridge heights of the existing dwellings on either side - No. 93 at 51.62m and No. 95 at 50.59m, noting that ground levels slope downwards gradually from west to east. It is also relevant to note that the taller portion of the proposed dwelling is set back and therefore the front portion of the house would sit lower than the front gable walls of the adjoining dwellings. I note that the Appellants have not raised issue with the height of the front portion of the dwelling, which reads as single storey. I consider that this element of the design sits comfortably within the streetscape in terms of its height and form, noting its gabled roof form and setback from the internal access road, which reflect the existing pattern of development.
- 8.2.6. The height of the rear portion of the dwelling would be greater, due to the higher ridge level for this part of the house and given that ground levels fall away to the south. This would be in contrast to the neighbouring dwellings, the massing of which step down with the gradient of the lands to the south. The Appellants consider that, visually, on entrance to the development, the back of the house will significantly stand out comparative to the rest of the houses on the slope at the back of the development.
- 8.2.7. I note that the proposed dwelling would be visible from the estate roads and open space within the southern portion of the estate. In these views, the proposed dwelling would be seen within the context of the surrounding dwellings, including those to the north and west which are situated at a higher ground level. I also note that the existing context includes the recently constructed dwelling at no. 91 Lackabane Village (ABP 310021-21 & PRR 21/102) which also features a two storey south facing gable. Whilst I note the concern raised by the 3rd party Appellants that the height of the rear portion of the dwelling would be taller than the adjoining houses and most of the houses in the row, I consider that it would not be excessively so and that the proposed height and massing of the dwelling can be absorbed within this context, without impacting negatively on the visual amenity of the area. As such, I consider that the proposal would be in accordance with Objective KCDP 11-78, which seeks to ensure that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area.

- 8.2.8. With regard to the proposed materials consisting of fibre cement cladding and render, the Appellant raises concern that these would not be consistent with the yellow granite stone cladding treatment which is the dominant facing material of the other houses in this part of the estate. I note that the Planning Authority did not raise any concern in this regard.
- 8.2.9. The dwellings to the west, at nos. 91 & 92 Lackabane Village and those within the southern portion of the wider estate, feature render, brick and grey stone cladding. I consider that the context is not so sensitive that alternative facing materials to the dominant yellow granite within this part of the estate cannot be considered. I consider that the materials proposed would be complementary to the existing character of the area, noting that the dark colour fibre cement panels and neutral render indicated would reflect corresponding treatments already evident in the estate. I also note that the proposed dwelling form and design has sought to integrate with the character of the existing houses through its part single/part two storey scale, incorporation of gable features and its building line and position within the plot. Consequently, I consider that the proposed development is in accordance with the Development Management Standards and Guidelines of the County Development Plan, which encourages variation within the design of housing developments.
- 8.2.10. Overall, I consider that the proposed development is appropriate to the location and context in terms of its scale, massing, design and siting. I therefore agree with the Planner's Report that the proposed development would not be visually obtrusive or out of character with the surrounding area.

8.3. Impact on adjoining residential amenities

- 8.3.1. The 3rd Party Appellants do not raise concerns in relation to impacts on neighbouring residential amenity in their grounds of appeal. I note that no such issues were raised in submissions, though the Planning Authority sought further information from the applicant in respect of measures to prevent overlooking from the balcony at the rear.
- 8.3.2. Section 1.5.4.10 of the Development Management Standards and Guidelines (Volume 6 of the Development Plan) requires a minimum separation distance between directly opposing above ground floor windows (first floor) of 22 metres for

new, reciprocal overlooking housing, although this will also be informed by considerations such as typography, design, and housing type and mix.

- 8.3.3. The revised drawings submitted by the applicant in response to the further information request show obscure glazed screens of 1.8m in height on either side of the rear balcony. The Planner's Report considered that this was sufficient to mitigate overlooking of neighbouring properties and I concur with this assessment.
- 8.3.4. The eastern elevation of the proposed dwelling includes a projecting window, with glazing facing only north and south, thereby ensuring that no overlooking of the adjoining dwelling would occur.
- 8.3.5. Windows and sliding doors on the western elevation at ground floor level, serving a hallway and living room, are indicated as clear glazed. The window and sliding doors serving the hallway would be set back from the boundary with the dwelling to the west and partially screened by the wall enclosing the courtyard. Given that these are located at ground floor level, are not serving habitable rooms, are set back and partially screened, I consider that they would not result in overlooking of neighbouring occupiers. With regard to the window serving the living room, this would be serving a habitable space and, being set further back within the site would be slightly elevated relative to the neighbouring dwelling. I note that the neighbouring dwelling has two windows towards the rear part of the eastern elevation, facing the application site, which may directly face the western facing living room window in the proposed dwelling. I note that the proposed development includes a substantial level of glazing on the southern elevation serving the same living room. Overall, I consider that it would be appropriate to require that the west facing window serving the living room be conditioned to be obscure glazed, in order to prevent a loss of privacy to neighbouring occupiers, having regard to Section 1.5.4.10 of the Development Management Standards and Guidelines.
- 8.3.6. I measure the minimum separation distance to the dwelling to the south as c.26m. I note that this distance meets the requirements of Section 1.5.4.10 of the Development Management Standards and Guidelines and I consider would be adequate to mitigate the difference in levels between the dwellings, noting also that this relationship would be in line with the existing pattern of development in the estate.

- 8.3.7. Having regard to the part single/part two storey scale of the dwelling and the separation distance to neighbouring dwellings, I do not consider that material impacts would arise in terms of overbearance or overshadowing.
- 8.3.8. Overall, subject to a condition in respect of obscure glazing to the living room window on the western elevation, I consider that the proposed dwelling would be acceptable with regard to adjoining residential amenity.

8.4. Transport impacts

- 8.4.1. Transport Infrastructure Ireland made a submission to the Planning Authority raising concern that the proposed development would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads. TII reaffirmed their position at further information stage.
- 8.4.2. The Planner's Report noted the submission as an objection from TII in relation to access onto National Secondary Roads and commented that the site is located within an existing residential estate and permission has been granted previously on this site.
- 8.4.3. Policy Objective KCDP 14-30 mirrors the requirements of Section 2.5 of the Spatial Planning and National Roads Guidelines 2012 in seeking to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. The proposed addition of 1no. dwelling in Lackabane Village, as proposed, is a potential material contravention of Policy Objective KCDP14-30.
- 8.4.4. I note that Section 2.6 of the Guidelines provides for exceptional circumstances where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan in consultation with the NRA. Factors to be taken into account in such circumstances include 'the nature of proposed development and the volume of traffic to be generated by it' and 'the pattern of existing development in the area'.
- 8.4.5. I note also other relevant Objectives of the Development Plan which support infill residential development in this location. Objective KCDP KY-27 seeks to facilitate the development of 1,277 residential units within the Killarney Town boundary in

accordance with the Core Strategy. Objective KCDP 3-4 seeks to deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements. Objective KCDP 7-6 seeks to facilitate housing need by providing/assisting the provision of housing in settlements. Objective KCDP 7-12 seeks to support the completion and consolidation of unfinished estates where services have been satisfactorily completed. Similarly, NPO 45 supports increased residential density in settlements, through a range of measures including infill development schemes.

- 8.4.6. The Lackabane Village estate comprises 99no. existing dwellings and the proposed development would add one additional dwelling, with two further vacant plots remaining.
- 8.4.7. In this case, I consider that the proposed development would constitute a contravention, but not a material contravention of Policy Objective KCDP 14-30, having regard to the planning history of the site which provided for a residential estate in this location and the limited scale of the proposal and consequent additional traffic generated by it. I note also that the proposed development is supported by other objectives of the Development Plan, particularly those which seek to encourage infill development within existing settlements. Overall, I consider that the proposed development is acceptable with regard to transport impacts.

8.5. Other issues - conditions

- 8.5.1. Condition 8 of the Planning Authority's decision required that no part of the dwellinghouse be used for the provision of overnight commercial guest accommodation, without prior grant of planning permission. I note that, with the adoption of Variation 2 of the County Development Plan 2022-2028, the site is no longer located in a rural area and Objective KCDP 5-23 which seeks to ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape, is no longer relevant to the proposed development. Consequently, I do not recommend that a condition is added in this regard.

9.0 **Appropriate Assessment**

- 9.1. I have considered the proposed dwelling and site works at 94 Lackabane Village, Co. Kerry in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located c. 950m from the nearest European Site.
- 9.3. The proposed development comprises the construction of an infill dwelling within an existing residential estate. See Section 2 of the Inspector's Report for a more detailed description.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - The location of the site within an existing serviced residential estate.
 - The qualifying interests and conservation objectives of the Killarney National Park SPA (004038) and Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) and Castlemaine Harbour SAC (000343)
 - Taking into account the screening determination of the Planning Authority
- 9.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

- 10.1. The subject site is located within an existing residential estate, c.0.86km northeast of the Laune _010 watercourse (at risk) and c.1km north of the Lake Leane 22_210

waterbody (not at risk). The underlying groundwater body is Scartaglin, IE_SW_G_073 (not at risk), which is categorised as poorly performing bedrock.

10.2. The proposed development comprises an infill dwelling within an existing serviced residential estate of c.99no. existing dwellings, which has been taken in charge by Kerry County Council.

10.3. No water deterioration concerns were raised in the planning appeal.

10.4. I have assessed the proposed dwelling at 94 Lackabane Village 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.

10.5. The reason for this conclusion is as follows:

- small scale and nature of the development
- the distance from the nearest water bodies and lack of hydrological connections

10.6. 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.

11.0 Recommendation

11.1. I recommend that planning permission is granted.

12.0 Reasons and Considerations

Having regard to the residential zoning and planning history of the site, the pattern of development in the area and the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out

below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28th August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The roof colour of the proposed house shall be blue-black, black or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason: In the interest of visual amenity.</p>
3	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4	<p>(a) Any damage to the adjoining public footpath/roadway as a result of the proposed development shall be made good at the developer's expense to the satisfaction of the Planning Authority.</p> <p>(b) Appropriate measures shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.</p>

	<p>Reason: In the interests of orderly development and public safety.</p>
5	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
6	<p>a) The proposed window serving the living room at ground floor level on the western elevation shall be obscure glazed.</p> <p>b) The obscure glazed screens of 1.8m in height shall be installed on either side of the rear terrace prior to occupation of the dwelling and retained thereafter.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
7	<p>Prior to the commencement of development, details of the proposed fencing to be added to the southern boundary of the site, including its height and appearance, shall be submitted to and agreed in writing with, the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8	<p>The landscaping scheme shown on the Site Layout Plan, as submitted to the planning authority on the 28th day of August 2025, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

9	<p>Site development and building works shall be carried out only between the hours of [0700] to [1900] Mondays to Friday inclusive, between [0800] to [1400] hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Suzanne White

28th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500138-KY		
Proposed Development Summary	Dwelling and all other site works		
Development Address	94 Lackabane Village, Fossa, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: Suzanne White Date: 28/01/2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-500138-KY
Proposed Development Summary	Dwelling and all other site works
Development Address	94 Lackabane Village, Fossa, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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 c.0.079ha site comprises a vacant plot within an existing estate of c.99no. dwellings. The site is serviced and the estate roads and footpaths are in place.</p> <p>The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p>
<p>Location of development</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 site is not located within any protected areas. The following natural heritage areas are located in proximity to the site:</p> <ul style="list-style-type: none"> • Killarney National Park SPA (004038) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) c. 950m to the south • Castlemaine Harbour SAC (000343) c. 4.2km to the west <p>The development would be located within an existing residential estate 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 site is not considered to be an environmentally sensitive site.</p>

	<p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(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>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: Suzanne White Date: 28/01/2026