



An
Coimisiún
Pleanála

Inspector's Report PL-500387-KY-25

Development	Extension and renovation to dwelling, demolish garage, construct new garage and associated site works
Location	37 Ard na Lí Clounalour, Oakpark Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560560
Applicant(s)	Dermot and Mary Dillane
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Garrett and Anne Sayers
Observer(s)	None
Date of Site Inspection	19 March 2026
Inspector	Natalie de Róiste

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1.0 Site Location and Description

1.1. The appeal site, 37 Ard na Lí, is one of a row of detached bungalows on the east side of the road (Ard na Lí), each with driveways and garages and front and rear gardens. The existing bungalow measures c. 117 sqm, including the attached side garage. The site measures c. 0.14 hectares, with a large rear garden of over 1,100 sqm, c. 60 metres long by c. 18 metres wide. It is located in a mature residential area, with a mix of bungalows and two-storey houses, c. 1.5 km from Tralee town centre.

2.0 Proposed Development

2.1. It is proposed to construct a single-storey rear extension measuring c. 149 sqm, and to demolish the existing garage and provide a driveway leading to a proposed new garage at the end of the rear garden.

2.2. The resulting house would have two enlarged ensuite bedrooms, a gym/office, a utility room, living rooms, kitchen, pantry, plant room, and dining room, as well as an outdoor covered BBQ area. Elevational changes and changes to the internal layout are also proposed.

2.3. Following a further information request, the garage (previously 85 sqm internal area, with a carport-style area of c. 25 sqm) was reduced in size to 68 sqm with a carport-style area of c. 40 sqm, and the covered barbeque area was provided with a flat rather than a pitched roof.

3.0 Planning Authority Decision

3.1. Decision

Permission granted following receipt of Further Information and revised designs, subject to 7 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports, the first dated 28/06/2025 requesting further information and revised designs including the reduction in size of the garage, and a flat roof over the barbeque area to the rear of the extension, the second dated 4/11/2025 recommending a grant of permission.

3.2.2. **Other Technical Reports**

None on file.

3.3. **Prescribed Bodies**

No reports on file.

3.4. **Third Party Observations**

Two received from the appellant (one on the original application, and one following submission of further information), with issues raised as per the appeal.

4.0 **Planning History**

None noted in planner's report, no history files provided.

5.0 **Policy Context**

5.1. **Kerry County Development Plan 2022-28**

The site is zoned R2 (existing residential with the objective to *provide for residential development and protect and improve residential amenity*).

Volume 6 of the plan deals with *Development Management Standards & Guidelines* in Section 1, with *Section 1.5.6.1 Extensions to Dwellings* noting the following:

Rear/Side Extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. First floor rear/side extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, the following will be considered:

- *Degree of overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.*
- *Size and usability of the remaining rear private open space.*
- *Degree of setback from mutual side boundaries. No part of the extension shall encroach or overhang adjoining third party properties.*

1.5.10.9 Sheds/garages/ancillary structures Notwithstanding those developments listed under Class 3, Schedule 2 Part 1 (P & D Regs 2001 as amended), the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1. Site layout planning for daylight and sunlight (BRE 209 2022)

- 5.2.2. These guidelines are referenced in the Compact Settlement Guidelines, and give advice on the achievement of good daylighting and sunlighting. They provide useful guidance on impacts to existing residences.

5.3. Natural Heritage Designations

Ballyseedy Wood SAC 002112 – 2.4 kilometres southeast.

Tralee Bay Complex SPA 004188 – 2.6 kilometres southwest.

Tralee Bay and Magharees Peninsula, West to Cloghane SAC 002070 – 2.6 kilometres southwest.

Tralee Bay and Magharees Peninsula, West to Cloghane pNHA 002070 – 2.6 kilometres southwest.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.5. Water Framework Directive Screening

- 5.5.1. 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, due to the scale and nature of the development.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, against the grant of permission, on behalf of the third party, the neighbour at no 36 Ard na Li, the neighbouring property to the north. Issues raised are summarised as follows.

- No objection in principle to a rear extension, but the proposed design is overscaled and lacks consideration of negative impacts on neighbours to the north, creating overshadowing, overlooking, and negative impacts.
- The rear garden of no 36 benefits from privacy, sunshine, views, and has brought enjoyment to the family for over 60 years. The side boundaries are low, the existing foliage does not provide significant screening, and the side passageways are used for access every day and are currently very private.
- The proposed extension is 25 metres in length, set back 1 metre from the boundary. The 'domestic shed' has a length of 8.5 metres, with a setback of just two metres from the shared boundary. This creates a situation with a building along 60% of the side boundary (33.5 metres out of 55 metres), creating visual enclosure, overbearing impacts, and overshadowing.
- The pattern of development is for extensions of c. 10 metres depth, a more considered approach. An extension of this length should have a greater setback to mitigate its impacts (c. 3 metres).

- The scale of the proposal is out of keeping with the pattern of development, and risks setting a poor precedent.
- There are four new windows and two new doors in the side elevation facing into the garden of no 36, 1 metre from the boundary. There are no dimensions for openings on the drawings, or indication of frosted or clear glass. These details are required to make a proper assessment of their impact. A greater setback, of c. 3 metres, would mitigate overlooking impacts.
- Due to the layout of the houses, the side passage is in everyday use. These are currently very private, notwithstanding the low wall separating them. The proposed new window to the new gym/office would have a negative impact on the use of the private side passage.
- The covered BBQ area adds to the size, bulk, and scale of the proposal, being enclosed and roofed, and appearing to all intents as habitable space when viewed from no 36. This could be removed to reduce the overall length of the extension from 25 metres to 20.5 metres.
- The reduction in size of the garage/store (as submitted following a request for further information and revised designs) does not account for the partly enclosed (fully roofed, and enclosed on two sides) area. The original proposal had a footprint of 135 sqm and showed boats stored inside. The revised area has a footprint of 108 sqm. The covered area should be included in the 70 sqm maximum area.
- The structure has been renamed as 'domestic shed', but retains a garage door. A more appropriate shed door should be provided.
- The planning authority requested the removal of the driveway leading to the new shed. This has been done, but the removal of the side garage leaves the risk of later 'landscaping works' which would allow for use as originally intended, with the risk of disturbance from lights and noise from late night driving. The side passage should be reduced in width from 4 metres to 2 metres to prevent this.
- The elevations only show overall heights. Full dimensions should be shown for assessment and enforcement.

- While it is not legally required to undertake consultation with neighbours, it is good practice, and would have allowed the concerns of the neighbours at no 36 to be addressed.
- If the current proposals cannot be significantly amended or mitigated, a refusal would be in order.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

6.5. **Further Responses**

None received.

7.0 **Assessment**

7.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, and the material submitted by the applicant. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues to be considered are as follows:

- Overshadowing and impacts on sunlight
- Overlooking and impacts on privacy
- Overbearing impacts and impacts on visual amenity
- Disturbance

7.2. **Overshadowing and impacts on sunlight**

- 7.3. The extension is located due south of the appellant's house, and south-west of the appellant's garden. As such, the appellant's property is more vulnerable to overshadowing than the neighbouring property on the other side of no 37. Furthermore, the extension has been situated at the north side of the garden to maximise sunlight to the applicant's garden, and is of considerable length.
- 7.4. I have consulted the the BRE Guidelines *Site layout planning for daylight and sunlight BRE 209 2022*, which sets out guidance on avoiding significant loss of daylight and sunlight to existing buildings. (An earlier version of this document is available on the Office of the Planning Regulator's website). This sets out the benefits of sunlight to gardens, and sets out that if half of an amenity area (like a rear garden) receives at least 2 hours of sunlight on March 21st, it will appear adequately sunlit.
- 7.5. No shadow path diagrams have been submitted by either party. However, having observed the size (and in particular the width) of the gardens on my site visit, having regard to the photographs submitted by the appellant, and having regard to the design of the proposal, I have no concerns regarding overshadowing. All solid structures cast a shadow, and some overshadowing is inevitable in urban and suburban contexts. The proposed extension (while long) is of limited height, with a ridge height of 4.9 metres and an eaves height of c. 2.7 metres to the pitched roof, and a height of c. 3 metres to the flat roof. This, combined with the 1 metre setback, will limit additional overshadowing over and above what is already in evidence from the shared boundary wall and the mature trees. I note the request for a three-metre setback – this would have significant impacts on the design of the extension, without significant benefits to the appellant's property. Overshadowing will be transient, and the appellant's garden will continue to enjoy good sunlight.

7.6. **Overlooking and impacts on privacy**

- 7.7. The appellant has privacy concerns regarding the openings facing their boundary. These include a new window in the existing gable wall to serve the gym/office, which looks onto the side passage, and windows (to the living room, dining room, kitchen,

and wc) and doors (glazed to the utility room, and a solid door to the plant room) in the rear extension, which face the shared boundary between the gardens.

7.8. All of these openings are at ground floor level. The boundary to the rear garden is a concrete block wall, c. 1.8 metres tall closest to the house, reducing to c. 1.4 metres in height towards the end of the garden. As such, I have no concerns regarding overlooking from the windows facing the garden wall. I would note that (while this extension is large, and does not come under the aegis of exempted development regulations) rear extensions with ground floor windows set 1 metre from the boundary are commonly built under exempted development, and are generally considered acceptable. I do not consider a three-metre setback to be required, nor do I consider obscured glass to be necessary.

7.9. Regarding the new window in the gable wall, it is a large window, and there is no proposal to obscure it. The wall here is very low. However, the window looks onto the side passage, which is not an amenity area or a sitting out area, but an area for passing through, and as such I consider it to have low sensitivity to increased overlooking. I would hesitate to condition an increased boundary height here, due to the impacts on daylight to the gable windows of both parties. However, I note the provisions for exempted development set out in the Planning and Development Regulations 2001 (as amended) regarding boundaries to the side of a house as set out in *A Guide to Doing Work around the House* available from the Office of the Planning Regulator website, should either party require more privacy.

7.10. I note the concerns regarding the size of the windows, as no dimensions have been marked on the drawings. Nonetheless, these are scale drawings, and the openings can be measured from same. The standard first condition ensures that developments are carried out in accordance with the drawings submitted.

7.11. I consider impacts on privacy to be acceptable.

7.12. **Overbearing impacts and impacts on visual amenity**

7.13. I note the concerns regarding overbearing impacts, a sense of enclosure, and impacts on visual amenity. It is an extension of significant length, with a ridge height of 4.9 metres to the pitched roof. The ridge is located some four metres from the boundary, with the eaves measuring 2.7 metres. While there will be an expanse of

roof visible from the rear garden of no 37, at a location where there is little screening cover, I do not consider the visual impacts to be so significant as to warrant a refusal. I note the flat roof over the linking section and over the barbecue area is of limited height, and serves to break up the volume of roof. I have no concerns regarding overbearing impacts on the appellant's house, due to the location and orientation of their windows. The garage is located at the end of the garden, with considerable screening foliage on the appellant's side. On the whole, I consider visual impacts acceptable.

7.14. Disturbance

7.15. The garage was reduced in size to comply with Development Plan standards. It remains a large garage – in footprint, if not height – but I do not consider it overscaled, considering the very large garden, and the distance from neighbouring houses. I note the concerns regarding potential for future night-time vehicular access to the shed at night, due to the removal of the side garage and the resulting width of the side passage. I do not consider an amending condition to limit the width of the side passage to be justified. The main entrance porch to the house has been provided to the side, and the car parking to the side is sensible. Similarly, the suggestion that the garage door should be replaced by a smaller door to prevent the potential use as a garage or boat store does not appear to me to be warranted. There is no indication on the file that the shed would be used intensively, late at night, or in a manner that would be disruptive to the peace. I do not consider the normal domestic use of the shed ancillary to the house likely to be so disruptive to the neighbouring properties as to warrant amendments to the design. I note a number of similar houses on the street have vehicular access to the rear. A condition regarding noise might usefully be attached in the event of a grant of permission.

7.16. Other issues

7.17. I note conditions have been attached regarding development contributions, materials, regarding the future use of the garage, and minor technical issues. These are reasonable. A condition on building hours is also appropriate.

8.0 AA Screening

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

- 9.1. I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-28, the character of the street, the scale and nature of the domestic development, and the suburban context, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area.

11.0 Conditions

1. 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 15th day of September 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.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. (a) The Developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.

(b) Any damage to the adjoining public footpath/roadway as a result of the development shall be made good at the developer's expense to the satisfaction of the Area Engineer.

Reason: To avoid a traffic hazard and protect public property.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed shed shall be restricted to domestic storage only (as specified in the lodged documentation), and not for any commercial, habitation or agricultural uses, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of residential property in the vicinity.

6. The dwelling house and proposed garage shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

Reason: To regulate and control the density of development on this site in the interest of orderly development.

7. Noise levels from the shed should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Reason: To protect the amenity of neighbouring residences, and to regulate the use of the property.

7. Site development and building works shall be carried out between the hours of 7 a.m. to 7 p.m. Mondays to Fridays inclusive, between 8 a.m. and 2 p.m. on

Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

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
24 April 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	500387-KY-26
Proposed Development Summary	House extension and garage
Development Address	37 Ard na Lí, Clounalour, Oakpark, Tralee, Co. Kerry
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

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

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____