



An
Coimisiún
Pleanála

Inspector's Report PL-500476-KY-25

Development	Retention of storage shed		
Location	Poulawaddra, Ballyseedy, Tralee, Co. Kerry		
Planning Authority Ref.	25238		
Applicant(s)	Margaret Kelly		
Type of Application	Retention	PA Decision	Grant
Type of Appeal	Third Party	Appellant	Aileen Colley
Observer(s)	None		
Date of Site Inspection	25/05/2026	Inspector	Lorraine Dockery

1. Site Location/ and Description.

The subject site, which has a stated area of 0.39 hectares is located within the townland of Poulawaddra, Ballyseedy, Tralee, Co. Kerry. The site contains a single-storey, detached dwelling and subject shed for retention. The shed is sited to the front of the dwelling, abutting in part the property's front boundary wall, proximate to the public road, in the NW corner of garden.

This is a rural area. The site is accessed from a narrow county roadway (L-2012) and a number of dwellings on individual plots are noted along its length.

2. Proposed Development. Retention of shed. Stated floor area of 9.6m².

Maximum height of 2.3m. Smooth plaster finish to external walls with profiled sheeting to roof. A window is located on both the east and west elevations with doorway on southern elevation. Stated use for storage.

3. PA's Decision- Grant permission, subject to 3 conditions.

Internal Reports

Environmental Assessment Unit- proposed development would not have required an AA or EIA

Prescribed Bodies

None

4. Planning History.

ABP-320553-24- Section 5 referral on foot of Warning Letter from planning authority (Ref. 9761)- replacement of an unstable shed to the front of the referrer's property with a shed of similar scale and size is development and is not exempted development

13/554- Retention permission granted for the demolition of an old dwelling house, and permission to retain and complete existing dwelling house as built on-site complete with all ancillary site works associated with the development.

13/160- Permission GRANTED for refurbishment of existing dwelling with elevational changes, new extensions and ancillary site works

5.1. National/Regional/Local Planning Policy

- Kerry County Development Plan 2022-2028 applies
- Site is located within a 'Rural areas under significant urban influence' classification associated with Tralee town.
- Site does not contain any heritage designations (e.g., archaeological monuments, protected structures, architectural conservation area) and is not located within/ subject to any other CDP designations (visually sensitive area, protected views and prospects, wind energy, flood risk).

5.2 Natural Heritage Designations The site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site. The site is c.260m west of Lisardboola Stream.

The closest European Sites are as follows:

- Slieve Mish Mountains SAC (Site Code: 002185)- c.640m to the southwest.
- Ballyseedy Wood SAC (Site Code: 002112)- c.1.08km to the north.

6. The Appeal

6.1 Third Party Appeal. Grounds:

- Window on west elevation and doorway on south elevation overlooks their property and affects their privacy
- Original shed was smaller in size and lower in height with no view directly into their property
- Outlines planning history of site
- Proposal not in compliance with Condition No. 6 of Reg. Ref. 13/554
- Contends that shed is too close to public road; doesn't allow for potential road widening
- Contends that any shed should be located to the side/rear of property behind the building line
- Road safety concerns- impacts on sightlines from their property and that of applicant
- Negative impacts on the enjoyment of neighbouring property

6.2 P.A. Response

None

6.3 Further Responses

A response was received on behalf of the first party, which is summarised as follows:

- Window and door in question had been in place for circa 100 years in previous structure
- Original structure was pumphouse for well
- Original structure was nearer roadway than that currently proposed for retention
- No plans in existence for widening of public roadway
- No issue with sightlines from their property

6.4 Observations

None

7. EIA Screening:

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

8. AA Screening:

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

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Slieve Mish Mountains SAC (Site Code: 002185)- c.640m to the southwest of the proposed development.

The proposed development is located within a rural area on a site which is residential in nature and comprises the retention of a detached domestic shed on a serviced site.

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

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development on a serviced site, distance from European Sites, together with absence of ecological pathways to any European Site.
- The report of the planning authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9. Water Framework Directive

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water body in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- The nature of the proposed development due to size and scale.
- The location of the nearest water bodies,
- Reports of the planning authority

10.0 Assessment

- 10.1 I have read all the documentation attached to this file including the appeal submission, first party response, the reports of the planning authority, in addition to having visited the site.

10.2 I highlight to An Coimisiún that there is a substantial volume of commentary/allegations contained within the file. I have not had regard to any such material and am basing my assessment solely on the proper planning and sustainable development of the area.

10.3 The main issues raised in the appeal submission relate to the impacts of the proposed shed for retention on the (i) visual and residential amenity and enjoyment of the appellant's property (ii) traffic safety concerns and (iii) other matters namely compliance with condition of previous grant of permission on the site.

Visual and Residential Amenity Matters

10.4 I note that the stated floor area of the proposed storage shed is 9.6m² with maximum height of 2.3m. A smooth plaster finish to external walls with profiled sheeting to roof is proposed. A window is located on both the east and west elevation with doorway on southern elevation. The stated use for this structure is as storage. The planning authority note that it is a replacement of an existing shed that was previously on site. The planning authority state that given its size and scale, and in the context of the previously existing shed on site, they consider that the proposal would not have a significant negative visual impact. Having visited the site, I noted that the proposed structure for retention is relatively unobtrusive at this location and is not unduly visible as one travels along the local road. I note that historically there was a structure at a similar location on the site, with stated use as a pumphouse. The previous structure is visible in photographs attached to previous history files (13/554 and 13/160). The subject site does not contain any heritage designations (e.g., archaeological monuments, protected structures, architectural conservation area) and is not located within/ subject to any other Development Plan designations (visually sensitive area, protected views and prospects). The proposed structure for retention is currently partially screened by planting, although I accept that this planting may not always be in situ. Irrespective of the planting, I consider that the small-scale nature of the proposal is such that it would not impact on the visual amenities of the area, to such an extent as to warrant a refusal of permission.

10.5 I note concerns raised in the third-party appeal regarding impacts on residential amenities, in particular overlooking impacts and impacts on privacy. The planning authority have not raised concerns in this regard and state that the proposed

structure would not be injurious to the residential amenity of the area, given its proposal for storage, or seriously injurious to the privacy of the adjoining property. I concur with the opinion of the planning authority in this regard. Any overlooking would primarily be limited to the appellant's front/side garden area. The extensive garden area to the rear of the appellant's property is noted. The existing boundary between the two properties is noted. The use of the subject structure as a storage shed is also noted- a non-habitable use is proposed. I am satisfied in this regard. I consider that any such impacts would not be so great as to warrant a refusal of permission or alteration to the design proposed.

Traffic Matters

- 10.6 I note concerns were raised in the third-party appeal submission regarding impacts of the proposal on sightlines, traffic safety and concerns regarding impacts the proposal may have on future road widening in the vicinity.
- 10.7 In terms of future road widening, I note the nature of the road, namely a narrow country local road. I have no information before me to believe that there are any plans to widen this country road in the near/medium-term future. The planning authority have not raised concerns in this regard.
- 10.8 Concerns regarding impacts on sightlines are noted from both the appellant's property and that of the first-party. The first-party state that the proposal has no impacts on sightlines at their property. I note that given the road width, speeds are low on this roadway. It is lightly trafficked; I noted one other vehicle travelling along the road during my site visit. It is a relatively straight stretch of roadway. I consider that any impacts on sightlines from the proposed shed for retention, for either property, would not be so great as to warrant a refusal of permission.
- 10.9 Having regard to all of the information before me, I have no information to believe that the proposal, if permitted, would lead to the creation of a traffic hazard or obstruction of road users. The planning authority have not raised concerns in this regard.

Other Matters

- 10.10 I note a grant of permission on this site (Reg. Ref 13/554) for retention of the demolition of an old dwelling house, and permission to retain and complete existing

dwelling house as built on-site complete with all ancillary site works associated with the development. As highlighted by the third-party, Condition No.6 attached to the that grant of permission stipulated that 'No part of any garage or other exempted structure shall be erected within 4.5metres of the centre of any divisional boundary or adjoining property on either side of the proposed dwelling house'. I acknowledge that the subject structure is located within 4.5 metres, just inside the front boundary wall. As stated above, a similar type structure appears to have been in place at this location at the time of that grant of permission. Notwithstanding Condition No. 6 of 13/554, I consider that it is open to An Coimisiún to grant permission for the said structure.

10.11 Issues raised in relation to the planning history/enforcement matters are considered to be outside the remit of this appeal.

10.12 Conclusion

10.13 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

11. Recommendation

11.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the subject development.

12.0 Reasons & Considerations

In the context of there previously being a shed in this approximate location, and having regard to the scale, height and stated use 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 residential or visual amenities of the area nor would it lead to the creation of a traffic hazard or obstruction of road users. The proposed development is, therefore, considered to be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application, 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 storage shed shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial, habitable or agricultural purposes Reason: In the interest of clarity and orderly development
3.	The existing dwelling and the proposed shed for retention shall be jointly occupied as a single residential unit and the storage shed shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling. Reason: To restrict the use of the extension in the interest of residential amenity

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Lorraine Dockery

Senior Planning Inspector

08th September 2026

Appendix 1- Form 1 - EIA Pre-Screening

Case Reference	PL-500476-KY--25
Proposed Development Summary	Retention of storage shed
Development Address	Poulawaddra, Ballyseedy, 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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ 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
☒ 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?	
☒ 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.	
☐ 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
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Lorraine Dockery **Date:** 08th September 2026