



An
Coimisiún
Pleanála

Inspector's Report

PL-500789-KY-26

Development	Retain concrete foundation for domestic garage and planning permission to complete same on site.
Location	Knockenagh South, Listowel, Co Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	256275
Applicant(s)	Dan Dowling.
Type of Application	Retention and permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Norma Leahy.
Observer(s)	None.
Date of Site Inspection	2 nd April 2026.
Inspector	Ann Bogan

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	3
4.0	Planning History	5
5.0	Policy Context	5
6.0	EIA Screening	5
7.0	The Appeal	6
8.0	Assessment.....	7
9.0	AA Screening	9
10.0	Water Framework Directive.....	10
11.0	Recommendation	11
12.0	Reasons and Considerations	11
13.0	Conditions.....	11
	Appendix 1: Form 1 EIA Pre-Screening.....	13

1.0 Site Location and Description

- 1.1. The site is located in a rural area at Knockenagh South, 5.3km from Listowel, Co Kerry. A recently constructed detached single storey dwelling is located on the rectangular 0.290ha site. The ground falls across the site from north-east to south-west and the ground level has been built up to form a level base for the house, resulting in a sharp change in level from the house to the south-eastern end of the site. A concrete foundation for a garage has been constructed to the rear of the dwelling close to the south-western corner of the site and backs on to the rear site boundary.
- 1.2. The site is bounded by lands in agricultural use and an access to the agricultural lands to the rear has been maintained along the northwestern boundary of the site. There is a dwelling (the appellants) located approximately 75m to the north east of the site, separated from the site by a grassed field (also stated to be in ownership of appellant). Farm buildings and two dwellings are located on the opposite side of the road to the site.

2.0 Proposed Development

- 2.1. The development consists of:
 - Retention of a concrete foundation for a domestic garage (in a different location to the garage previously permitted)
 - Completion of a 31.5sqm garage with a ridge height of 4.5m, and slate roof. A garage door is located in the front elevation, with two windows located in the north-west facing side elevation and a pedestrian door in the south-eastern elevation.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant retention permission for the concrete foundation for domestic garage and permission for completion of the garage, subject to five largely standard conditions. Condition No 4 requires that the garage shall be used for domestic storage purposes only and not for any commercial, habitation or agriculture uses.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The location of the garage is different to that originally granted permission in PRN 23/559, however the change does not affect the principle of the development
- Considered that location “does not create a detrimental visual impact and the dwelling and garage are no more obtrusive” than the permitted location under 23/559. Grant of permission to retain and complete the garage recommended
- EIA: proposed development is significantly below the mandatory thresholds for residential projects and it is considered this proposal is not one which requires EIA screening or EIA
- It is considered there is no likely potential for significant effects to Natura 2000 sites and AA is not required.

3.2.2. Other Technical Reports

- Listowel Roads Office: grant subject to conditions relating to entrance, surface water disposal, sightlines etc.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

One third party submission received (from appellant); issues raised are similar to those raised in the appeal:

- Garage is not located in the permitted location
- New location will be directly down from her house and will be more obtrusive than original location
- New garage would take away from a potential house site between the two houses

4.0 Planning History

- 4.1. PRN 23/559 Permission granted to Dan Dowling on 29th December 2023, for three bed bungalow with wastewater treatment unit and soil polishing filter and domestic garage, subject to 18 conditions, including condition No 16 requiring the garage to be located in the position shown on drawings submitted, and condition No 17 requiring finishes to match those of the dwelling house.

Note

A history file attached and referenced in PA planner's report is for a site in Killeagh, Castlemaine, Co Kerry, and does not relate to subject application site or a nearby site: (PRN 03/2978 Permission granted to Aidan Dowling to erect dwelling house with septic tank and percolation area at Killeagh Castlemaine).

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2022-2028

Volume 6 Development Management Standards and Guidelines

Section 1.5.10 addresses standards applying to residential development in rural areas:

Sub section 1.5.10.9 Sheds/garages/ancillary structures states:

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. Natural Heritage Designations

Site is 1.5km north west of River Galley which is within the Lower River Shannon SAC (Site Code 002165)

6.0 EIA Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

- When application for dwelling was made only the gable end with four plain rectangular windows was facing her property and she was happy the garage was at far end of house and would not impact visually on her house
- Did not object to house as it was an old neighbour but noted condition prohibiting use as private residence and thought build would not go ahead as applicant was living in London
- Notes that condition No 16 of parent permission states that garage was to be located as shown on drawings and condition No 17 requires that external finishes should match the dwelling house
- Applicant commenced construction of garage in new location knowing that planning permission was required; contends that breaking of planning law should not be rewarded by allowing this retention application
- Does not accept applicant's justification for moving the garage due to the slope of site, as this has not changed since original planning permission was granted.
- Speculates that applicant, who has constructed a patio door in the north-west elevation not shown on permitted drawings, may intend to construct a sunroom there and the garage was moved to facilitate such a move
- New location of garage is much closer to her house and combined with the side elevation of the house will have a visual impact on the view from her house
- Would have objected to the original application if garage was shown in that position
- Is concerned that garage will have an impact on the building of a second house on her site, if member of her family applies for permission in future for a home there. Garage in original position would give more light and privacy to a future house on her site.

- If retention is granted does not want two windows of garage facing her house
- Windows in house appear to be white and of different design to those permitted and she has raised this with enforcement section of Kerry County Council, as condition No 5 of parent permission required that use of white PVC in windows, doors etc shall not be permitted and that all windows and doors shall be of timber construction,
- In that context notes condition 17 requires materials and finishes to garage, to match the dwelling house, and queries what windows will garage be permitted to have.

7.2. Applicant Response

- Notes that appellant does not reside at the address in adjoining field but lives elsewhere; she inherited house from a relative and it appears to be rented as different people have been staying there
- Drawing accompanying response indicates distance from appellants house to applicant's house as 100m.

7.3. Planning Authority Response

- None

7.4. Observations

- None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues to be considered in this appeal are as set out below:

- Impact on amenity of neighbouring properties

- Other matters

8.2. Impact on amenity of neighbouring properties

- 8.2.1. As mentioned above, the governing permission for the dwelling (Ref. 23/559) includes a condition (No. 16) requiring the garage to be positioned as shown on the drawings submitted with the application. The current application proposes to relocate the garage to the opposite side of the house to that permitted, and foundations for same are in place. A letter from the applicant on the governing application file states that the justification for the relocation of the garage is “due to the difficult slope of the site”.
- 8.2.2. The design and layout of the garage is similar to that permitted in the original application. The proposed garage is 6.7m to the rear of the dwelling, approximately 6m from the side site boundary and 1m from the rear boundary.
- 8.2.3. I noted during the site inspection that following construction of the dwelling, there is a change in ground level on the south-east of the dwelling which would make it more difficult to access the garage, if constructed in the original location. I accept that access to the garage from the dwelling and site entrance would be more straightforward at the proposed new location, due to ground levels.
- 8.2.4. The garage as now proposed, is approximately 80m from the dwelling to the north-west (the appellants). The on-site dwelling, which has four windows in the side gable wall, is approximately 85m from the neighbouring dwelling. In my opinion the relocation of the garage will not result in any significant deterioration in visual amenity when viewed from the neighbouring dwelling, taking into account the already permitted dwelling constructed on the site, the fact that the garage is 6.7m to the rear of the dwelling and the house and garage will read as two separate structures, and the distance of the garage from the site boundary and from the neighbouring dwelling.
- 8.2.5. The garage has two windows facing the appellants property. However, due to the distance of the garage from the boundary and from the appellants house, and the fact that there are already windows in the house on site facing towards the neighbouring house, I believe the windows are very unlikely to impact negatively on the amenity of the neighbouring dwelling or property. However, the Commission may consider it appropriate to include a condition requiring the garage windows to be of opaque glass,

to address the concerns raised by the appellant, that the windows would impact the privacy of her dwelling and of any future dwelling permitted on her land.

8.2.6. I agree with the PA planning officer that the change of location of the garage does not impact on the principle of the development permitted under the parent permission.

8.2.7. I note that any future application for permission for a dwelling on the neighbouring land will be required to be considered on its own merits.

8.2.8. I recommend permission be granted and recommend inclusion of the substance of the planning authority's conditions.

8.3. **Other matters**

8.3.1. The appellant raises a number of matters relating to the governing permission for the dwelling on the site and alleges unauthorised development. These include issues relating to design of windows and doors and roof lights and additional windows in the dwelling as constructed and concerns as to possible use of the dwelling as a holiday home. These concerns relate primarily to the governing permission for the dwelling, rather than to the current application, and are therefore not for consideration by the Commission as part of this appeal.

8.3.2. Enforcement of alleged non-compliance with the governing permission or of unauthorised development is a matter for the Planning Authority, rather than the Commission.

9.0 **AA Screening**

9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is 1.5km km north-west of the Lower River Shannon SAC (Site Code 002165). The proposed development comprises retention of a concrete foundation for a domestic garage and completion of the construction of said garage at Knockenagh South, Listowel, Co Kerry.

9.2. No nature conservation issues were raised in the planning appeal.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of works i.e. small scale and nature of the development
- Location and-distance from nearest European site and lack of connections.

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (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 at Knockenagh South Listowel, Co Kerry and the nearest waterbody is the River Galley which is 1.5km from the site.

10.2. The proposed development consists of retention of a concrete foundation for a domestic garage and completion of construction of said garage.

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

10.4. I have assessed the proposed 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.

10.5. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The distance from 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. Grant permission for retention and permission for completion of garage.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of the Kerry City and County Development Plan 2022-2028, the planning history of the site, and the nature and scale of the development, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive and would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The concrete foundation shall be retained and the domestic garage shall be completed 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.

Reason: In the interest of clarity.

2. All proposed external materials and finishes to walls, roof and windows of the proposed domestic garage shall match those of the dwelling house, as required by the governing permission for the dwelling (Ref 23/559).

Reason: In the interest of visual amenity and to integrate the structure into the surrounding area.

3. The garage shall be used for purposes ancillary to the enjoyment of the dwelling and shall not be used for habitation or for commercial purposes

Reason: In the interest of clarity and to regulate the use of the site.

4. Any external lighting on the garage shall be shielded and directed away from the public road and shall not be visible from any point more than 100m from the light.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

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.

Ann Bogan
Planning Inspector

20th April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500789-KY-26
Proposed Development Summary	Retain concrete foundation for domestic garage and planning permission to complete same
Development Address	Knockenagh South, Listowel, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ann Bogan Date: 20th April 2026