



Inspector's Report

PL-500855-KY-26

Development	Construction of dwelling as per grant of outline permission ABP-314276-22 and associated site works.
Location	Rear of St. Mary's Terrace and St. Mary's Road, townland of Inch, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25172
Applicant(s)	Robert Killeen
Type of Application	Permission Consequent on Grant of Outline
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Gerard MacSweeney
Observer(s)	None
Date of Site Inspection	28/04/2026
Inspector	Lorraine Dockery

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	4
5.0	Policy Context	5
6.0	EIA Screening	6
7.0	The Appeal	6
8.0	Assessment.....	7
9.0	AA Screening	11
10.0	Water Framework Directive	Error! Bookmark not defined.
11.0	Recommendation	11
12.0	Reasons and Considerations	12
13.0	Conditions.....	12
	Appendix 1: Form 1 EIA Pre-Screening	16

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.072 hectares, is located to the west of Killarney town centre, Co. Kerry. It is located to rear of a row of cottages known as St. Mary's Terrace/St. Mary's Road and is accessed from a rear laneway.
- 1.2. The site currently contains a garage, with the remainder of the site under grass. This is an established residential area characterised primarily by terraced cottages.

2.0 Proposed Development

- 2.1. The proposal consists of the construction of dwelling consequent on grant of outline permission ABP-314276-22 and associated site works.
- 2.2. The proposed three-bedroom dwelling has a stated floor area of 115m². A new connection to the mains water supply is proposed, together with a new connection to the public sewer.

3.0 Planning Authority Decision

3.1. Decision

Permission Consequent of Outline Permission GRANTED, subject to 10 no. conditions.

- 3.1.1. Further Information was requested by the planning authority with regards to compliance with conditions of ABP-314276-22 and clarification in relation to location of boundary. The applicant submitted Further Information as requested, which the planning authority deemed significant and requested the submission of revised public notices. These were received by the planning authority on the 23rd December 2025.

- 3.1.2. I am assessing the proposal, as per that amended by the Further Information response.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two Planner's reports. The first requests Further Information from the applicant while the second report reflects the decision of the planning authority; recommends grant of permission

- 3.2.2. Other Technical Reports

Roads and Transportation Department- Proposal not acceptable, should revert to what was permitted under grant of outline permission (dated 12/08/2025). Subsequent report was received (dated 23/01/2026), following submission of FI response. Conditions recommended.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A number of observations were received by the planning authority, many raising issues similar to those contained in the planning appeal. Further submissions were received in response to the Further Information response from the applicant.

4.0 **Planning History**

4.1. The most recent relevant history on this site is as follows:

ABP-314276-22- Outline Permission GRANTED for the construction of a dwelling and ancillary site works, subject to 8 no. conditions, as follows:

Condition No. 1- Standard condition

Condition No. 2- Limited to a single storey dwelling with no attic accommodation

Condition No. 3- Plans and particulars to be lodged for permissions consequent on grant of outline permission

Condition No. 4- Standard condition, connection agreements with Uisce Eireann

Condition No. 5- Standard water supply and drainage arrangements condition

Condition No. 6- Closure of existing unauthorised vehicular entrance along northern boundary and replaced by concrete block wall

Condition No. 7- standard condition undergrounding of cables

Condition No. 8- Contribution condition

There are a number of historic applications referenced in the Planner's Report for denser levels of development than that currently proposed.

5.0 Policy Context

5.1. National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Guidelines on the Information to be Contained in Environmental Impact Assessment Reports
- Climate Action Plan 2025 (as informed by Climate Action Plan 2024)

Other policy documents of note:

- National Planning Framework, First Revision
- Regional Spatial & Economic Strategy for the Southern Region
- Our Rural Future: Rural Development Policy 2021-2025

5.2. Local Planning Policy

Development Plan

The Kerry County Development Plan 2022-2028 applies.

The Killarney Town Development Plan 2009-2015 (as extended and varied) is incorporated into the Kerry County Development Plan 2022-2028.

Zoning- Objective RS – Existing Residential on Map B – Killarney Town zoning map.

Volume Six of the Plan includes (1) Development Management Standards & Guidelines.

Section 1.5 refers to Residential Development

5.3. **Natural Heritage Designations**

Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (Site Code: 000365) and Killarney National Park SPA (Site Code: 004038) are located within 500m of the site.

6.0 **EIA Screening**

6.1. See completed Form 1 on file. 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 Act. 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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- Concerns regarding Conditions 3(e) and 3(f) of planning authority's decision to grant permission; considers wording to be inadequate
- Concerns regarding width of external walls, lack of details relating to foundations and external walls; concerns regarding type of construction and materials proposed
- Concerns regarding impacts on design and character of the built environment in the vicinity; design at variance with other houses in neighbourhood and will adversely affect amenities of same; extent of glass/windows/doors

- Not possible to integrate with character of existing properties; only detached property in back garden area in this neighbourhood

7.2. **Applicant Response**

None

7.3. **Planning Authority Response**

None

7.4. **Observations**

None

7.5. **Further Responses**

None

8.0 **Assessment**

8.1. Having regard to the requirements of the Planning and Development Act, 2000 (as amended), this section considers the likely consequences for the proper planning and sustainable development of the area. 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, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of proposed development/policy context
- Design and layout
- Impacts on residential amenity
- Other matters

8.2. The proposal as amended by the Further Information response to the planning authority comprises a traditional style, single storey dwelling, together with ancillary site works. The proposed mezzanine attic level for storage purposes only was omitted as part of the Further Information response to the planning authority. I highlight to An Coimisiún that it is the proposal, as amended by the Further Information response, which I am assessing.

8.3. **Principle of proposed development/policy context**

8.3.1. The principle of development was established by the grant of outline permission, under ABP-314276-22.

8.3.2. The site is zoned Objective RS – Existing Residential within the Kerry County Development Plan 2022. Residential development is acceptable in principle under this zoning objective. The proposal is considered to be in compliance with local, regional and national guidance in relation to densification of urban areas and the provision of appropriate development on serviced urban, infill sites. I am satisfied in this regard.

8.4. **Design and Layout**

8.4.1. The proposed development provides for a single storey dwelling and ancillary site development works. Rooflights are proposed.

8.4.2. The third-party appellant has raised concerns with regards the wording of Conditions 3(e) and 3(f) of the planning authority's decision to grant permission.

8.4.3. The grant of permission for outline permission (ABP-314276-22) stipulated that the dwelling be limited to a single storey dwelling, with no attic accommodation (Condition No. 2). The proposed dwelling has a height of 6.103m. No attic accommodation is proposed- the mezzanine was omitted in the drawings received as part of the Further Information response to the planning authority. I therefore consider that the proposal is in compliance with Condition No. 2 of ABP-314276-22. Condition No. 3(e) of the grant of permission which issued in this current application for permission consequent on grant of outline permission states that 'The dwelling house shall be a single storey dwelling, with no attic development'. I consider the wording of this condition to be clear. It is again noted that the mezzanine was omitted in the response to the FI to the planning authority, together with the access staircase (received by planning authority on 12/12/25).

8.4.4. Condition No. 3(f) of the grant of permission which issued from the planning authority states that 'The proposed rooflights shall be omitted', I do not consider there to be any ambiguity in this regard. I recommend a similarly worded condition be attached to any grant of permission.

8.4.5. The floor area is marginally smaller than that permitted under the grant of outline permission (120m² permitted under outline permission; 115m² stated as proposed in this current application). The positioning on site is similar, as is the footprint of the proposed

dwelling. Any differences are considered minor in nature and not material. I am generally satisfied with the design solution put forward. A white plaster finish is proposed to external elevations and a slate pitched roof. I am satisfied that the proposed dwelling would not detract from the character of the area, would integrate successfully with existing development in the vicinity and would not detract from the visual amenities of the area.

8.5. Impacts on Residential Amenity

- 8.5.1. Concerns were raised in the third-party submission regarding impact on the residential amenities of adjoining properties. Again, the principle of the proposal was accepted under the grant of outline permission.
- 8.5.2. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that any impacts are in line with what might be expected in an area such as this. Given the height and design of the proposed dwelling, I consider that the proposed house would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established area, where there are adequate services, facilities and employment in close proximity.

8.6. Other Matters

- 8.6.1. Any matters of unauthorised development are outside the remit of this planning authority, a matter for the planning authority.
- 8.6.2. The construction methodology and construction materials fall under the remit of the Building Regulations, outside of the planning code.
- 8.6.3. I concur with the opinion of the planning authority that the concrete block wall along the length of the northern boundary should be rebuilt to a height of 1.8m, prior to the commencement of development. It should be suitably capped and rendered on both sides. This matter could be adequately dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission.

Consideration of Local Authority Conditions

8.6.4. Table 1 below details the reasoning behind my recommended conditions for the proposed development.

Table 1:

PA Condition No.	Subject	Included/Modified/Excluded in Schedule of Conditions and reasons
1	Plans and Particulars	Modified Covered in Condition No.1 (Standard ACP condition)
2	Contributions	Modified Covered in Condition No.10 (Standard ACP condition)
3	Built in accordance with revised drawings	Modified Covered in Condition No. 2
4	Boundary treatment	Modified Covered in Condition No.2
5	Connections to services	Modified Covered in Condition No.7 (Standard ACP condition)
6	Roads	Modified Covered in Condition No.8 (Standard ACP condition)
7	Working hours	Modified Covered in Condition No.4 (Standard ACP condition)
8	Roads	Modified Covered in Condition No.8 (Standard ACP condition)
9	Roads	Modified Covered in Condition No.8 (Standard ACP condition)
10	Roads	Modified Covered in Condition No.8 (Standard ACP condition)

9.0 AA Screening

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:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams etc where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- Taking into account screening report by the PA

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

10.1.1. 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
- The location of the nearest water bodies
- Lack of hydrological connections, site characterization assessments

11.0 Recommendation

11.1. I recommend that permission consequent on grant of outline permission be GRANTED

12.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Kerry County Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed dwelling house would not seriously injure the character of the area or the amenities of property in the vicinity, would provide an adequate standard of residential amenity to future occupiers 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 in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 12/12/2025 and 25/12/2025, 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>(a) The proposed dwelling shall be single storey only.</p> <p>(b) All proposed rooflights (6 no.) shall be omitted from the proposal</p> <p>(c) Prior to the commencement of any works on site, the concrete block wall along the length of the northern boundary shall be rebuilt to a height of 1.8m, suitably capped and rendered on both sides.</p>

	<p>Reason: In the interests of clarity and the proper planning and sustainable development of the area</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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 amenities of property in the vicinity.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Eireann.</p> <p>Reason: In the interests of public health</p>
8.	<p>The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters</p> <p>Reason: In the interests of public safety</p>

9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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 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 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

05th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500855-KY-26
Proposed Development Summary	Construction of dwelling consequent on grant of outline permission ABP-314276-22 and associated site works.
Development Address	Rear of St. Mary's Terrace and St. Mary's Road, townland of Inch, Killarney, 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	State the Class here

<p>be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><input 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.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

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

Inspector: Lorraine Dockery

Date: 05th May 2026

Appendix 2- Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	PL-500855-KY-26
Proposed Development Summary	Construction of dwelling consequent on grant of outline permission ABP-314276-22 and associated site works.
Development Address	Rear of St. Mary's Terrace and St. Mary's Road, townland of Inch, Killarney, Co. Kerry
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed development comprises the construction of one dwelling consequent on grant of outline permission and associated site works on site area of 0.072 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</p>	<p>This is a greenfield site within an established urban area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. It is considered that the proposed</p>

<p>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>development would not be likely to have a significant effect, individually or in- combination with other plans and projects, on a European Site.</p>	
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extend of effects, and absence of in- combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act</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>	<p>Yes</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>		
<p>There is a real likelihood of significant effects on the environment.</p>		

Inspector: Lorraine Dockery **Date:** 05th May 2026