



Inspector's Report

PL-500895-KY-26

Development	Demolition of extension, extend, renovate and make elevation changes, maintain part residential & part bed and breakfast use together with associated site works.
Location	Curlew's Nest Bed & Breakfast No. 8 York Terrace , Lewis Road , Killarney Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2561134
Applicant(s)	James O'Neill
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Dermot Daly John O'Shea Joan Moriarty
Observer(s)	None
Date of Site Inspection	27 th May 2026
Inspector	Bernadette Quinn

1.0 **Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.018ha, is located on York Terrace, Lewis Road, an established residential area approx. 300m from Killarney Town Centre. The property comprises a two-storey mid terrace dwelling with rear garden and access on to a laneway to the rear. A front garden contains a pedestrian only access to the property from Lewis Road. Beyond the laneway to the rear properties on Sunnyhill Lower are located perpendicular to the properties on Lewis Road.
- 1.2. The existing property is a 4 bed dwelling with a stated floor area of 116.90 sq.m. There is an existing part two-storey and part single storey rear extension, and the property is stated to be partly used as a B&B.
- 1.3. Properties in the vicinity of the appeal site are of a similar design and scale. There is a public car park located on the opposite side of Lewis Road.

2.0 **Proposed Development**

- 2.1. Permission is sought to demolish an existing rear extension measuring 34.8 sq.m. and to construct a two storey rear extension with a floor area of 75.6 sq.m. Permission is also sought for a new bay window on the front elevation, to maintain existing part residential and part bed and breakfast use, erect new signage and ancillary services and areas.

3.0 **Planning Authority Decision**

3.1. Decision

On 06th February 2026 Kerry County Council issued notification of decision to grant permission subject to 9 conditions.

3.1.1. Conditions

Condition 2: The proposed sign is not permitted and shall be omitted. Revised proposals for a more appropriate plaque style signage shall be submitted for the written agreement of the Planning Authority prior to commencement of development. Reason: To integrate the structure into the surrounding residential area.

Condition 7: Notwithstanding the provisions of the Planning and Development Regulations 2001, no part of the proposed extension shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission.
Reason: In the interests of orderly development and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 05th February 2026 can be summarised as follows:

- Some houses in the immediate area have been extended to the rear.
- The existing guesthouse use in a dwelling with no planning restrictions is exempt development.
- The use of two bedrooms for guest accommodation in a dwelling close to the town centre and across the road from a public car park is considered acceptable.
- The proposed sign is overly ornate and not suitable.
- The reasons for refusal set out in previous application reference 24/60896 have been met by reducing the size of the proposed extension, reducing the impact on properties to the north and south and on the property to the west across the laneway.
- There will be adequate private amenity space to the rear.
- The design and scale of the proposed bay window is considered acceptable.
- The proposal is acceptable and consistent with similar developments in the area.
- No development levies apply as the increase in residential floor is 40.8 sq.m.
- A grant of permission is recommended.

3.2.2. Other Technical Reports

Flooding, Coastal & Marine Unit: No flood risk identified.

3.3. Prescribed Bodies

None on file.

3.4. **Third Party Observations**

A number of submissions received are summarised in the planning officer's report and issues raised are similar to issues raised in the third party appeals.

4.0 **Planning History**

Appeal Site:

2460896: Permission refused by PA to demolish extension to rear of existing house/bed and breakfast and to extend, renovate and make elevational changes and to maintain existing part residential and part bed and breakfast use, erect new signage and ancillary services and areas. The PA's refusal reason relates to bulk, height, full site coverage to the rear and proximity to the rear boundary resulting in injury to amenities of existing dwellings in the vicinity; and lack of rear private amenity space.

No. 4 York Terrace:

2561136: Permission granted by Kerry County Council on 13/04/2026 to demolish detached garage/store and rear extension and to extend, renovate and make elevational changes and permission to use part of the dwelling house for bed and breakfast purposes, erect new signage and ancillary services and areas.

5.0 **Policy Context**

5.1. **Development Plan**

The Kerry County Development Plan 2022-2028 (as varied) is the statutory development plan for the area. Killarney is identified as a key town which is described as a 'Large population scale urban centre functioning as self-sustaining regional drivers, and strategically located urban centres with accessibility and significant influence in a regional and subregional context'.

Volume 2 of the Development Plan includes the Killarney Municipal District Settlements' Plan wherein the site is zoned objective R2 Existing Residential: Provide for residential development and protect and improve residential amenity

described as ‘for existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development’.

Volume 6 of the Development Plan sets out Development Management Standards for residential development wherein Section 1.5.6.1 relates to extensions to dwellings and includes 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’.

5.2. Section 28 Ministerial Guidelines

The following ministerial guidelines are considered relevant to the appeal site:

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) includes the following relevant Specific Planning Policy Requirements (SPPR):

- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- SPPR 2 sets out minimum private open space requirements for houses with a 4+bed house requiring a minimum of 50 sq.m.

5.3. Other Relevant Guidance

‘Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2022) i.e. BRE209 outlines recommendations relating to impact of development on sunlight and daylight.

5.4. **Natural Heritage Designations**

The appeal site is located c.350 m from the Killarney National Park SPA Site Code: 004038 and c.380 m from Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365.

6.0 **EIA Screening**

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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

Three third party appeals have been received from Joan Moriarty, John O'Shea, and Dermot Daly. The grounds of appeal can be summarised as follows:

- The property on the appeal site is not and has never been a B&B and is and always has been a family home. Claims that the proposal will reduce the usage of the property as a B&B are untrue. This misleading characterisation undermines the public notices and represents a procedural failure by the PA to verify contested facts.
- The proposal will give rise to overlooking into private amenity space at Denmar House and does not address previous refusal reasons with no mitigation measures proposed.
- The proposal fails to meet the residential amenity standards in the Development Plan and fails to comply with the Killarney Town Development Plan which requires guest house accommodation preserve and improve existing residential amenities.
- Existing extensions on York Terrace do not result in overlooking of private amenity space.
- The applicant has an interest in 4 of the 10 properties on York Terrace and has a current planning application submitted for No. 4 York Terrace. The

applicant also owns a hotel close to York Terrace and a B&B at No. 5 York Terrace. This is relevant in relation to the extent and scale of the developer's operations in the area. Details of tourist accommodation at The Copper Kettle B&B are attached.

- The Planning Officer's report states that the proposal is a 'small scale residential project'. However, it is a functionally linked commercial satellite to the applicant's 48 bedroom hotel 60m away. The established residential character of the artisan terrace is being subsumed by the commercial needs and overflow of the applicant's hotel and B&B operations turning the quiet residential area into a transient commercial zone. The cumulative impact has the potential to fundamentally alter the established character of the residential area. Land registry details are attached confirming commercial ownership of Nos. 4 and 8 York Terrace.
- The proposal will result in a commercial-style intensification that would facilitate the incremental erosion of the terrace's established residential character. There are concerns that further properties will be replaced by commercial interests compromising the ability to maintain the residential identity of the area.
- Over intensification of use at the B&B at No. 5 York Terrace is outlined.
- Inadequate car parking and the cumulative impact with the applicant's other operations in the area resulting in traffic congestion and diminishing residential amenity of the area.
- An identical planning application at No. 4 required further information from the PA in relation to the specific occupancy and residential status of the building. The PA has failed to establish the true nature of the proposed use of No. 8.
- The proposed extension would severely limit light into the rear garden of 9 York Terrace.
- The proposal is in a residential area and there is a critical shortage of residential homes in Killarney which is a rent pressure zone where tourist accommodation requires permission.

- A previous application on the site, reference 2460896 was refused permission for reasons relating to overlooking and overshadowing houses on adjoining sites to the north and south and these reasons have not been addressed.
- A 6.85m wall from the original building is proposed, if a parapet wall is required this will further increase the height
- The proposal will result in overshadowing on No. 7 York Terrace.
- The extension is being built directly on the shared boundary wall, gutters will overhang into No. 7 and it is unclear how the extension will be built without demolishing the boundary wall and accessing No. 7 for construction where no consent has been given.
- There are concerns that the proposal will result in impacts on residential amenities, including noise and disturbance, hours of operation, servicing, general disturbance, congestion and create an unwanted precedent.

7.2. Applicant Response

- The applicant is the owner of Fairview House hotel. He acquired No. 8 for his son who lived there after acquiring it and operated it as a B&B while living there. His son now wishes to rationalise the layout of the property to provide improved guest accommodation and a permanent residence. A rent pressure zone is not relevant as the house will be used as a permanent residence.
- The extent of development has been reduced from that previously applied for under 24/60896. The rear wall at first floor is 6.5m from the rear boundary and further separated from the property to the rear by a laneway.
- Details of other property's acquired in the area are outlined.
- The description of the development as a B&B is correct.
- In relation to concerns that there is inconsistency between the assessment of the appeal site and the planning application in respect of No. 4 York Terrace, issues relating to ownership and occupancy of the appeal site were dealt with under permission reference 24/60896.

- There is no basis to the claims that the development on the appeal site will be part of the Fairview Hotel. The concerns raised in this regard are of no planning relevance.
- Issues relating to car parking do not arise as the use of part of the house for a B&B is exempted development.
- The level of overlooking is appropriate for a high-density town centre. A proposal to angle first floor windows away from the property to the rear is included on drawing No. 24-031-J02-P01A-REV A attached.
- There is a similar scaled extension at the rear of No. 9 and it is difficult to see that there will be any significant loss of amenity to the rear of No. 9.
- No. 8 is due north of No. 7 so it is difficult to see that overshadowing on No. 7 will be caused and No. 7 has a substantial rear extension and the main rear amenity space will not be affected by blockage of light.
- No part of the building will overhang adjoining property and the proposal will be kept fully within the appeal site.
- Nothing in the development plan or planning acts prohibits the use for B&B subject to certain limits which are being observed.

7.3. Planning Authority Response

A response received from the PA states that the relevant issues raised in the appeal were covered in the Planner's Report.

7.4. Further Responses

Further responses received from Joan Moriarty, John O'Shea, Dermot Daly reiterate the grounds of appeal and include the following additional points:

- The name of the owner's son, whom the appeal response states applied for permission under reference 24/60896, is different to the name on the file.
- The applicants account that the premises is in use as a private residence and operating as a B&B under exempted development regulations is not reliable and details submitted have not been substantiated.

- The basis for the current scheme that it is less excessive than that previously proposed is not an appropriate test. The proposal should be assessed against the standards in the Development Plan.
- The two proposed first floor west facing windows which were a central feature in the original refusal remain in position. Angled windows will not address overlooking.
- The layout required by a commercial B&B results in first floor intensification and overlooking which is not residential and the proposal is in breach of the Development Plan.
- The proposal results in incremental commercialisation of a residential terrace.
- The proposal relies on exempted development provisions to remove parking and intensity of use from the Commissions consideration.
- The extension at the rear of 9 York Terrace is single storey and has a garden to the rear. The proposal will overlook and inhibit light into this area resulting in a significant loss of amenity.

8.0 **Assessment**

8.1. 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 issue in this appeal are as follows:

- Principle of Development
- Impacts on Residential Amenities
- Traffic Impacts
- Other Matters

8.2. **Principle of Development**

8.2.1. The appellant's outline concerns relating to the stated existing B&B use and the residential status of the building, the location within a rent pressure zone and details of the applicant's interests in other residential and tourist accommodation properties in the area. In response

to the appeal the applicant outlines the intended residential occupancy of the property along with the proposed B&B element which is stated to fall within exempted development limitations.

- 8.2.2. I note that the applicant has sought permission for an extension to an existing residential property and that the stated use is part residential and part B&B and that the B&B use is stated as exempted development. Article 10(4) of the Planning and Development Regulations 2001 (as amended) provides that the use of not more than 4 bedrooms in a house as overnight guest accommodation shall be exempted development, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission. The appeal relates to an extension to facilitate the existing dwelling and part B&B use on the site and I consider that if permission is granted, any matters relating to non-compliance with the permission or unauthorised use of the property are matters for the planning authority and I do not consider matters relating to compliance with the exempted development provisions are relevant to the assessment of the appeal.
- 8.2.3. I note concerns that the proposed B&B will facilitate guests from the applicant's other tourist accommodation offerings in the area and that the cumulative impact will alter the residential character of the area. In this regard I note that the appeal site refers to the property at No. 8 only and does not relate to an extension of an existing hotel. I therefore consider the concerns in this regard are not relevant to the assessment of the appeal and that any unauthorised future use is a matter for the Planning Authority.
- 8.2.4. In relation to the erosion of the residential character and incremental commercialisation of the area, the existing and proposed use is residential. Whilst I note there are a number of tourist accommodation offerings in the area, I do not consider the proposal for which permission is sought, which is for primarily residential use with ancillary B&B use, will result in an unacceptable erosion of the residential character of the area.
- 8.2.5. I note concerns relating to the applicant's ownership of other properties in the area which I do not consider is relevant to the assessment of the appeal.
- 8.2.6. Having regard to the 'R2 - Existing Residential' zoning objective of the site I consider the proposal is acceptable in principle, subject to assessment of matters outlined below.

8.3. Residential Amenity

- 8.3.1. The existing 34.8 sq.m. extension to be demolished is located along the southern boundary at the rear of the property and contains a kitchen and bedroom with a floor area of 26.5 sq.m. at ground floor and a bathroom with a floor area of 8.3 sq.m. at first floor. The proposed two storey extension will extend the full width of the rear elevation extending to both the north and south boundaries, will project 6.85m from the main rear façade at ground and first floor, will have a pitched roof with an eaves height of c.5m and ridge height of 6.825m which is below the ridge height of the existing pitched roof. At ground floor the extension will have a floor area of 36.7 sq.m and will contain a kitchen. At first floor the extension will have a floor area of 38.9 sq.m. and will contain two no. bedrooms and two no. ensuite bathrooms and the existing first floor area will be reconfigured to provide for 2 no. bedrooms and two no. ensuite bathrooms with a new bay window on the front elevation. A rear open space area of 36 sq.m. will be retained.
- 8.3.2. The neighbouring property to the south, No. 7 contains a single storey rear extension towards its southern boundary with No. 6. The neighbouring property to the north, No. 9 contains a single storey rear extension with a pitched roof which has a depth of approx. 6.1m and extends the full width of the rear elevation of this property.
- 8.3.3. Concerns are raised in the appeal that the design and scale of the extension is inappropriate and would negatively impact on the existing residential and visual amenities of the area and that the previous reasons for refusal have not been overcome.
- 8.3.4. I note the content of the Development Plan in Volume 6 Section 1.5.6.1 which states that 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 and that first floor rear/side extensions will only be permitted where the PA is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. This section of the plan also states that in determining applications for first floor extensions, consideration will be given to the 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; and degree of setback from mutual side boundaries.
- 8.3.5. I also note Compact Settlements Guidelines SPPR 1 which requires a separation distance of at least 16 metres between rear opposing windows above ground floor level, and SPPR 2 which requires a minimum of 50 sq.m. private open space for 4+bed houses.

Overshadowing

- 8.3.6. In the assessment of the appeal, I consider it appropriate to refer to the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2022) i.e. BRE209. Section 3.3 of BRE 209 considers the impact of development on sunlight to existing amenity spaces such as private gardens. Section 3.3.7 recommends that at least half of the amenity space should receive at least two hours of sunlight on March 21st.
- 8.3.7. In relation to concerns relating to overshadowing, I note the orientation of the site with the proposed extension to the west of the existing dwelling is such that overshadowing is likely to be minimal to the rear of No. 7 to the south. In relation to the property to the north, I note that any overshadowing which may occur on the rear of this property will be largely over the roof of the existing single storey extension serving that property. In relation to the property to the west, I note that this property is located approx. 85m from the rear elevation of the proposed extension, is separated from the appeal site by the rear access laneway and its orientation is to the west of the appeal site and I do not therefore consider unacceptable overshadowing impacts are likely to arise. I am therefore satisfied that the proposal will not give rise to unacceptable overshadowing impacts on neighbouring properties.

Loss of Daylight

- 8.3.8. Concerns are raised by appellants in relation to loss of daylight to neighbouring properties. The applicant has not submitted an assessment of the impacts of the proposed development on Daylight to adjoining properties. Windows are located on the rear elevation of Nos. 7 and 9 York Terrace at ground and first floor. It is not clear what the use of these rooms is, however, I note that the windows contain clear glazing and appear to serve habitable rooms. No. 9 contains a full width ground floor rear extension and No. 7 contains a rear extension located towards its southern boundary.
- 8.3.9. Having reviewed the drawings I note that the proposed two storey extension would appear to breach the 45 degree test set out in Section 2.2 of BRE209 such that a ground and first floor rear window at No. 7 and a first floor rear window at No. 9 appear to be located within the 45 degree angle on both plan and elevation and the proposed extension has the potential to result in a significant reduction of light to the rear windows at Nos. 7 and 9 York Terrace.

8.3.10. Section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy. However, it is considered appropriate that these measures are used to consider the impacts of the proposed development upon existing residential amenity. In the absence of a Daylight assessment I consider it is unclear what the extent of the impact will be on Nos. 7 and 9 York Terrace and I have concerns that the proposal has the potential to result in a significant reduction of light to these properties.

Overbearing

8.3.11. I note the scale of the proposed two storey extension which will extend the full width of the rear elevation extending to both the north and south boundaries and projecting 6.85m from the main rear façade at ground and first floor, with an eaves height matching the existing eaves height of approx. 5m., a pitched roof with a ridge height of 6.825m, and a first floor gross floor area of 38.9 sq.m. I note that the appeal site has a total area of approx. 1,800 sq.m and that a rear garden area measuring 36 sq.m. will be retained to the rear.

8.3.12. Considerations in Section 1.5.6.1 of the Development Plan relating to rear extensions includes the degree of overbearing and proximity, height and length along mutual boundaries.

8.3.13. I consider the scale of the proposed extension and its proximity to neighbouring properties to the north and south has the potential to result in a significant overbearing impacts on Nos. 7 and 9 York Terrace as the extension is likely to be visually obtrusive when viewed from inside habitable rooms and from private amenity space of these neighbouring properties and as such has the potential to be detrimental to the amenities of these properties. I therefore consider the proposal fails to comply with Section 1.5.6.1 of the Development Plan.

Overlooking

8.3.14. Concerns are raised in the appeals in relation to overlooking into neighbouring properties, including the rear of Denmark House. Denmark House is positioned to the rear (west) of the appeal site on the opposite side of the rear laneway. In response to the appeal the applicant has submitted revised drawings which include a proposal to angle first floor windows away from Denmark House.

8.3.15. The rear elevation of Denmar House is perpendicular to the proposed rear extension at a minimum distance of approx. 8.5m. I note that minimum separation distances referred to in the development plan requires a minimum of 22m between directly opposing windows above ground floor and that Compact Settlements Guidelines SPPR 1 requires 16m between rear opposing windows. I note that there are no existing first floor windows located directly opposite the rear of the appeal site dwelling. Having regard to the separation distance from Denmar House, the presence of existing rear boundary walls, and the orientation of the rear elevation of Denmar House, I am satisfied that the proposed extension will not give rise to unacceptable overlooking on Denmar House. I consider any overlooking on properties to the north and south will be lateral overlooking and unlikely to give rise to unacceptable overlooking.

Private Amenity Space

8.3.16. The proposed development will provide for a 4 bedroom dwelling. The Development Plan in Volume 6 Section 1.5.4.6 outlines a minimum requirement for 75 sq.m. private open space for new 4 bed residential units. Compact Settlements Guidelines SPPR 2 requires a minimum 50 sq.m. private open space for new 4+ bed houses and notes that for building refurbishment schemes the standard may be reduced. One of the considerations in Section 1.5.6.1 of the Development Plan relating to consideration of rear extensions relates to size and usability of remaining private open space. In assessing the proposal, the Planning Officer considered that there will be adequate private amenity space to the rear.

8.3.17. Whilst I note that the private amenity space standards contained in the Development Plan and Compact Settlements Guidelines relate to new dwellings, I have concerns that the proposal to provide for 36 sq.m. of private amenity space fails to provide for an adequate standard of amenity for future occupants of the dwelling on the appeal site and I consider the applicant has not demonstrated that residents will benefit from a high standard of amenity in terms of private open space. I therefore consider the proposal fails to comply with Section 1.5.6.1 of the Development Plan.

Residential Amenity Conclusion

8.3.18. I note that Kerry County Council granted permission for a similar development at No. 4 York Terrace under permission reference 2561136 on 13/04/2026. Notwithstanding that a similar development was recently permitted by the PA in the vicinity of the appeal site,

having regard to the findings of my assessment as outlined above, I consider the proposed extension has the potential to result in unacceptable impacts of loss of daylight and overbearing on neighbouring properties. I therefore consider the proposal fails to comply with Section 1.5.6.1 of Volume 6 of the Kerry County Development Plan in relation to rear extensions. I also consider the proposal fails to provide for an appropriate standard of residential amenity for future occupants as a result of inadequate private amenity space and fails to comply with SPPR 2 of Compact Settlements Guidelines. Having regard to the above I consider the proposal fails to comply with the R2 Existing Residential zoning objective which has a stated objective to protect and improve residential amenity and I recommend that permission should be refused on this basis. In this regard I agree with the third-party appellants that a grant of permission will give rise to an unacceptable precedent for similar development.

8.4. Traffic Impacts

- 8.4.1. Appellants raise concerns that there is inadequate car parking and that the proposal will result in congestion and diminish the residential amenity of the area. I note that there is no car parking serving the existing dwelling on the appeal site or other properties along the terrace, and that the site is approx. 300m from, and within easy walking distance of, Killarney town centre. I also note that there is an existing public car park on the opposite side of the road to the appeal site. I therefore do not consider it necessary that car parking be provided to serve the proposed development.
- 8.4.2. Concerns are raised that the proposal relies on exempted development provisions to remove parking and intensity of use from the Commissions consideration. As noted above I am satisfied that the proposal is acceptable in terms of car parking and I do not consider the proposal is likely to give rise to a traffic hazard as a result of parking associated with the residential or B&B use proposed.

8.5. Other Matters

- 8.5.1. In the applicant's response to the grounds of appeal, it is outlined that the applicant's son will reside in the property. Third party's raise concerns that the name of the applicant's son is not consistent with the name on the previous application on the site. I note that the appeal site is located on lands zoned objective R2 and is located within Killarney town where the Development Plan does not include any restrictions on occupancy. As such I do

not consider the name of the intended occupant of the property is relevant to the assessment of the appeal.

8.5.2. Concerns are raised in relation to intensity of use of the site and density. Noting the existing and proposed development relates to a single dwelling, I do not consider the proposal results in an increased density.

8.5.3. Concerns are raised in relation to overhanging on neighbouring property and that the proposal will require demolition of a boundary wall and access via an adjacent property where consent has not been obtained. I note the applicants response to the appeal states that the proposal will not overhang adjoining property and will be kept fully within the appeal site. I consider that matters relating to land ownership are a matter between the parties concerned and are not relevant to the assessment of the appeal.

8.5.4. The PA attached Condition 2 which requires the omission of a proposed sign. The condition requires revised proposals for a more appropriate plaque style signage shall be submitted for the written agreement of the Planning Authority prior to commencement of development. The first party did not submit an appeal in relation to this condition and the matter was not raised in appeals. If the Commission decides to grant permission, I consider it appropriate that this condition be included in a grant of permission.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

I have considered case PL-500895-KY-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an established residential area and comprises the construction of an extension to a dwelling and all associated site works. The closest European Sites are Killarney National Park SPA Site Code: 004038 located c.350m south of the site and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365 located c.380 m south of the 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 effect on a European Site.

The reason for this conclusion is as follows:

- The scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- Having regard to the screening determination of the PA.

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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 **Recommendation**

11.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the Kerry County Development Plan 2022-2028, in particular Section 1.5.6.1 in Volume 6, which states, inter alia, that rear extensions will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities, to the 'R2' zoning objective of the site which seeks to provide for residential development and protect and improve residential amenity, to SPPR 2 of the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024) which requires a minimum private open space of 50 sq.m for a 4+bed house, to the design and scale of the proposed two storey extension, to the pattern of development in the immediate vicinity of the site, and having regard to the absence of an assessment of the impact of the proposal on daylight to surrounding properties, the Commission could not be satisfied that the proposed development would not have negative overbearing impacts and result in loss of daylight to the adjoining properties to the north and south or that it would meet the requirements of Sustainable Residential Development and Compact Settlements Guidelines (2024) SPPR 2 relating to private open space. The Commission therefore could not be satisfied that the proposed development would not seriously injure the amenities of property in the vicinity or that it would provide for an adequate standard of amenity for future occupants. The proposal would therefore be contrary to the provisions of Section 1.5.6.1 Rear/Side Extensions in the Kerry County Development Plan 2022-2028 and to the R2 zoning objective of the site, would set a poor precedent for future development in the area and would be contrary to the proper planning and sustainable development of the area.

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.”

Bernadette Quinn
Planning Inspector

09th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500895-KY-26
Proposed Development Summary	Demolition of extension, extend, renovate and make elevation changes, maintain part residential & part bed and breakfast use together with associated site works.
Development Address	Curlew's Nest Bed & Breakfast No. 8 York Terrace , Lewis Road , 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 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)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____