



An
Coimisiún
Pleanála

Inspector's Report

PL-500994-KY-26

Development

Alterations to existing dwelling, partial demolition of existing house and conversion of attic to liveable accommodation.

Location

The Green, Ballyheigue , Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2560515

Applicant(s)

Michelle Lunn Reale

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Derry & Mary McCarthy

Observer(s)

None

Date of Site Inspection

1st May 2026

Inspector

Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The development site of (0.018heactares) relates to an end of terrace cottage within Ballyheigue Village - a coastal village overlooking Ballyheigue Bay. The terrace comprises a row of modestly scaled cottages which occupy a prominent seafront position at the southwestern end of the village centre around the Main Street. While elevated on top of a small cliff above the sea, it is relatively low lying compared to development along Cliff Road to the north and east.
- 1.2. There is a vehicular access cul-de sac lane which extends from the Main Street/Cliff Road along the rear of this terrace and to the front of a more expansive and elevated row of houses with the same orientation and sea views and which back onto the Cliff Road.
- 1.3. These cottages have a coastal path along the frontage from which is evident from the lane and extends through the adjacent 'Green' to the east of the site – a public open space along the beachfront.
- 1.4. The subject site rises from a level of 7.5m OD to c 9m and the lane to the rear is elevated at 9.79mOD. A stonewall wall marks the boundary which is low on the laneway side and at least 2m high on the dwelling side. Form the inside wall there is evidence of a blocked-up opening.
- 1.5. The cottage is modest at c. 40 sq.m. and is a typical simple vernacular cottage with a gable ended roof and comprising two rooms presenting a double frontage width of c.9.7m. It has a small flat roof extension to the rear. It also has a later porch extension to the front which conceals an off-centre front doorway. Finishes include a rendered plaster and corrugated iron sheet roof. There is a small garden to the rear which has a side access with a vehicular width gate off The Green to the east.
- 1.6. The terrace of cottages has certain key unifying elements such as, roof height and profile with chimneys, original form (with subordinate extensions to rear) and openings of modest proportions – although altered. Deviations in the facades are subtle by way of a stepped building line, plot widths and arrangement of openings.

Modern alterations include new doors and windows as well the more obvious extension to the rear as viewed from the lane to the rear.

2.0 Proposed Development

2.1. It is proposed to demolish the original front and back walls, internal walls and later porch and rear extensions to provide for refurbishment of the original structural elements (gable walls as clarified I further information) and reinstatement of the original cottage form with an extension to the rear boundary.

2.2. The extended dwelling includes:

- Total floor area of 132 sq.m. providing
 - a double height kitchen and single height living area
 - study in the attic level over the living with dormer extension to provide stairwell to the attic all substantially in the original cottage footprint and
 - the ground floor extension and. 3 bedrooms, new side entrance and circulation area
- Substantial site coverage of the rear curtilage with provision for a small courtyard and garden on the inner side and a passageway/ lightwell along the eastern boundary.
- A utility and plant room is in the rear corner as a detached structure and a passage with steps up to the rear boundary wall provides a route and access for the foul sewer/ manhole access and pump system to the boundary where it is to be connect to the foul sewer. Pedestrian access at this point is omitted in further information.
- It is clarified in further information the porch to front is not to be reinstated due to anti-social behaviour and the original entrance is proposed to be enlarged and replaced with patio doors in the reconstructed façade.
- Main Entrance is relocated to the side elevation.
- Two rooflights are proposed in the front elevation – this is revised from 3 which were also larger.

3.0 Planning Authority Decision

3.1. Decision

Pursuant to lodgement of application on 13/6/25 and responses to a request for further information on 8/10/25 and clarification of additional information on 23/1/26, by order dated 19th February 2026 the planning authority issued notification of its decision to grant permission subject to 8 conditions.

3.1.1. Conditions

Standard conditions have been attached regarding compliance with drawings and details, s.48, water services connection, surface water, road, Resource waste management, construction detail. Notably condition 3 requires.

- Proposed extension to be as per 8/10/25 drawings
- Pitched shall be covered with slates or black or dark grey tile with matching ridge tile
- All external finishes shall be neutral in colour tone and texture
- Stonework to the external walls shall be constructed of natural stone which shall be sourced locally
- The use of white uPVC shall not be permitted on windows, doors, fascia, soffits or guttering.

Reason: To integrate the structure in the surrounding area.

3.2. Planning Authority Reports

3.2.1. Planning Reports of 6/8/2025

In this initial report the nature of the domestic extension works is noted as is the sensitive context with reference to the Listowel Municipal District Plan 2020-2026 Objective BE-GO-02 regarding scale and setting. The report acknowledges both the favourable consideration of the Listowel Municipal District office and the Coastal and Flooding Unit as well as the detailed observations and concerns expressed by local residents. Further information was sought in respect of:

1. No car parking is proposed to be provided. 2 **car parking** spaces are required. The green area cannot be used for car parking.

2. The **front porch** feature shall be retained.
3. The proposed new front door to be accessed from the green area is visually inappropriate. Please relocate to the front of the dwelling.
4. Details relating to any upgrading works to the **boundary walls**. Are the walls to be replaced? If so, what materials are proposed? What are the proposed heights of any new boundary walls?
5. **Surface water** management details are required to be submitted for the disposal of surface water and roof water on the site.
6. folio/legal title deeds details demonstrating a **right of way** from the rear of the property onto the passageway to the rear of the site.
7. If the house shall be used for permanent **occupancy**.
8. The need for **3 roof lights** on the front roof (2 roof lights in an office and one for a dining area on the ground floor) is excessive. The dimensions of the roof lights are not in keeping with those adjoining the dwelling. Please address. Please consider non reflective glazing in revised amendments.
9. Drawing showing **contour levels** of the site showing, proposed floor levels relative to the existing ground levels.
10. Cross section in a south - north direction, showing dimensions of the proposed relative to the eastern boundary wall and the passageway to the rear of the site.
11. Provide details of the finished floor levels, in particular the finished floor level of the new extension relative to existing ground levels at the rear of the site, the finished floor levels of the new extension in relation to the passageway north of the site and the floor level of the new extension in relation to the rear boundary walls.
12. Details of the type of stone to be used for the boundary walls.
13. Alternative type of material for the roof of the new extension as the use of metal cladding has a harsh visual appearance in a coastal scenic area.
14. Use of 'Corten' steel privacy fins when viewed from a Green in a coastal area landscape is not appropriate. Kindly submit alternative proposal.

15. The visual appearance of the box type feature on the rear roof of the cottage as viewed from the easterly direction (for the provision of a staircase to the office on the first floor) is visually obtrusive.

3.2.2. Planning Repot of 4/11/2025

The amendment details which omit rear access and reduce rooflights are noted as is the applicant's rationale for maintaining other aspects of the design. Clarification however was required in respect of ownership and foul and surface water drainage.

3.2.3. Planning Repot of 17/02/2026

All matters are noted to have been addressed, and the proposal is considered acceptable and can be integrated into the coastal landscape.

3.2.4. Other Technical Reports

- Listowel Municipal District Office 2020-2026: favourable consideration subject to standard conditions.
- Coastal and Flooding Unit: Site outside flood extents and below the present day and mid-range scenarios

3.3. **Prescribed Bodies**

No consultation/ reports

3.4. **Third Party Observations**

Two detailed observations raise concerns about car parking, access, entrance location, boundary detail, design scale and use and overall concern about development and impact on amenities.

4.0 **Planning History**

- 4.1. Planning Authority references 25/60385 and 20/2263 refer to incomplete applications for similar development on the subject site.
- 4.2. ABP 315882 refers to permission on appeal for demolition of existing dwelling shed /rear steps/ramp & construction of new dwelling/stairs/entrance and ancillary works on site north west of the subject site on the Cliff Road and fronting the rear lane.

5.0 Policy Context

5.1. Development Plan -Listowel Municipal District Plan 2020-2026

5.1.1. Overall vision for Ballyheigue, a District Town, (section 3.4): to ensure that it develops sustainably as an attractive location for residents and tourists alike and that future development preserves the town's character as a seaside town and reinforces it where necessary. The following objectives are applicable.

- Site is zoned M4 Mixed Use 'Built Up Area', described as 'Existing built areas of mixed use'.
- Adjacent open space is zoned M4 on the north side of the track diagonally crossing the space from the public road to the terraced cottages (the site). The area to the south of the track is zoned G1 Open Space/Park.
- Objective LS-00-01 aims to provide for the development of the Listowel Municipal District area in a manner which is environmentally sustainable and protects its social, cultural, environmental and economic assets for future generations.
- Objective BE-GO-02 aims to ensure that all development in Ballyheigue shall have regard to the scale and setting of the settlement in an attractive rural coastal landscape.

5.1.2. Built Environment and Heritage: There is one National Monument within the town, Ballyheigue Castle. There are two Protected Structures within the plan area- namely Ballyheigue Castle and Ballyheigue Castle Gateway. It is not proposed to include any additional structures on the Record of Protected Structures. It is considered however, that those elements of the built environment which define the character of the village need to be enhanced and preserved. It is necessary to ensure that the local character and sense of place are enhanced. It is important therefore that new development reflects the traditional elements of the existing streetscape. Objectives in this regard include:

- Objective BE-OS- 01 aims to promote streetscape and civic area improvements throughout Ballyheigue to attain an attractive urban environment, while protecting features of architectural and cultural importance.

- BE-GO-04 Protect buildings and streetscapes which form part of the town's historic, cultural, and architectural heritage and to encourage the appropriate reuse and sensitive restoration of unused/derelict vernacular properties in the town.
- BE-GO-07 Preserve, protect and enhance existing stone walls.

5.2. **Kerry County Development Plan 2022 – 2028**

5.2.1. **Landscape Character**

Map B Landscape Designations visually sensitive Area and Views and Prospects
The site is outside the 'Visually Sensitive Area and Designated Views.

KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

5.2.2. **Domestic Extensions:**

Vol 6 Section 1.5.6.1 provides guidance for Extensions to dwellings including to the front.

- 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.
- Alterations at Roof/Attic Level Roof alterations/expansions to main roof profiles (changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example) and additional dormer windows will be assessed having regard to the following: • The character and size of the structure, its position on the streetscape and proximity to adjacent structures. • Established streetscape

character and roof profiles. • Dormer extensions to roofs, i.e. to the front, side and rear, will be considered with regard to impacts on existing character and form and the privacy of adjacent properties.

- Reduced quantum of open space may be considered with a maximum of 85% site coverage

5.2.3. **Renovation and Restoration:**

Vol 1 Section 5.7 refers to Renovation and Restoration of existing and Vacant Buildings Situated in Rural Areas.

- KCDP 5-26 Promote the viable re-use of vernacular dwellings and buildings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings as permanent places of residence.
- KCDP 5-27 Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence

5.3. **Development Contribution Scheme 2017**

There are two relevant provisions

Replacement Dwelling: In the case of a replacement house where it can be demonstrated that the structure is serviced and was last used as a dwelling, the equivalent floor area of the house that is being replaced shall be exempt from development contributions. The additional floor area of the replacement house shall be charged at the rate set out in the Schedule of Contributions.

Car Parking Contributions: A development is required to provide parking spaces in accordance with the County and Town Development Plans. Where there is a shortfall in the provision of car parking spaces as required in the Development Plan the Planning Authority may decide to impose a contribution as per Table 1 of this Scheme.

5.4. **Natural Heritage Designations**

Akeragh, Banna and Barrow Harbour SAC (Site Code: IE0000332) – c. 1 km southeast of the site.

The Lower Shannon River SAC (002165) is c 4 km north of the site.

Kerry Head SPA (Site Code: 004189) is c. 4 km north of the site.

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 Act).

7.0 The Appeal

7.1. Grounds of Appeal

Ger O'Keefe Consulting Engineers has lodged an appeal on behalf of the appellants Derry and Mary McCarthy with an address at The Green, Ballyheigue. The main grounds are:

- Design: It is not appropriately integrated with the local landscape and would injure amenities of existing properties of the area
 - The cottage style elevation is lost with the large patio doors and 3 roof lights
 - The proposed scale and character are not in keeping with the with area that it incorporates a 2 storey design, roof terrace, and materials and does not respect the local architectural character of the area.
- Loss of sense of space by the overdevelopment.
- Creation of access onto rear passage serving the houses at The Green. It is clarified that the applicant photograph of remaining lintel it their rear wall is in fact a window lintel and not doorway. This is supported by the levels and comparative height of the road to which a door could not be accommodated. Accordingly, the proposed layout cannot be ammoniated. The design rational which is based on the access cannot stand.
- Lack of car parking.
- House has not been used as a permanent residence for 6 years.
- Disturbance of bats I the cliff face.

- Coastal erosion due to construction plant and machinery
- Procedural issue in terms of referencing planning history by applicant.

7.2. **Applicant Response in the case of a 3rd Party Appeal**

In refutation to the grounds of appeal the applicant's agent sets out the design rationale and addresses each point:

- The design had regard to the established terraced character, sensitive coastal setting and constraints of the site and structure.
- The proposed works are for refurbishment and extension of an existing dwelling in a built-up cluster - It is restoring an existing structure while providing a sustainable longer term residential use.
- Character, scale and visual impact: it is not excessive in scale or visually intrusive as the ridge height aligns (as evident in contiguous elevations) and maintains roof profile and does not introduce any additional prominence in the streetscape. The gable walls are prominent key structural elements to be retained.
- The material palette is restrained and contextually responsive - retain/repairing render and re-using natural stone
- The subordination of the extension profile is achieved through design such as recessive detail.
- The design integrates it within the terrace and with wider the sensitive coastal setting particularly by retention of roof profile, ridge and height and placing the extension to rear at a low level relative to the public road reducing its visibility in the wider coastal setting.
- It reinforces the built pattern.
- It is a refinement of the existing dwelling.
- Site coverage: It is compact and well organised courtyard-based layout allowing for efficient arrangement of internal space and unnecessary sprawl across the site.
- Scale and footprint are proportionate and remain visually subservient to existing terrace form.

- Drainage: A site specific technically appropriate and Comprehensive drainage strategy has been prepared: It is to discharge foul drainage via a pumped system to public sewer rear of the site. This is informed by preliminary engineering design.
- Surface water is to be managed on a separate system, and on-site measures include French rains, attenuation within courtyard, rainwater harvestings and controlled collection via gutter and linear drainage channels.
- No surface water will discharge to public road or adjoining lands.
- Parking: longstanding and accepted practice is that residents of the terrace park in the public car park. As this is a refurbishment project of an existing house, the overall parking demand remains the same.
- Use as holiday home: The PA has addressed this by condition and restriction of use of dwelling as a primary residence No evidence to support that this would not be complied with.
- Access and construction: The site has the benefit of an existing and established access arrangement. It is acknowledged that construction will require careful management and this can be routinely managed as part of a temporary construction phase.
- Ecology /Cliff edge
 - The development site is confined within an existing residential site and previously disturbed curtilage.
 - No excavation or construction works are proposed within or adjacent to the cliff edge.
 - There is no alteration to the wider coastal environment or natural habitats
- The PA has undertaken a full reasoned assessment and concluded that serious injure of amenity would not arise and it would be acceptable.
- No demonstrable harm has been established in the appeal grounds as being likely to arise based on objective evidence supporting the objections

7.3. Planning Authority Response

None

7.4. Observations

None

8.0 Assessment

8.1. Issues

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and environs, and having regard to the relevant local and national policies and statutory guidance, I consider that the substantive issues in this appeal to be considered are:

- Nature and Principle of development
- Excessive Scale and Overdevelopment
- Impact on building character and visual amenity
- Access and Parking
- Other matters, access Legal Issues

8.2. Nature and Principle of Development

8.2.1. In this case, the applicant, is seeking permission for a domestic extension as part of its refurbishment and upgrade as a home. The appellant submits that the house has not been unoccupied since 2000 and states that the proposal is for a new holiday home.

8.2.2. There is no evidence of the house being declared derelict and the planning authority has treated this as a domestic extension and this, I note, has carried through in the financial contribution calculation. While there is some demolition and rebuilding of both internal and external walls, the gable is to be retained. The building requires refurbishment and reconstruction of sections to address dampness and protect against further deterioration. In terms of rationale for the reconstruction and extension, I accept the building condition has deteriorated as described in some detail in Architects Planning and Design Report. The design report also clarifies that it has been occupied until recently and that the applicant intends to live in the house

as a family home and states in this regard they have no objection to an occupancy condition even though it is not, in principle, for a new dwelling.

- 8.2.3. Having inspected the site and reviewed the rationale and noting the building is not a Protected Structure nor is it in an architectural conservation area, I consider the proposed works to be reasonable in principle. I am satisfied that the proposed development amounts to an extension of a domestic dwelling and its refurbishment which includes partial reconstruction of walls and roof slopes and is acceptable in principle as part of residential terrace in this urban area zoned as M4 Mixed Use - 'Built Up Area'.

8.3. Excessive Scale and Overdevelopment

- 8.3.1. The appellants object to the proposed scale of the extension by reason of its 2-storey design and extent which is understood to incorporate a roof terrace and contributes to loss of sense of space which in its totality is not in keeping and by the terrace form and area
- 8.3.2. In this case having regard to the limited scale of the extant structure at c40sq.m, the provision of accommodation to provide a family sized home is a positive development in terms of housing strategy and the provision of housing in a serviced and designated 'District' town. Permission is however predicated on meeting the criteria for domestic extensions in the development plan.
- 8.3.3. With respect to the dormer extension, I note that it is to the rear and set back from the gable end and below the ridge. Nor does the depth protrude beyond the original eaves. It provides for use of the attic space with a 4.8m x2.1m office space lit by a rooflight (revised from two to one in FI). I consider this is an efficient use of space providing modest additional space while minimising the bulk of the extension. Given this position and lack of visibility from the retention of the original gable roof profile which includes the chimney. The rear curtilage of the adjoining terrace is visible for the rear lane and overlooking from the landing window at an oblique angle would be minimal. I therefore consider the form and scale of the dormer to meet with the criteria for dormer/attic extension as contained in appendix 6 of the Kerry County Development.

- 8.3.4. With respect to the extent of the ground floor extension, I estimate the overall site coverage is in the order of 82% and this excludes the porch area (to be demolished) as part of the base site area for site coverage calculation purposes. I note that the guidance in the development plan refers to consideration of 85% site coverage. In this case the rear curtilage is somewhat exposed and limited in terms of private open space. Nevertheless, that layout provides for a private courtyard and ancillary utility area and enhances the overall amenities of this otherwise exposed rear curtilage. While it extends in depth, the site layout is arranged to allow natural light in the original cottage and three new bedrooms while also providing a private open space. Inner courtyard of c. 24 sq.m. The reduced family home open space is offset by the immediate context and access to the surround expansive green and coastal public areas. In terms of its physical integration with the original cottage form and terrace, the overall height of the extension is up to 3m height above the cottage ground level. This is achieved by cutting into the sloping stie. It is also stepped back from the party boundary and therefore overshadowing, or overbearing impacts would be extremely limited and within acceptable levels. There is no opportunity for overlooking from proposed windows. Overlooking from the top of steps along the rear boundary would be comparable to that which exists from the public road. I consider the proposed extension would provide an acceptable level of amenity for the future occupants without unduly compromising the amenities of the adjacent terraced dwellings.
- 8.3.5. In terms of proportionality with the form of the terrace, I also note the other cottages in the terrace have extended on what appears to be more constrained sites – they are shallower and narrower plots and proportionality the approach to extending in the manner proposed would not be out of character with the overall form of the terrace and would not constitute, I consider, overdevelopment. Furthermore, it would be generally be compliant with the development plan guidance.

8.4. Impact on Building Character and visual amenity

- 8.4.1. The appellants object to the proposed design in that it is not appropriately integrated with the local landscape. In terms of detailing there is concern about the principal façade and loss of features in this cottage elevation by way of insertion of large patio

doors and 3 roof lights. The two-storey design and materials are also considered to not respect the local architectural character of the area.

- 8.4.2. The applicant makes the case that by removing the porch the original facade is reinstated however, in terms of principal access, the new entrance is proposed from the side. Functionally, this is argued to be an improvement on the basis of removing an antisocial generating alcove created by the porch and by introducing passive surveillance onto two frontages; across the seafront and green area.
- 8.4.3. In terms of the extension and as I have determined, the proposed dormer meets with the criteria in terms of the principle of subordination. Similarly, the extension which is single storey flat roofed is also subordinate in height. It is a simple modern style that is visually clearly distinct by style and breaks in the building line such as the use of recesses in the modelling.
- 8.4.4. In term of tying in with the terrace character, I note the applicant's architectural design appraisal and concur with the considered view that it is not excessive in scale or visually intrusive as the ridge height aligns (as evident in contiguous elevations) and maintains roof profile and does not introduce any additional prominence in the 'streetscape'. The design integrates it within the terrace and in this way is not incongruous with the wider sensitive coastal setting particularly by way of retention of roof profile, ridge and height and placing the extension to rear at a low level relative to the public road and reducing its visibility in the wider coastal setting
- 8.4.5. While I see the functional benefits of relocating the entrance, I share concerns with the planning authority in so far as a traditional porch is being removed and with the appellant in terms of the proposed patio door treatment. While I note the single bay cottages in the terrace have enlarged openings, the proposed elevation significantly increases the extent of glazing and considerably alters the solid to void balance. I consider retention of the opening scale and using at least a $\frac{3}{4}$ solid door would be more in keeping with the character of the original cottage and terrace. While I acknowledge the site is not protected by way of an ACA or protected structure status nor is it within the Visually Sensitive Area or Designate Views in the County Development Plan Maps, it is in a prominent coastal setting where visual amenities and orderly 'streetscape' considerations are reasonable. I say this in the context of the Built Environment and Heritage policy for Bellyheigue in section 3.4 of the

Listowel Municipal District Plan 2020-2026 wherein it is stated that: 'It is not proposed to include any additional structures on the Record of Protected Structures. It is considered however, that those elements of the built environment which define the character of the village need to be enhanced and preserved. It is necessary to ensure that the local character and sense of place are enhanced. It is important therefore that new development reflects the traditional elements of the existing streetscape'

- 8.4.6. With respect to the use of materials, I concur with the planning authority and its concerns about the metal roof finish and that a slate tile or equivalent should be used. However, the materials otherwise are I consider reasonably rationalised in the design statement and are an integral part of the modern extension. the use of the stone and steel fins and a materials palette that is restrained and contextually responsive in addition to retain/repairing render and using natural stone. I note the re-use of stone that I also note remains on site and its re-use externally will anchor the new building element into the area. Accordingly, I am satisfied that the proposed design, subject to minor changes to the original roof material and door opening would reinforce the indigenous terrace character, distinguish old from new and appropriately integrate with the local landscape and would not injure amenities of existing properties of the area

8.5. Access and Parking

- 8.5.1. The appellant is most concerned about the introduction of a new direct pedestrian access onto the lane to the rear of the property. The applicant refers to an extant surviving lintel, albeit blocked up on the, inside rear boundary wall. Following the request for further information the applicant could not provide documentary evidence supporting an active or legally established right of way available to the applicant. Accordingly, the proposal has been revised to omit the previously indicated rear pedestrian entrance, and so the existing rear boundary wall is to remain intact with no new opening provided.
- 8.5.2. This does not necessarily preclude permission for access onto a public road. While the applicant has since removed this pedestrian access point, the amended plans show details of the foul sewer route through this previous proposed point of access

and I see no difficulty with this subject to meeting the detailed requirements and specifications of the planning authority's and that of Uisce Eireann where appropriate.

- 8.5.3. In terms of car parking, I note the appellants are concerned about the generation of car parking demand and impact on availability for the existing residents and visitors to the area. The applicant has explained that the established arrangement is that the house owner uses the public car park and this appears acceptable to the planning authority.
- 8.5.4. I note in the initial planning authority report reference is made to the need for 2 car parking space for the development. In the report of 6/8/25 it is stated that a levy of €2300 per space is required and that €4600 is applicable in total to the subject dwelling however this was not carried through. The applicant confirms that the established practice is that the owner parks in the public car park and will continue to do this. I further note that there is discretionary provision for waiving contribution in lieu of car parking and in view of the established use this seems reasonable. The appellant refers to the loss of parking on site and while this may have been accessible as evident from the track and gate, it appears to not have been used for some time. I also note the concerns about conflict between traffic and the users of the open space and for this reason I consider the continued use of the public car park and consequent lack of vehicular movement through the green by the omission of the access gate to be positive development.
- 8.6. In terms of construction access concerns relating to disturbance and safety, I consider that as this is an extant access to the site as evidenced by the track which is also included in the M4 Mixed Use – existing Urban zone along with lands to the north and as distinct from the open space zoning to the south, I do not consider the use of this access as a temporary construction access to constitute a material change in activity in this urban area.

8.7. Other matters Legal Issues

- 8.7.1. The appellant makes a general reference to disturbance of bats in the cliff face but has not substantiated this claim by reference to any designations or policies in this area. I note that in the case of the redevelopment of the site on the opposite side of

the lane there were no such issues nor has this been raised by the planning authority. Accordingly, I consider that subject to normal construction practices that the local environs will not be unduly disturbed by the relatively small-scale construction work in this urban area and within the established curtilage of an existing dwelling. The nearest works to the cliff face relate to the removal of the porch and does not encroach any further in the direction of the cliff. I note the planning authority has incorporated a condition controlling light spill which I consider is appropriate in terms of minimising disturbance of nocturnal species in the adjacent open green and coastal space.

8.7.2. In terms of construction traffic, I consider this should be addressed as part of construction plan.

8.7.3. In view of the ground level differences and potential retaining feature of the existing rear wall and the nature of ground works and associated services and the proposed structures to the rear of the property, I consider a condition to ensure safe compliance with the requirements of the planning authority is appropriate. I note part of the last condition, addresses this, and so I recommend that a more standardised condition for a bond type security or other that is agreeable to the planning authority is attached as a safeguard.

9.0 AA Screening

9.1. I have considered the proposed works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject sites relate to domestic extension to provide a modest house totalling 132 sq.m. It is a serviced urban site removed at least 1km from any European site. While the site is coastal and the coastal water could be a pathway, in view of the small scale of works and nature of the receiving water body there is no likelihood of any significant impact arising. No nature conservation concerns were raised in the planning appeal as the substantive issues relate to localised impact on amenity, access and parking/ traffic.

9.2. 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:

- small scale nature of works and nature of the development;

- distance from nearest European site and lack of connections.

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. The proposed development involves a modest scale of works to an existing structure in a built-up urban area and on a serviced site. While it is a coastal location it is 'outside any flood extents and below the present day and mid-range scenarios.' as confirmed by the County Council Coastal and Flooding unit. 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 waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. 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.
- 10.3. The reason for this conclusion is as follows.
- Scale and size of the proposed development within an existing residential city centre location.

Taking into account WFD screening report, 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. I recommend that permission be grant based on the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the land use zoning for the site in the Listowel Municipal District Plan 2020-2026 and its location in an urban settlement, and also having regard to the pattern of development in the adjoining terrace and in the immediate environs of Cliff Road, the size and nature of site and the design and layout of the proposed development, it is considered that subject to compliance with conditions set out below that the proposed development would not be unduly incongruous with the terrace, would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic safety and would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by documents lodged on 8th June 2025 and 23rd January 2026, 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 proposed development shall be amended as follows:
 - (a) The proposed patio door opening shall be reduced to the original door width and in the existing location in the existing façade and fitted with a substantially solid timber faced door with painted finish.

(b) The pitched slopes of the gabled roof shall be covered with roof tiles of slate or comparable material in either black or grey colour and with matching ridge tiles.

(c) The use of white UPVC shall not be used in any external features include windows doors fascia, soffits or gutters.

(d) The existing stone walling on site shall be reused and matched where there is a shortfall in external finishes.

Revised drawings showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development in a prominent terraced setting.

3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: in order to prevent overdevelopment of the site in the interest of residential amenity, and traffic safety and convenience.

4. The domestic utility shall be used solely for non-habitable ancillary domestic and private purposes only.

Reason: in the interest of clarity and to prevent overdevelopment.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard the following shall apply:

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site.

(b) No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: in the interests of public health and surface water management.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: in the interest of public health and to ensure adequate water/wastewater facilities.

7. Any on-site lighting shall be cowled and directed away from the public road and shielded horizontally and vertically to prevent glare or light spillage outside the site.

Reason: to restrict light pollution in exposed coastal setting.

8. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: in the interests of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 from Mondays to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: in order to safeguard the residential amenities of property in the vicinity.

10. The construction of the proposed 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 proposed development including noise management measures and off-site disposal of construction and demolition waste and a detailed method statement regarding the management of construction traffic and deliveries and protection of adjacent properties during the construction project process.
Reason: in the interest of public safety and residential amenity.

11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times

Reason: in the interest of proper planning and sustainable development.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion of works that may impact on the adjacent public areas and utilities therein as maintained by the local authority coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. 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 Coimisiun Pleanala to determine the proper application of the terms of the Scheme.

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Suzanne Kehely

Senior Planning Inspector

24th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500994-KY-26
Development description	Domestic extension
Development Address	The Green, Ballyheigue, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1.	
☒ 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)	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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____