



An  
Coimisiún  
Pleanála

## Inspector's Report

### PL-501064-KY-26

|                                     |                                                                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Construction of extension, alterations to existing dwelling and entrance pillars. Retention of existing apartment to side of dwelling. |
| <b>Location</b>                     | No 84. Countess Grove, Killarney, Co Kerry                                                                                             |
| <b>Planning Authority</b>           | Kerry County Council                                                                                                                   |
| <b>Planning Authority Reg. Ref.</b> | 2560772                                                                                                                                |
| <b>Applicant(s)</b>                 | C.B Brosnan                                                                                                                            |
| <b>Type of Application</b>          | Retention                                                                                                                              |
| <b>Planning Authority Decision</b>  | Grant Retention with Conditions                                                                                                        |
| <b>Type of Appeal</b>               | Third Party Normal Planning Appeal                                                                                                     |
| <b>Appellant(s)</b>                 | Mary O'Sullivan & Others                                                                                                               |
| <b>Observer(s)</b>                  | None                                                                                                                                   |
| <b>Date of Site Inspection</b>      | 1 <sup>st</sup> May 2026                                                                                                               |
| <b>Inspector</b>                    | Suzanne Kehely                                                                                                                         |

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## **1.0 Site Location and Description**

- 1.1. The site of 0.060 hectares relates to a detached bungalow in a small cul-de-sac development within Killarney urban area outside the town centre. It is in elevated location and the rear garden slopes downwards in a northerly direction along with the adjacent dwellings.
- 1.2. The bungalow has been extended to the side and rear. There is a detached concrete block double/double door shed building centrally positioned in the rear garden in a sunken area that is accessed by steps which are divided by fencing and the lower area is also walled/fenced off from the higher garden level. The shed area is used as a utility room and storage in one part and household and recycling storage in the other part of shed. The garden substantially comprises hardstanding/gravel areas and is fenced off into two main areas each with a clothes line and each with access to a separate shed room. The boundary walls are unfinished breeze blocks.
- 1.3. Internally, the house layout comprises the principal residence and separate living/kitchen/2x double bedroom area off a living room which is accessed from the entrance hall.

## **2.0 Proposed Development**

- 2.1. Permission is sought for
  - 1) extensions and elevational alterations to existing dwelling.
    - a. New dormer attic level space of 41 sq.m. with an arts and crafts room with roof light, a bathroom with roof light and a storage room with roof light and stairwell/landing. The dormer is to the rear and extends over a width of 10m and rises above the existing apex - it increases the roof height from c 5.43m to 5.91m (although drawings are difficult to decipher/scale off). all rear facing windows (vertical windows removed in revised plans and three roof lights in the front slope proposed.
    - b. Extensions to the front of 11 sq.m.: This comprises an extension to the east side of the front elevation which will extend the proposed living area and new 2<sup>nd</sup> kitchen area. It is flat roofed box type bay spanning

over 7.6m in width and 1.55m deep from the existing façade and incorporating a series of windows c.2.3m in height of varying widths and drawings appear to incorporate a pair sliding patio type doors from the new 2<sup>nd</sup> kitchen area , A pair of match glazed windows/patio doors are proposed on the western side of the elevation as part of a similar extension 1.55m x 2.5m to Master bedroom. A side door is also proposed in the extension to the western side. It is of contemporary style with metal type cladding.

c. A canopy porch is proposed to rear at the backdoor to the kitchen.

- 2) Relocation of entrance pillars to widen access/ driveway and create a pedestrian entrance. Entrance has been reduced in width in FI to 4m and pedestrian gate relocated.
- 3) Retention of existing apartment to the side of the building and change of use to a family flat and this area to be retained is shown hatched green in revised drawings (3/2/26) with a stated area of 76 sq.m. This excludes the proposed extension area to the front which increases the family flat to 86 sq.m.
- 4) all associated sites work

## 2.2. Other details clarifying nature of development

- The floor area of the existing building is stated at 154 sq.m. and proposed works relate to 71sq.m.
- The floor space of work to be retained is stated at 97 sqm in the application but this is clarified in subsequent drawings/details to be in error and to be 76sq.m..
- The house accommodation is described as a 3-bed house with a separate one bed apartment.
- In a cover letter the approach is set out by reference to the ABP reason for refusal and also to the Inspector's report in that case and recommended modification to elevation to which the revised design adheres.
- In revised plans windows to the rear have been removed and the extension to the front has been reduced.
- Widening the entrance will make manoeuvring easier but is reduced to 4m in FI.

- The nature of the family need is stated in a private and confidential document.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. By order dated 4<sup>th</sup> March 2026 the planning authority issued notification of its decision to grant permission subject to 3 conditions.

#### **3.1.2. Conditions**

C 1 – development to be in accordance with details submitted on 2/9/25, 4/12/25, 18/12/25, 3/2/26 and 12/2/26.

C 2 - S.48 contribution

C 3 -The apartment /granny flat and the existing dwelling shall remain as one integrated unit shall remain in one ownership and shall not be sold or leased/rented as separate dwelling units.

#### **3.2. Planning Authority Reports**

3.2.1. Planning Reports: In the initial report of 24/10/25 further information was sought in respect

- The extent of the family flat is not apparent from the application. You are requested to show the full extent of the unit to be retained on a separate “existing floor plan”. A floor plan showing the proposed family flat as part of the overall ground floor plan should also be submitted. The need for the family flat has not been outlined. You are requested to submit details to show the need for the proposed family flat. The criteria for proposed “dependent relative accommodation” is set out in Section 1.5.6.4 of the Development Management Standards as set out in the Kerry CDP 2022-2028. You are advised to refer to same prior to submitting the necessary details. You are requested to clarify the intended use of the attic area. Please note that the concerns of the Planning Authority in relation to windows along the rear elevation at first floor level have been outlined in previous applications. It is noted that windows are shown again on the floor plans for the attic. In order to avoid a refusal you are advised to revise the proposals accordingly. You are requested to

submit a drawing of the proposed rear elevation. No drawing of this elevation has been submitted.

- The proposed vehicular entrance is not acceptable and is contrary to Development Management Standard 1.5.7.6. You are requested to submit a revised site layout plan showing a vehicular entrance that complies with S. 1.5.7.6.
- The Planning Authority has concerns regarding the size of the proposed extensions to the front of the development. It is considered that the proposed extension due to its size will be visually obtrusive and out of character with the existing properties in this row of bungalows. You are requested to submit revised proposals to address these concerns. Clarity was sought for the drawings which did not make sense and requirement for the granny flat to be incidental to the overall house. While noting the concerns of the neighbouring residents all of the issues raised in the requires for

Further information as clarified all matters were considered to be addressed in the subsequent report of 4/3/26

- Notably, it is stated that the drawings are coherent and the proposed extension to the front of the dwelling are acceptable in terms of height and size.
- The dormer box is required to be in accordance with details submitted on 4/12/25 in the interest of clarity.
- A one-bedroom granny flat is considered acceptable and the justification for same as part of three bed family home is accepted
- The vehicular entrance can be conditioned to be 3m in width.
- Development contributions apply

#### 3.2.2. Other Technical Reports

- Environmental Assessment Unit: Report carries out screening examinations and concludes that neither an AA or EIA are required

### 3.3. Prescribed Bodies

No reports

### 3.4. Third Party Observations

- 3.4.1. Observation from neighbouring resident at 82 (countersigned by residents in 83, 86, 89 and 91 and this raises concerns about overlooking from attic extension and from Velux roof lights, out of character design due to glazing at front and excessively wide entrance and lack of clarity I regarding attic walls. Concerns about intensification of use given the rental status over preceding 10 years.
- 3.4.2. Observation from resident of 92 Countess Grove seeks a refusal of permission. while welcoming removal of vertical windows in the rear attic box dormer extension, a number of concerns are raised regarding scale, design and use:
- While noting the reduction in extension depth the extension to the front would break the building and uniform streetscape – the proposed glazing and design would be out of keeping.
  - The dormer window has been increased in height - raising the height of the dormer extension 480mm above the apex the change in roof pitch would have a negative visual impact.
  - Queries the need for the attic room.
  - Driveway width at 4m breaches development plan, (Section 1.5.7.5) which states entrances should not be greater than 3.6m or 50% the width of the boundary whichever is the lesser. Has failed to comply with the FI request in this regard. The applicant stated in a previous application the intention to live without a car so the need for a wide entrance is queried when house alterations are not intended for additional people. The layout with 4 car park spaces should be reviewed to be in keeping with the streetscape and also comply with the KCDP in respect of the limiting hard landscaping.
  - The family flat is queried regarding use scale and proportionality in the context of CPD policy for Dependant Relative Accommodation. The overall use remains unclear
  - The intention for shed constructed with concrete cavity wall and tiled roof should be stated

- The drawings text and dimension are difficult/impossible to read . details of the entrance are unclear.

Observations from occupant of no. 92 raised concerns about overlooking

Observations from occupant of no 85 raises concerns about scale and design and negative impact on neighbouring properties.

## 4.0 Planning History

### 4.1. The site

- 4.1.1. An Bord Pleanála ref 318148 /PA ref 23/413 (file attached) refers to refusal of permission on appeal to construct extensions and elevational alterations to existing dwelling and all associated site works for the stated reason:

Based on the information before it, the Board is not satisfied that the proposed development would not facilitate existing unauthorised use of the premises as two residential units. In these circumstances, the Board concludes that the granting of permission would facilitate the continuation of an unauthorised use of the premises contrary to the proper planning and sustainable development of the area.

- 4.1.2. An Bord Pleanála ref 313148-22/PA ref. 21/1026 refers to a refusal of permission for extensions and alterations to house and retention of a separate residential unit, and all associated site works for the stated reason:

Having regard to the submissions on file, size and design of the dwelling which is proposed to be subdivided into two residential units, the aggregate living area proposed, the absence of private open space separate from the existing dwelling on the site, the increased height of the house, and the proposed introduction of extensive glazing on the front elevation of the house, it considered that the proposed development would constitute overdevelopment of the site, would fail to integrate into the existing streetscape and would adversely impact on the residential and visual amenities the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of properties in the vicinity, would result in substandard accommodation for future occupants of the

development and would be contrary to the proper planning and sustainable development of the area.

- 4.1.3. Planning authority ref. 06/204639 refers to refusal of permission for the retention of subdivision of existing dwelling house into two separate dwelling units and elevational changes.
- 4.1.4. Planning authority ref. 04/204191 refers to permission for an extension to the dwelling house.
- 4.1.5. Planning authority ref. A18(498) refers to permission for development of bungalows at No.'s 80-88 and 90-91 Countess Grove, Killarney.

## 5.0 Policy Context

### 5.1 Development Plan

- 5.1.1. The site is within the development area governed by the Killarney Town Development Plan 2022-208 as part of the Kerry County Development Plan 2022-2028 (CDP) under which it is zoned residential.
- 5.1.2. **Volume 6 of the CDP** sets out development management standards and guidelines in section 1. The following sections are relevant:
  - **Section 1.5.6.4 Dependant Relative Accommodation:** The creation of an ancillary, subsidiary, dwelling unit to be occupied for habitable purposes, is generally acceptable, provided such proposals can demonstrate a bona fide need for such a unit and that:
    - It is not a separate detached unit, and it is possible to provide direct access to the remainder of the house.
    - There shall be no permanent subdivision of the garden.
    - The unit shall not be let or sold, other than as part of the overall property, and shall revert to being part of the original house when no longer occupied.
    - That the proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.

- The design should ensure that the unit forms an integral part of the main dwelling unit capable of reintegration for single family use.
- **Section 1.5.7.6 Off-street Parking in Residential Areas:** The cumulative effect of removal of front garden walls and railings can damage the appearance of suburban streets and roads, it can contribute to an overall reduction in permeable surfaces vital to flood relief and introduce multiple vehicular accesses thereby reducing the level of communal on street parking. Proposals for off street parking in existing front gardens in residential areas, therefore, need to be balanced against loss of amenity (visual and physical) and communal spaces. The removal of front garden walls, pillars, gates, piers, and railings will not generally be permitted where such removal will have a negative visual impact on the character of the streetscape or reduce the level of communal parking to an unacceptable degree. In particular, these works will generally not be permitted in Architectural Conservation Areas, areas of architectural, historic character, within the curtilage of a protected structure and well-established housing estates. Where permitted, drive-ins/ front garden parking provision should generally:
  - Not have outward opening gates.
  - Have a vehicular entrance not wider than 3 metres, or 50% of the width of the front boundary, whichever is the lesser.
  - Have an area of hard standing (parking space of 2.5 m x 5 m) and be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public footpath or road.
  - Retain the balance as garden.
  - In the case of established housing developments any replacement of front walls should match the existing material and design elements of neighbouring or adjacent properties within that particular housing development, such as piers, railing, stone/brick/render detailing etc.
  - Have gates, walls, pillars and railings made good, and
  - Utilise permeable paving in the interests of sustainable drainage.
- **Section 15.6.1 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.
- **Section 1.5.6.2 Subdivision of dwellings:** The sub-division of existing dwellings into two or more dwelling units will be considered in limited circumstances where it would contribute to maintaining a viable community in an area, will allow for the opportunity of downsizing, is in a location well served with amenities and where the existing dwelling is of an appropriate size. Conversions must not detract from adjoining/existing residential amenity or result in a negative visual impact on the streetscape, or on neighbouring properties. Design and landscaping shall be of a high standard with adequate open space arrangements required

### **5.3 National Guidance**

- 5.1.3. **Planning Design Standards for Apartments Guidelines for Planning Authorities, (2025)** (Dep. of Housing, Local Gov and Heritage), Appendix 1 minimum floor areas - 3 bed / 5p - 90 sq.m. apartment (double bed /twin 11.4sq.m.)
- 5.1.4. **Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities. (2024):** (Dep. of Housing, Local Gov and Heritage) These provide for increasing densities within the urban footprint. SPPR2 sets out minimum private open space standards. Table 5.1 Minimum Private Open Space Standard for Houses : 1 bed 20 sq.m. and 3 bed 40 sq.m.
- 5.1.5. **Design Manual for Quality Housing (2022)** (Dep of Housing, Local Government and Heritage.) This is aimed primarily at social housing
- 5.1.6. **Quality Housing for Sustainable Communities, (2007)** (DoEHLG) Table 5.1 sets out minimum floor areas/aggregate floor areas for dwellings.

## **5.4 Natural Heritage Designations**

The nearest designated European sites are Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and Killarney National Park SPA

## **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 (or Part V of the 1994 Roads Regulations.)

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. An appeal has been lodged by Mary O'Sullivan of Countess Grove and is countersigned by residents of 6 other dwellings along this same road where the development is proposed. The grounds make the following points in support of the opposition to the development:
- The house has increased from the original 102 sq.m. by 50% with a 33 sq.m. extension and change of use from garage to living space 19sq.m.. It has also has an additional solid concrete and pitched roof shed of 22 sq.m.
  - The house is one of the same type of houses in an order streetscape since 1970s.
  - The house design is opposed to on grounds of:
    - Breaking the building line, incorporating extensive glazing and adding a box type dormer extension increasing the overall height of the roof, use of metal cladding.
    - The entrance door arrangement is opposed to due to the position of a new door facing the boundary.
  - The layout of the front garden is of concern in that it is to provide for 4 car park spaces and excessive hard landscaping contrary to the CDP requirement for limiting such.

## **7.2. Applicant Response**

7.2.1. In a response submitted by the applicant's agent the following points are made:

- The shed is for storing garden equipment and boiler and there are no plans to change this.
- The projection to the front has been reduced in depth from 3.567m to 1.65 and now to 1/550 and remains behind the established buildings line. In overall terms the detached nature of the property can absorb the design modifications as has been carried out in different ways in other properties.
- In a manner, the proposed alterations to the unadorned façade will elevate and enhance the visual amenity of the areas.
- The box dormer was previously appraised in an appeal to not have an unacceptable impact on the visual amenities of the areas.
- The glazing is proposed to maximise the southern elevation. The proposed door is to comparable to existing overlooking from existing gable windows facing on to the elevation where the door is proposed.
- The front garden is proposed to be landscaped with a mix of hard surface and vertical planting to soften the space.
- There is no evidence to substantiate the loss in value of properties. An IPAV report is quoted in respect of the boost in value by investing in modern facades.

## **7.3. Planning Authority Response**

- None

## **8.0 Assessment**

### **8.1. Issues**

8.1.1. Having reviewed the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and

having regard to relevant policies and guidance, I consider that the main issues for assessment centre on:

- Nature and principle of development
- Overdevelopment
- Visual amenity
- Other matters

## **8.2. Nature of development**

- 8.2.1. The subject site has an extensive planning history wherein the house and curtilage have been considerably extended, and permission has been refused twice on appeal for subsequent extensions and alterations to provide for subdivision. In this case the applicant is seeking to regularise the status of the existing structure while also seeking permission for further development and intensification of use by way of a 'family' flat. There is considerable opposition to the nature of the extension from the neighbouring and surrounding residents along the same cul-de-sac.
- 8.2.2. The house presently has a footprint of c 154 sq.m. and within this, permission is sought to retain a habitable floor area of a stated 76sq.m. wherein a family flat is proposed to be provided as clarified by the applicant regarding the mix up in the drawings. The layout in the submitted drawings of the area to be retained as hatched in green is the proposed layout, as it does not match the present configurations noted during my inspection which includes in this part of the house, two bedrooms, a large kitchen/dining area and bathroom. The interconnection with the main house through the living room as shown in drawings exists. This living room is to the front of the house and is accessed off the entrance hall.
- 8.2.3. The proposed layout (in green) is intended to provide a family flat by modifying the existing layout internally (not fully shown in the drawings as I have described) and by extending this eastern side of the dwelling to the front with a wide box-bay type extension some 7.6m wide and 1.55m in depth (external dimensions). This extended area will provide a self-contained interconnecting flat of c. 86sq.m. and this contains a living area of 22sq.m. a separate Kitchen of c 15 sq.m. a double bedroom, a separate utility room, bathroom, a heat system room and circulation corridor

- 8.2.4. The remainder of the original house is shown in the plans to provide a c. 89 sq.m. habitable living area in the remaining ground floor area which is to be retained as the main dwelling unit with three bedrooms - two of which are double and one is single (assuming the en-suite bathroom is excluded from the floor area, otherwise the minimum width standard is somewhat breached at 2.71m in the context of standard room widths in the current apartment guidelines, 2025), two bathrooms and a kitchen living area of 5.34m x 3.117m at its narrowest and widening with an additional c.2.5sqm. The floor area is proposed to be moderately extended by way of another extension to the front – a box-bay type window area of c.2.5sq.m. to the master bedroom to the front with an external side door and patio type sliding windows. A canopy porch area of c 3.3 x 2m is proposed to the rear of the dwelling at the back door. Internally a new stairwell is proposed to provide access to the attic level where a dormer extension is proposed to the rear with rooflights in the south elevation (façade) and this is proposed to have a floor area of 41.s.m to provide an arts and crafts room, storage room and third bathroom.
- 8.2.5. In terms of proportionality to the main house to be retained, I do not consider the proposed development meets with the development plan criteria in Section 1.5.6.4 in respect of Dependant Relative Accommodation. I do not consider the proposed scale of the 'flat' relative to the original house can be reasonably described as ancillary or subsidiary to the principal dwelling unit and cannot therefore be considered as generally acceptable. I also note the layout of the garden which is presently arranged in a subdivided and fragmented layout and there are no clear plans appear to address this. Moreover, I consider, for reasons relating to layout and quality of residential amenity that the proposed development is likely to adversely affect the amenities of the existing principal dwelling and of the area.
- 8.2.6. While the principle of a family flat is provided for in the development plan, I consider in view of the pattern and layout of development on site that the site is constrained to provide for the nature of accommodation proposed for reasons relating to overdevelopment and overall integration with the character of the area as are assessed in more detail.

### 8.3. Overdevelopment

- 8.3.1. By providing a one-bedroom family flat of c.86 sq.m. as an ancillary unit, I consider the character and amenities of the main house would be considerably altered and compromised. In retaining a three-bedroom unit with at least 5 bed spaces, the remaining gross area of habitable space would be c. 89 sq.m.
- 8.3.2. In the context of the minimum apartment area of 90 sq.m. in the Planning Design Standards for Apartments (2025) for a three-bedroom 5-person apartment, this is more of a scale of an apartment unit rather than a generously proportioned detached single dwelling. The remaining dwelling would accordingly be considerably altered in character from the original permitted dwelling and neighbouring dwellings.
- 8.3.3. In terms of layout, the accommodation would be substandard in some respects by reference to national guidance as cited in section 5.2 of this report. In Design Manual for Quality Housing Design, the aggregate living/ kitchen area is guided at 34 sq.m. for three bedroom /5 person apartments and houses. In this case, the kitchen/living area is I estimate in the order of 19 sq.m. and within this space the living area is internal in a single aspect room with a north facing kitchen window. The west facing half glazed kitchen door will be overshadowed by the canopy. It is even substandard in the context of more relaxed housing standards in Table 5.1 - Space Provision and Form Sizes for Typical Dwellings in the Quality Housing for Sustainable Communities (2007) wherein the minimum for a 3 bedroom house (4 person unit) is 30sq, for aggregate living area but for 5 persons this increases to 34 sq.m. and for 6 person capacity (3 double rooms) it is 37sq.m. which is relevant if counting the ensuite in the 3<sup>rd</sup> bedroom calculation.) I therefore consider the remaining principal dwelling would be compromised in its provision of basic standard of living accommodation relative to that in the original form and layout of the dwelling house.
- 8.4. I consider the overall approach to providing such a large family flat, and effectively splitting the original house to the extent that the original habitable living area of the house is reduced to being subordinate to the cumulative ancillary and dependant floor areas/spaces, will contribute to a diminution of amenity as compared to that of the original and neighbouring houses to an extent that would significantly alter the character of the area . In this way I consider it fails to meet with the criteria for Dependant Relative Accommodation (Section 1.5.6.4). I refer to the requirement that the proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.

- 8.5. In treating the application as a densification proposal and accordingly with reference to the compact settlement guidelines which advocate an increase in scale of development, the provision of an additional unit should be proportionate and subject to protecting the character of the area, (I refer to section 1.3.2 of the CSGs). While not directly applicable to a family flat, I consider the guidance is applicable given the nature of subdivision and proportionate size of flat. Section 3.3.6 states in respect of exceptions to density that in the case of very small infill sites that are not of sufficient scale to define their own character and density, there is a need to respond to the scale and form of surrounding development and to protect the amenities of surrounding properties. Protecting character is a key consideration in refining the appropriate density for a site. I do not consider this has been achieved.
- 8.6. In terms of private open space, the provision of this is of questionable standard having regard to the site characteristics. While the rear garden on plan can quantitatively provide private space to the rear for a single dwelling, the quality of the residual space is significantly compromised by the central siting and ground level of both the shed and its perimeter path all in a central sunken area with steps, retaining walls, fencing and garden divisions. This leaves very restricted areas on each side of the and there are no detailed proposals to address this. To the east the configuration is poor in terms of providing amenity in that it is small area divided by a fenced area for bins and storage to its rear and the remaining area is for one of two clothes drying areas with very little usable amenity space. The layout plan shows a 4.7m wide area from shed gable to eastern boundary, but this is not reflective of the usable space. To the west of the shed, this area is larger, but the area is occupied by two fuel tanks and second clothes drying area and this is also where a 3.2m x 2m canopy is proposed as a porch to the rear kitchen door access. I would question the feasibility of meeting the development plan minimum requirement of 75 sq.m. private open space for a 4-bedroom house in Table 1 of Appendix 6 (section 1.5.4.6). Even in the context of the 50sq.m. minimum standard for new 4 bed housing in the CSGs which would be part of a comprehensive scheme with communal facilities and amenities, I consider the proposal for a 4 bed /7 person house and its provision for two households, albeit related family, fails to adequately demonstrate how a reasonable level of usable area of open space can be provided. In treating the

proposal as subdivision given the proportional relationship of the two living areas, the provision of open space would be of an even more questionable standard.

## **8.7. Visual and Residential Amenity**

- 8.7.1. The proposed attic conversion in breaching the apex, in addition to an already considerably extended roof and massing to the rear would be visually obtrusive. While I note the omission of vertical windows in revised plans and note that it will not cause overlooking, I do not consider the nature of the overall layout and use justifies the need for this rooflight lit room to provide an arts and crafts room, store and bathroom. In this regard, I note the large double shed that is plumbed and used for utilities and could be used for such hobby uses with less obtrusive building requirements. A similar store area could be provided in lieu of the proposed stairwell.
- 8.7.2. With respect to the front extensions, while a bay projection to the façade by itself may potentially be absorbed into the façade having regard to the site width and setback, I consider the overall window arrangement to lack uniformity and for this reason would contribute to a disorderly streetscape. I refer to the variance in opening arrangements with some sliding windows and different widths in addition to a second front entrance.
- 8.7.3. The approach to adding an independent access to the front is unusual and the rationale is not clear. The applicant rebuts the appellant concerns in regard to privacy by referring to the extant gable windows overlooking the site. However, I do not consider the small windows to be comparable to the potential intrusiveness and disturbance that may arise from the additional front entrance door. This is aside from the visual incongruity. I consider the bedroom entrance is potentially a source of undue nuisance to the neighbouring dwelling and also to be a further contributing factor to the incongruity of the overall proposal with the amenities and character of the area. Permission should be refused, in part, on these grounds.
- 8.7.4. While I note the stated family needs for the proposed living arrangements, I consider the overall layout with multiple independent access and number of bathrooms is more suited to multiple independent living arrangement rather than retaining a

primarily single-family household dwelling and may support a significant intensification of use over the longer term.

## **8.8. Other**

- 8.8.1. The appellant raises concerns about excessive car parking within the site and also the excessive width of the vehicular entrance. I note the proposed entrance has been revised to 4m in further information and again by condition which is fairly straightforward as this is not in contentious with the applicant. The applicant initially sought to provide a turning area within the site and vertical landscaping. In respect of car parking and turning, I note the road is a quiet cul-de-sac with provision for on-street parking and reversing into the driveway is unlikely to be hindered, therefore the need for turning area is not necessary from a traffic safety perspective. I would however have reservations about the extent of hard surfacing. While not a substantive issue in itself, the loss of the only remaining lawn within the site is undesirable in terms of surface water containment and biodiversity. This could be addressed by condition and therefore I do not consider this issue constitutes grounds for refusal of permission.

## **9.0 AA Screening**

- 9.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The nearest designated European sites are Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and Killarney National Park SPA. No nature conservation concerns in relation to European sites were raised in the planning application or appeal.
- 9.2. Having considered the nature, scale and location of the project and taking into account the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reasons for this conclusion are as follows:
- The nature and scale of the development, comprising domestic extensions and alterations to an existing suburban dwelling connected to existing services.
  - The urban location of the site and the separation distance and intervening urban area from the nearest European, sites. and therefore, separation from and absence

of direct connectivity to Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, and Killarney National Park SPA,

- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment under Section 177V of the Planning and Development Act 2000 is not required.

## **10.0 Water Framework Directive**

- 10.1. The proposed development comprises extensions and alterations to an existing dwelling and ancillary structures in a housing estate in a serviced urban area. There are no watercourses in the immediate vicinity of the appeal site, and no water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status.
- 10.3. 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 bodies, for the following reasons:
- the nature and scale of the works, small domestic extensions in a serviced urban location,
  - the urban location of the site in a fully serviced residential area and
  - the distance from the nearest waterbodies and the absence of any direct hydrological connections.
- 10.4. I conclude on the basis of objective information that the proposed development will not result in a risk of deterioration on any water body and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend that permission be refused for the proposed development based on the reasons and considerations hereunder.

## **12.0 Reasons and Considerations**

Having regard to the proportionate scale of the proposed Dependant Relative Accommodation relative to the remaining main dwelling habitable area, it is considered that it cannot be reasonably described as ancillary or subsidiary and therefore fails to comply with the criteria for Dependant Relative Accommodation as set out in section 1.5.6.4 of Volume 6 of the Kerry County Development Plan 2022-2028. Notwithstanding, having regard to the scale of the dependant, size and layout of the habitable floor area of the proposed main dwelling and in particular, its remaining aggregate private kitchen living area and the limited provision of usable private open space, it is considered that the proposed development would constitute a substandard level of living accommodation on the site. Furthermore it is considered by reason of the bulk, height and massing of the dormer roof together with the design of glazing and fenestration to the front which and the incorporation of multiple entrances, would fail to integrate into the existing streetscape and character of the area and would therefore adversely impact on the residential and visual amenities the area. The proposed development would, therefore, seriously injure the amenities would result in substandard accommodation for future occupants of the development and would accordingly fail to comply with the criteria for Dependant Relative Accommodation. The proposed development would therefore 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.

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Suzanne Kehely  
Senior Planning Inspector

14<sup>th</sup> July 2026

## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                       |                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                 | 501064-KY-26                                                                                                                           |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                   | Construction of extension, alterations to existing dwelling and entrance pillars. Retention of existing apartment to side of dwelling. |
| <b>Development Address</b>                                                                                                                                                                                                                                            | No 84, Countess Grove, Killarney, Co Kerry                                                                                             |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>                                                                                                                                                                                                                        |                                                                                                                                        |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>                                                                                                                                                            | <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:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |                                                                                                                                        |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                       |                                                                                                                                        |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.                                                                                                                  |                                                                                                                                        |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                          |                                                                                                                                        |

|                                                                                                                                                                                                                                                                               |                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>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?</b> |                                                                                                                                                                                              |
| <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.<br><b>No Screening required.</b>                                  | <b>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.</b> |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                                                                       |                                                                                                                                                                                              |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.                                                                                                                                                                                    |                                                                                                                                                                                              |
| <b>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)?</b>                                                                                                               |                                                                                                                                                                                              |
| <b>Yes</b> <input type="checkbox"/>                                                                                                                                                                                                                                           | <b>Screening Determination required (Complete Form 3)</b>                                                                                                                                    |
| <b>No</b> <input type="checkbox"/>                                                                                                                                                                                                                                            | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>                                                                                                                    |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_