



An
Coimisiún
Pleanála

Inspector's Report PL-501387-KY-26

Development	Retention of garage and permission to complete garage.
Location	Scartlea, Muckross, Killarney
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	26/60216
Applicant	Natalia Kennedy
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant	Natalia Kennedy
Observers	None
Date of Site Inspection	27 th July 2026
Inspector	Suzanne White

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 EIA Screening.....	8
7.0 The Appeal	8
8.0 Assessment.....	9
8.1. Visual impact.....	9
9.0 AA Screening.....	13
10.0 Water Framework Directive	13
11.0 Recommendation	14
12.0 Reasons and Considerations.....	14
13.0 Conditions	14
Appendix 1: Form 1 EIA Pre-Screening	17

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Scartlea near Muckcross in Co. Kerry, approximately 3km southeast of the centre of the town of Killarney.
- 1.2. The site is roughly rectangular in shape with a stated area of 0.210ha. On the day of my site visit, a single storey dwelling was at an advanced stage of construction on site and the associated garage, which is the subject of this appeal, was partially constructed of block walls on three sides.
- 1.3. The site itself is relatively level though the wider topography falls from west to east. The lands adjacent to the west comprise agricultural land and are set at higher ground level. The boundary on this side varies between a retaining wall and stone and earth embankment with post and wire fencing atop. The site directly to the east contains a dwelling which is set at lower ground level than the application site. A post and wire fence and hedging marks the boundary on that side. The public road on the northern side of the site is at higher level compared to the site. At the site entrance the public road is c. 1m higher, while at the rear of the garage the road is indicated in the submitted drawings to be c.2.3m above ground level on site. An earth mound marks the rear boundary of the site, beyond which is agricultural land.
- 1.4. The wider area consists primarily of agricultural lands together with single rural dwellings. The application site is the westernmost dwelling in a row of eight single rural dwellings.

2.0 Proposed Development

- 2.1. The subject application seeks permission to retain and complete a domestic garage. The garage is located at the front of the near-completed dwelling, in the northwest corner of the site. The garage is partially built to a height of c. 2m on three sides. It is proposed to be finished with a monopitch roof with a maximum height to parapet of 3.6m at the front, decreasing to c. 3m at the rear. The ground to the rear (west) and side (north) is to be backfilled between the garage and boundaries. The garage would have a floor area of 43.12sqm. Vehicular and pedestrian doors are indicated on the eastern side. The garage would have a stone finish to the front and would be rendered on the other sides.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development, by order dated 1st May 2026, for one reason as follows:

1. The partially constructed domestic garage is located in front of the newly constructed dwelling house on the site where it is well forward of the established building line. Having regard to the pattern of development in the vicinity, the retention and completion of the garage would constitute a discordant feature which would set an undesirable precedent for similar development in the area. The retention and completion of the garage would infringe the building line and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the Planner's Report may be summarised as follows:

- There is a ribbon of one-off dwelling houses to the east.
- The dwelling house granted under Planning Register No 22/500 is substantially complete but is not occupied. Under that permission a detached domestic garage was granted to the rear of the dwelling house along the southern boundary.
- The partially constructed garage is set back only about 7.5m from the roadside boundary fence where it is well forward of the established building line.
- Therefore, the retention of the garage at this location would infringe the building line.
- Screened out for AA. The proposal is not one which needs EIA screening or EIA.

3.2.2. Other Technical Reports

- Planning Enforcement Unit: indicates that there is a relevant enforcement file, No. 10439 relating to the site.
- Environmental Assessment Unit: concludes that the proposed development would not have required an AA or EIAR.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

25/60802: permission refused to retain domestic garage as constructed and Planning Permission to complete garage. The reason for refusal was the same as for the current application.

22/500: permission granted to construct a dwelling house and garage along with a septic tank and puraflo unit and all ancillary site works.

Condition 11 of this permission requires that the existing roadside boundary shall be removed and set back in accordance with the site layout plan. The new front boundary and wing walls are required to be constructed in sod and stone or native stone. The wing walls forming the entrance are required to be constructed to no more than 1m above existing road level.

Condition 16 requires that a comprehensive landscaping scheme shall be submitted for the agreement of the Planning Authority prior to commencement.

5.0 Policy Context

5.1 Development Plan

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. On the 19th January 2026, Proposed Variation No.2 of the Kerry County Development Plan 2022-2028, relating to Killarney Municipal District Settlements' Plan, was adopted by the Council. The relevant policies and objectives pertaining to the proposed development are set out below.

Volume 1 Written Statement

It is an objective of the Council to:

Chapter 5: Rural Housing

KCDP 5-2 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the rural landscape that make Kerry's rural areas authentic and attractive places to live, work and visit.

KCDP 5-4 Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), circular PL2/2017, National Planning Framework (NPOs 15 & 19) and the Development Management Guidance of this Plan.

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county. ■

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a House in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

Landscape Designations: The subject site has the landscape designation "Visually Sensitive Area".

11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

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.

Volume 6 Development Management

Section 1.5.10 Standards for Residential Development in Rural and Non-Serviced Sites

Section 1.5.10.9 Sheds/garages/ancillary structures

Notwithstanding those developments listed under Class 3, Schedule 2 Part 1 (P & D Regs 2001 as amended), the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only.

Kerry County Council Rural Design Guidelines

Extensions/Sunrooms/Garages

A detached garage is often a necessity for domestic storage purposes. The garage should not detract from the design of the main dwelling house but rather should complement the existing dwelling house on site. The location of a garage should be considered carefully and not just sited in a line with the dwelling house. Locating the garage to the rear of the dwelling house in an informal cluster can ensure the garage is not adding excessively to the bulk and scale of the main dwelling house. The style of roof and materials used should reflect that of the main dwelling house. Metal sheds, log cabins and containers generally look out of place and are not appropriate in a rural setting.

5.2 Natural Heritage Designations

The site is not located within a designated site. The nearest such sites are:

- Sheheree (Ardagh) Bog SAC (000382) c. 0.42km to the west
- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) c. 0.84km to the east and west
- Killarney National Park SPA (004038) c. 1.03km to the west
- Castlemaine Harbour SAC (000343) c. 8.19km to the northwest

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 Roads Regulations, 1994).

7.0 The Appeal

7.1. Grounds of Appeal

The first party grounds of appeal may be summarised as follows:

- There is no established building line at this location. The issue of building line is of planning significance in urban areas where it is of importance in establishing a street frontage and maintaining a safe pedestrian pathway. The matter is of less importance where there is a variety of house types with varied spacing, design and front treatments. Of greater importance in a rural situation is the judicious location of building elements in the landscape. The proposed location of the garage is considered to be better in terms of visual impact than that originally approved.
- The location of the domestic garage, being in the lea of a very tall bank, will have limited or no visual impact. The grounds include photographs of the partially constructed garage which it is stated is at a height of c. 2m. The appellant states that the structure will be practically invisible from the west side and from the front. Considers that the garages of the houses to the east indicate the greater impact visually of locating the garage to the rear. Also notes that there have been no submissions from neighbours against the proposal. Photomontages are included in the appellant's statement, showing the garage with new planting and more mature planting.
- The location of an ancillary building to the front of the dwelling house is entirely consonant with the building traditions of the area and will not be a discordant feature as suggested in the reason for refusal. Precedent images attached in this regard. States that the location of a garage to the front makes sense in terms of usability and minimising road construction. Notes the very varied front line of the adjacent house to the east and the substantial sized

shed beside it. Considers that the proposed garage location will frame the entrance and will appear as one unit with the dwelling.

- Under PRN 22/500 permission was granted for a dwelling with garage to the rear. The location of the garage was subsequently changed to the front in order to avoid overshadowing solar panels on site and to avoid building over the geothermal tanks associated with the geothermal heating system for the dwelling.
- The appellant includes details of a dwelling in the area which was granted permission and has been constructed forward of the dwellings on either side of it.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

7.4. Further Responses

None received.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal is as follows:

- Visual impact

8.1. Visual impact

- 8.1.1. The Planning Authority's reason for refusal of the application highlighted the position of the proposed garage forward of the dwelling on site and of the established building line locally. Due to its position, the proposed garage was considered to

constitute a discordant feature which would set an undesirable precedent for similar development in the area.

- 8.1.2. The applicant, in their grounds of appeal maintain that there is no established building line in this location and that the proposed garage, due primarily to the local topography, will have limited visual impact.
- 8.1.3. Policy Objective KCDP 5-4 of the Development Plan 2022-2028 seeks to ensure that future housing in rural areas complies with relevant guidance, including the Development Management Guidance of the Plan. In relation to garages, *Section 1.5.10.9* of the Development Management Standards (Volume 6 of the Development Plan) requires that the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only. The proposed garage would have a floor area of 43.12sqm, which is substantially below the 70sqm limit set by the Development Management Standards of the Development Plan.
- 8.1.4. Policy Objective KCDP 5-22 seeks to ensure that the design of housing in rural areas complies with the Building a House in Rural Kerry Design Guidelines 2009 or any update of the guidelines. In relation to garages, these Guidelines advise that a garage should not detract from the design of the main dwelling house and indicates that locating the garage to the rear of the house, rather than in line with it, can ensure the garage is not adding excessively to the bulk and scale of the main dwelling house. While a preference for siting a garage to the rear rather than alongside a dwelling is indicated, I consider that there is flexibility in the Guidelines with regard to siting.
- 8.1.5. The 'Siting and Integration' section of the Guidelines advises applicants to aim for integration into the landscape, using existing screening and the natural contours of the land, where possible. The application site is located at the end of a row of single rural dwelling houses which are each set back a similar distance from the local road, notwithstanding minor variations and projecting elements. The Kerry Rural Design Guidelines 2009 encourages applicants to avoid formal patterns of development, including rigid building lines. Also, the 'Design' section of the Guidelines references a farmyard style layout as a positive example, with the house and outbuildings arranged to form a courtyard.

- 8.1.6. Applying these principles to the subject site, I consider that the position of the proposed garage in the northwest corner of the site, at significantly lower ground level than the adjacent road to the north and the field to the west, presents an opportunity for a structure to be integrated without significant negative impact on the surrounding landscape.
- 8.1.7. The existing roadside boundary hedge provides significant screening to the garage site, however this is required to be removed under Condition 11 of the 'parent permission' (PRR 22/500), in order to facilitate adequate sightline visibility from the new site entrance. The boundary is to be set back c. 2m from the present position and is to consist of a stone and sod wall or native stone wall.
- 8.1.8. In the current application, the applicant submitted to the Planning Authority a site section drawing which shows the proposed garage in relation to the setback boundary treatment. This drawing indicates that the new front boundary wall be no more than 1m in height and that the garage will be visible above the wall by up to 1m. No planting is indicated on the plans submitted with this application, however a landscaping scheme for the site was required to be submitted under Condition 16. The photomontage images submitted by the applicant as part of this application and appeal indicate hedge planting inside the setback roadside wall. The proposed garage would be set in c. 4.5m from the roadside wall and the submitted drawings indicate that this area would be backfilled with soil. Given the width of the space between the garage and roadside boundary wall, and proposals to backfill the area, I consider that new hedge planting behind the wall would be viable to provide screening for the garage in views from the road. In this regard I also note that the submitted plans do not indicate any change to ground levels of the existing bank on the roadside boundary and that the photomontage images submitted with the application show a retaining wall on the northern side of the driveway which would support the bank.
- 8.1.9. A further relevant consideration is the relationship of the proposed garage to the dwelling. Although the garage would be located to the front of the dwelling, it would be set away from the front elevation by 2.25m and the degree to which it would overlap with the front elevation of the house would be limited. I consider that it would be set back sufficiently from the main entrance of the house and the gable projection so as to appear subordinate to the main structure in terms of its siting.

- 8.1.10. The proposed external finishes of the garage are stone, render and metal roof sheeting, all of which would complement the finishes of the dwelling and would therefore meet the requirements of the Kerry Rural Design Guidelines 2009 in that regard.
- 8.1.11. However, with regard to the height of the proposed garage relative to the dwelling I do have concerns. The ridge height of the part of the dwelling closest to the garage varies between c. 4.9m (utility room) and 5.5m (gable projection), while the height to the underside of the eaves is consistent at 2.5m. The proposed garage would have a maximum height of 3.75m, measured from ground level to the top of the parapet. In assessing the issue of height I have relied on the submitted drawings, noting that there is some variation in the height of the structure evident in the photomontages. The proposed structure is substantial at 43.12sqm and, given that it would be located to the front of the dwelling, I consider that a reduction in its height is necessary to ensure that it would form a subordinate, ancillary structure to the main structure on site. As a reference, I note that the height of flat roofed domestic garages classed as exempted development is limited to 3m. I consider that this is a reasonable height for the proposed structure, ensuring that it would remain functional whilst not detracting materially from the character of the main dwelling and the visual amenity of the area. This can be secured by condition.
- 8.1.12. I note that the application site is located within an area designated 'Visually Sensitive' in terms of its landscape characteristics. Given the topography of the site, the existing dwelling on site and subject to conditions limiting the height of the garage and to require the provision of roadside boundary screening, I consider that the proposed structure can be integrated on site without impacting detrimentally on the character, integrity, distinctiveness, or scenic value of the wider area, in accordance with Policy Objectives KCDP 11-77 and KCDP 11-78 of the Development Plan.
- 8.1.13. Overall, having regard to the site characteristics, particularly the lower ground level of the garage site relative to the public road and adjacent lands to the west, the position of the garage within the northwest corner of the site, the proposed external finishes of the garage which would complement those of the dwelling on site, the new roadside boundary wall secured by Condition 11 of PRR 22/500 and subject to conditions requiring new hedge planting inside that wall and a reduction in the height

of the proposed structure, I consider that the proposed garage would be acceptable having regard to Policy Objectives KCDP 5-4 and 5-22 of the County Development Plan 2022-2028 and to the Building a House in Rural Kerry Design Guidelines 2009.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Sheheree (Ardagh) Bog SAC (000382), Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and Killarney National Park SPA (004038) or any other European Site, in view of the conservation objectives of these sites, and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The separation distance to the nearest European Sites and lack of hydrological or other pathways.
- The qualifying interests of the above identified European Sites.
- Taking into account the screening determination of the planning authority.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed

development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the planning history of the site, the site characteristics, in particular the lower ground level of the site relative to the public road, to the nature, design and siting of the proposed development relative to the existing dwelling and to the provisions of the Kerry County Development Plan 2022-2028, particularly Policy Objectives 5-4 and 5-22 and to the Building a House in Rural Kerry Design Guidelines 2009, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area. The proposed development 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 in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (PRR 22/500) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:
(a) The height of the proposed garage shall be limited to 3m, measured from ground level at the front of the structure.

Reason: In the interests of visual amenity.

4. A hedgerow comprised of native species shall be planted to the rear of the setback front boundary wall to form a continuous screen between the site entrance and the western boundary of the site. The hedgerow shall be planted within the first planting season following substantial completion of the garage structure. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Notwithstanding reference to a new front boundary fence on the submitted site layout plan, received by the Planning Authority on 11/03/2026, the new front boundary and wing walls shall be constructed in sod and stone or native stone, as stipulated by Condition 11 of PRR 22/500.

Reason: In the interest of clarity.

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 White
Planning Inspector

21st August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL.501387-KY-26
Proposed Development Summary	Retention of garage and permission to complete garage.
Development Address	Scartlea, Muckcross, Killarney
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.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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	
☐ 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)	

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: Suzanne White **Date:** 21/08/2026