



An
Coimisiún
Pleanála

Inspector's Report PL-501472-KY-26

Development	Retention of extension at wall plate level and permission to complete extension at rear of dwelling.
Location	37 Lohercannon , Tralee , Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2660248
Applicant(s)	Gay Lavery
Type of Application	Retention
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Denise Vickers Yvonne Quill
Observer(s)	None
Date of Site Inspection	3 rd September 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 37 Lohercannon, Tralee c.2km to the southwest of Tralee town centre.
- 1.2. No. 37 is an semi-detached bungalow on the site with a large northwest facing garden. The area is generally characterised by residential development, including new residential development, Cluain Lair, to the northeast.

2.0 Proposed Development

- 2.1. The application comprises:
 - Retention permission to retain existing extension at wall plate level at rear of existing dwelling and full planning permission to complete extension at rear of dwelling.
- 2.2. Permission was granted under KCC 24/71 for a rear extension of 64.5sqm. The development for which permission is being sought to retain and complete under the current application is 72.58sqm. The length of the extension has increased from 11.8m to 14.5m. The height remains as originally permitted at 4.559m.
- 2.3. There is an additional shed of 6m x 4m with toilet under construction to the rear of the extension with foundations complete. This is not part of the retention application.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 15th May 2026, Kerry County Council issued notification of a decision to GRANT permission for the proposed development subject to 5 no. conditions.

3.2. Planning Authority Reports

The Planning Report notes:

- It is considered that the proposal would not be seriously injurious to the residential amenity of the area having regard to the nature and scale of the proposal, permitted development on the site and existing site boundary.
- It is considered that the proposal would not have a significant negative visual impact given location to the rear of existing dwelling.
- No services issues arise.

- Recommendation to grant planning permission.

3.2.1. Other Technical Reports

Environmental Assessment Unit, KCC: The development for which retention permission is being sought would not have required an Appropriate Assessment or an Environmental Impact Assessment.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA report notes three no. third party submission. The following issues were raised:

- Residential amenity -Overlooking, overshadowing, loss of light and excessive density.
- Separate outbuilding at rear of garden.
- Concerns re. power cables.
- Proximity to property and structural concerns.
- Precedent.

4.0 Planning History

KCC Reg. Ref. 24/ 71 -Permission granted for the renovation of the existing dwelling and permission to build a private single storey extension at rear.

Enforcement Ref. 10352 - Warning Letter Served.

5.0 Policy Context

5.1 Development Plan

Kerry County Development Plan 2022-2028

Zoning

The site is zoned R2 – Existing Residential in the Tralee Municipal District Settlement Plan (Variation No. 1 of the Kerry County Development Plan 2022-2028)

Volume 6 – Section 1 Development Management Standards & Guidelines

1.5.6 Other Development in Built-up Areas

1.5.6.1 Extensions to Dwellings...

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.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development. In addition, a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage.

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

5.1. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any

European Site. The closest Natura 2000 sites is the Tralee Bay Complex SPA (004188) located c.360m to the south of the site.

5.2. EIA Screening

Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two no. third party appeals were received.

1. The third party appeal form Ms. Denise Vickers raised the following concerns:

- It is argued that the application is factually incorrect and the new plans for extension are intrusive to her property and the foundation of her garden wall.
- It is set out that the applicant has a second building listed as an extension on his site plans but this is not an extension. This is a second dwelling with waste pipes. Concern is raised regarding exemption criteria. The PA did not address this matter.
- The structure will impact her light and the proposed planting will affect her foundations due to root intrusion.

2. The third party appeal form Ms. Yvonne Quill raised the following concerns:

- Concern is raised about the size of the extension and that the extension is an extra 3.3m over the original planning granted and that the extended area runs across the view from her kitchen window. There is only 1m metre from her house to the boundary hedge and approx.. 3m at the other side where the extension is being constructed.
- The extension at almost 5m in height will diminish her amenity view, access to natural light and sunlight into her kitchen and overshadow her garden.

- Concern is raised about the separate outbuilding being constricted which is located outside her bedroom window and that this will be used as a habitable space. This area was originally identified as an amenity space.
- There is no mention in the application to the outbuilding and the Council has given the go ahead and the development description relates to extension works only and the outbuilding is not an extension.
- It is set out that the drawings submitted do not reflect what has been constructed to wall plate level and that there is a large opening facing her property side. The Council failed to address these discrepancies.

6.2. Applicant Response

A response was revised on 16th June 2026. The response can be summarised as follows:

- It is set out that the development will not interfere with light or overshadowing.
- Throughout the housing estate there are extensions next to or on the boundary. This is not the case here.
- The kitchen window overlooking the adjacent property was removed.
- Regarding the shed it is set out that this is 24.8sqm in area and single storey which can be built without planning. The shed will not be used for habitable purposes. It is set out that the shed foundations can be removed if required.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this case to be considered are as follows:

- Design Strategy and Impact on Residential Amenity.
- Shed/Outbuilding

7.2. Design Strategy and Impact on Residential Amenity

- 7.2.1. The application relates to the retention of existing extension construction to wall plate level and permission to complete the extension.
- 7.2.2. The Commission will note that planning permission for an rear extension was granted under KCC 24/71. The floor area of the permitted extension was 64.5sqm. The development for which permission is being sought to retain and complete under the current application is 72.58sqm. The length of the extension has increased from 11.8m to 14.5m. The height remains as originally permitted at 4.559m.
- 7.2.3. Concern is raised by one third party that the increase in the length of the extension by c.3.3m will diminish her outlook namely the view from her kitchen window and will reduce her access to light and result in overshadowing impacts.
- 7.2.4. In the first instance no one is entitled to the view and regarding concerns raised about loss of light and overshadowing, I note the extension extends only marginally beyond the south/southeast facing building line of the adjoining property to the northeast and therefore by reason of orientation does not significantly reduce sunlight to the property nor will it result in any determinantal overshadowing when combined with a height of 5m and the separation distances between the extension and adjacent property at c. 5m.
- 7.2.5. Regarding concerns raised about the construction of an additional window opening on the east facing elevation and that this represents a discrepancy in the drawings, I would agree with the appellant in this regard as it is not identified on the drawings submitted. I note the applicant has indicated that this window will be built-up when work recommences on site. While the third party has raised concerns that the PA did not adequately address this matter, I refer the Commission to the drawings accompanying the application which do not include this window and the PA in their recommendation stipulated that works be completed as per the drawings. Therefore, I am satisfied that the application documentation has indicated that this window will be removed. However, in the event that the Commission is minded to grant planning permission this matter can be clarified by way of a suitably worded condition.

- 7.2.6. The extension will be finished to match the original dwelling and the roof pitch at 4.559m will not exceed the ridge height of the original house to the front of the site, the extension is removed from all shared site boundaries and having regard to the layout and orientation of the site, I am satisfied that the design is acceptable and will not result in serious detrimental impact on the residential amenity of the adjoining property to the northeast by reason of loss of light or overshadowing. Similarly, I note a number of other properties in the estate have been extended and occupy significant portions of their rear gardens. I further note that the works will not reduce the rear amenity space available to the applicant by less than the required 25sqm.
- 7.2.7. I am satisfied that the proposed extension is acceptable and in accordance with Section 1.5.6.1 Extensions to Dwellings of the KCDP 2022-20285.

7.3. Shed/Outbuilding

- 7.3.1. The Commission will note that a concrete base for a shed/outbuilding has been construction on site. The third parties both raised concerns about the proposed shed and that this has not been included in the application for permission. The PA offer limited comment in this regard except to say that it would appear to be within exempted development thresholds. In response to the appeal the applicant states that the shed is 24.8sqm in area and single storey and as such can be built without planning but the shed can be removed if required.
- 7.3.2. In my opinion, the Commission is not in a position based on the information presented on file to determine if the development is in compliance with the exempted development criteria. The Planning and Development Regulations 2001 (as amended) and updated on 27th July 2026 provides for the existing exemption for a structure in the back garden (such as a shed, store, home office or gym) to be increased from 25 square metres to 30 square metres and the height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres and other relevant criteria as set out in Class 3 of Part 1 of Schedule 2 of the Principal Regulations. The onus is on the applicant to ensure compliance with the relevant exemption criteria and to seek a section 5 referral where required.
- 7.3.3. Regarding the third parties concerns that the shed would be used for habitable accommodation. In response to the appeal the applicant has indicated that the shed

will not be used for habitable accommodation.

- 7.3.4. Regarding concerns raised about impact of residential amenities, a domestic shed would not be uncommon in a residential development and many properties in and around the site have similar rear shed/outbuildings within their rear gardens. I further note that the shed base/location is removed from and independent of any adjoining boundaries and located to the northeast corner of the site and screened from the property to the north by domestic sheds within this properties site and located c. 9m from the rear elevation of the property to the northeast.
- 7.3.5. Whilst I note the site layout plan indicates landscape screening along the rear site boundary this is indicative only as no specific details have been submitted and in any case the applicant is entitled to carry out planting within their property boundaries. The potential or not for future planting to cause damage to adjacent wall foundations is not something that can be determined by the Commission.
- 7.3.6. Whilst I am satisfied in this urban context that the principle of a domestic shed at this location would not represent a detrimental impact on adjoining residential amenities, I reiterate that the Commission is not in a position based on the information presented on file to determine if the development is in compliance with the exempted development criteria and therefore any recommendation to grant planning permission does not include a default permission for the shed/outbuilding on the site.

8.0 AA Screening

- 8.1. I have considered the appeal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The appeal site is located c. 360m north of the Tralee Bay Complex SPA (004188).
- 8.2. Having considered the nature, scale and location of the proposed development including connection to public services, I am satisfied that it can be eliminated from further assessment as it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature and extent of the proposed development.
 - The distance to the nearest European Site.
- 8.3. 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.

- 8.4. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

9.0 Water Framework Directive

- 9.1. 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.
- 9.2. 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.
- 9.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

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

10.0 Recommendation

I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the planning history on the site and the provisions of the Kerry County Development Plan 2022-2028, to the nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be retained out and completed in accordance with the plans

and particulars lodged with the application received by the planning authority, on the 23rd March 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. This permission relates to the retention and completion of the rear extension and associated site works only and does not include permission for the rear shed/outbuilding. In the absence of a sperate grant of planning permission for the shed/outbuilding the applicant will be required to adhere to the relevant exempted development criteria as set out under Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Reason: In the interest of clarity and in the interest of proper planning and orderly development.

3. No additional windows shall be provided on the east facing elevation other than the en-suite bathroom window and utility door identified on the drawings submitted with the application on 23rd March 2026.

Reason: In the interest of clarity.

4. The external materials and finishes to walls, roof and windows to the proposed extension shall match the existing dwelling house.

Reason: To integrate the structure into the surrounding area.

5. 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 Coimisiún Pleanála 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.

Irené McCormack
Senior Planning Inspector
7th September 2026