



An
Coimisiún
Pleanála

Inspector's Report PL-501568-KY-26

Development	Refurbish and extend existing dwelling, vehicular rear access and associated site works
Location	7 Quill Street , Rathass , Tralee
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2660273
Applicant(s)	Vincent Dowling
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Séan & Marian Counihan
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 subject appeal site, of stated 0.074 ha, is a rectangular site, located a short distance to the east of Tralee town centre, on Quill Street. The surrounding area is generally characterised by residential development with commercial land uses in the wider area.
- 1.2. The site location is within easy walking distance of Tralee town centre, Manor West Retail Park and nearby hospitals and amenities.
- 1.3. The appeal site fronts onto Quill Street to its south, there is an existing one and a half storey derelict terraced building on the site. The site backs onto Ballinorig Road.

2.0 Proposed Development

- 2.1. The application comprises permission to:
 - (1) refurbish and extend an existing derelict dwelling;
 - (2) form a vehicular rear access from the Ballinorig Road and,
 - (3) construct all associated ancillary site works.
- 2.2. The existing dwelling has a floor area of 64sqm. The proposed redevelopment will provide a floor area of 114sqm.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 22nd May 2026, Kerry County Council issued notification of a decision to GRANT permission for the proposed development subject to 4 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

Flooding, Coastal & Marine Unit, KCC: No flood risk identified at this location.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA report notes 1 no. submission was received. The following issues were raised:

- Planning history.
- Minimal changes to development refused.
- Overdevelopment of the site

4.0 Planning History

KCC 25/60984 – Permission to (1) refurbish and extend an existing derelict dwelling (2) form a vehicular rear access from the Ballinorig Road and (3) construct all associated ancillary site works refused for the following reason:

‘It is considered that the proposed extension by reason of height, scale and proximity to houses in the vicinity would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

ABP-317057-23/KCC 23/156 – Permission granted to construct a new detached single storey dwelling house complete with all ancillary site works at Ballinorig Road, Tralee, Co Kerry

ABP-317059-23/KCC 23/155 – Permission granted for the demolition of existing building and construction of a house and all associated site works.

KCC 13/308119 -Permission Granted on the 14/01/2014 to demolish the existing derelict building on site. To construct a two storey building, the ground floor will comprise of 3 administration offices with ancillary areas and the first floor will have a self-contained apartment. Provide vehicular access to the property via the Ballinorig Road. Construct all associated site works.

5.0 Policy Context

5.1 Development Plan

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).

R2 – Objective - *‘provide for residential development and protect and improve residential amenity.’*

R2 – Description – *‘For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered.’*

Section 3.1.7.3 states - *Derelict and Vacant Properties* of the Tralee Municipal District Settlement Plan states - *The redevelopment of designated infill and brownfield sites in the town centre and the tackling of dereliction in the area is key to continued compact growth of the town, in accordance with the NPF and the RSES, creating more sustainable communities within the town. The refurbishment and re-use of the historic buildings to apply best practice in energy efficiency will also contribute to reducing carbon emissions and contribute to the creation of new sustainable community.*

Volume 6 – Section 1 Development Management Standards & Guidelines

Section 1.3.2, Volume 6 of the Kerry County Development Plan 2022 – 2028 states: “Development in Existing Residential/Built Up Areas (R2/M2/M4)” “In this plan significant areas of lands within the town and village boundaries have already been developed in the Municipal District’s settlements. These are known as built up areas and constitute the majority portion of the lands zoned on the zoning maps and are typically zoned as (R2/M2/M4) - Development in Existing Residential/Town/Village Centre/Built Up Areas”.

“Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to

recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas. Indeed, a mix of harmonious uses is often considered a desirable and attractive characteristic. It is therefore the policy of the Planning Authority to protect and improve existing/developed/residential areas and to provide facilities and amenities incidental to those areas. There is a range of additional uses open to consideration within these areas where it can be demonstrated that there is a need for such facilities and that it will not affect the predominant use of the area". "It is the policy of the Local Authority to facilitate development that supports in general the primary land use of the surrounding existing built up area".

Residential development is permitted in principle within the R2 Zone.

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.2.5km southwest 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

- Concern is raised that the development represents overdevelopment of the site.
- There is no precedent for a two storey extension and it will impact the enjoyment and amenity of the appellants bungalow.
- Minimal changes have been proposed from the previous refusal.
- Concern is raised that the development will be used as two separate apartments.

- Reference made to minimum floor area requirements of 110sqm for a 2 storey 4 bedroom house as set out in Quality Housing for Sustainable Communities, 2007 guidance.
- The previous granted of permission under ABP-317059-23/KCC 23/155 and KCC 13/308119 were more appropriate for the site.

6.2. **Applicant Response**

In response the applicant sets out the following:

- The response sets out the planning history of the adjoining site.

*I do not propose to address the matters raised in the first party submission in my assessment below, in my opinion, they are not a relevant consideration in this appeal.

6.3. **Planning Authority Response**

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:

- Principle of development
- Design Strategy and Impact on Residential Amenity

7.2. **Principle of Development**

- 7.2.1. 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). The KCDP sets out that the R2 objective is to ‘provide for residential development and protect and improve residential amenity.’ The application relates to the renovation and extension of an derelict residential property and therefore the principle of development is in accordance with land use zoning of the site.
- 7.2.2. Furthermore, Section 3.1.7.3 *Derelict and Vacant Properties* of the Tralee Municipal District Settlement Plan states that ‘*the redevelopment of designated infill and*

brownfield sites in the town centre and the tackling of dereliction in the area is key to continued compact growth of the town, in accordance with the NPF and the RSES, creating more sustainable communities within the town. The refurbishment and re-use of the historic buildings to apply best practice in energy efficiency will also contribute to reducing carbon emissions and contribute to the creation of new sustainable community.'

- 7.2.3. The refurbishment of the vacant building addressing a primary access route into the town is in accordance with section 3.1.7.3, in my opinion and consistent with best practice approach in terms of sustainable development.
- 7.2.4. I am further satisfied that this is supported by Section 1.3.2, Volume 6 of the Kerry County Development Plan 2022 – 2028 which states that it is the policy of the Planning Authority to protect and improve existing/developed/residential areas such as those zoned R2 and to provide facilities and amenities incidental to those areas. It is the policy of the Local Authority to facilitate development that supports in general the primary land use of the surrounding existing built up area.
- 7.2.5. Regarding the concerns that the development provides for two apartments. The Commission will note the drawings identify a singular dwelling unit with a kitchen/dining and two bedrooms on the ground floor and the living room and a further two bedrooms of the first floor. As such the development will be determined on the basis of the drawings and documentation accompanying the application. Any amendments thereto will require a separate grant of permission and shall be carried out in accordance with relevant *Exempted Development* criteria, if/as applicable.
- 7.2.6. In summary, I am satisfied that the principle of renovation the existing dwelling and the use for residential purposes is acceptable at this location and in accordance with the KCCP 2022-2028 and Tralee Municipal District Settlement Plan (Variation No. 1 of the Kerry County Development Plan 2022-2028).

7.3. Design Strategy and Impact on Residential Amenity

- 7.3.1. The appellant argue that the scale of the development has not significantly altered from the previous application which was refused by KCC (KCC 25/60984). Concern is raised that the development represents overdevelopment of the site and that there is no precedent for a two storey extension and as such the development will impact the enjoyment and amenity of the appellants bungalow.

- 7.3.2. In terms of the design amendments subsequent to KCC 25/60984, I note that revised proposals provides for increased separation distance between the proposed rear extension and the adjoining property to the southeast (no. 8 Quill Street), the length and width of the proposed extension have been reduced by c. 500mm and 800mm respectively providing for a 1.3m separation distance from the boundary with the adjoining site to the southeast and 2.5m from the property to the west. The proposed two storey extension is flat roofed at a height on 5.550m and there are no windows on southeastern facing elevation.
- 7.3.3. Having regard to the narrow width of the site (tight urban grain) and the location in a urban area where national and local policy encourage the development of brownfield sites, I am satisfied that the proposed development is acceptable and will provide additional housing in an urban area consistent with relevant national and local policy. The general area reflects a haphazard from of development and a mix of building types, building forms and building height in this context I do not consider the development would represent a discordant type of development. As regard overdevelopment, unlike the adjoining properties, most of which have been subdivided with additional development fronting on Ballinorig Road, the extended rear garden of the appeal site forms part of the application. The development does not represent overdevelopment of the site and constitutes one dwelling on this zoned 0.074ha. site.
- 7.3.4. With respect to impacts on the residential amenity of the adjoining property to the southeast, the design provides no widows overlooking this property and the increased separation distance from the boundaries will reduce any perceived sense of overbearance and while I note the orientation of the extension to the northeast and the associated potential for a reduction in westerly (evening sun) to a portion of the adjoining property, it is of relevance that the proposed extension does not extend the entirety of the length of the adjoining property to the rear of no. 8 Quill Street and as such will result in limited overshadowing impacts only. The development of the appeal site in any significant form is likely to have impacts on the adjacent site to the southeast when combined with the already established pattern of development on this site, which is occupied by no. 8 Quill Street (B&B) and a separate independent dwelling and associated outbuildings. This in my opinion this should not prevent the development of the appeal site, and a degree of overshadowing is acceptable in an urban context.
- 7.3.5. Having regard to the appellants reference to minimum floor area requirements of

110sqm for a 2 storey 4 bedroom house as set out in Quality Housing for Sustainable Communities, 2007 guidance. These guidelines (an amendments/updates thereto) set out an standard minimum and do not preclude additional floor area over/above any guidance. Similarly, regards refence that the previously granted of permission under ABP-317059-23/KCC 23/155 and KCC 13/308119 were more appropriate for the site, these applications are not the subject of this application and the current proposal will be assessed on its own merits.

- 7.3.6. Overall, I am satisfied that the proposed renovation of the original one and a half storey dwelling fronting a primary access into Tralee town is a welcome development. I am further satisfied that the proposed rear extension is acceptable on this narrow site and is accordance with section 1.5.6.1 *Extensions to Dwellings* of the KCCDP 2022-2028.

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 'R2' zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of compliance with the criteria stipulated under section 1.3.2, Volume 6 of the Kerry County Development Plan 2022 -2028. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed 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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing mature boundary hedge, development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

3. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

4. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority:
 - a) Details of the materials, colours and textures of all the external finishes to the proposed development.
 - b) A comprehensive hard and soft landscaping scheme for the site to include details of all proposed boundary treatment.

Reason: In the interest of visual amenity and orderly development.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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 Bord 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
15th September 2026