



Development	Retention of alterations to the garage building granted under P01-1561. Retention of construction of a separate garage building and for a storage shed and fuel storage enclosure
Location	Moyadda Beg , Kilrush , Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19802
Applicant(s)	James and Jacinta Doyle
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Simon and Kathleen Lynch
Observer(s)	None
Date of Site Inspection	20 th March 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is an infill site occupied by an detached single storey dwelling house, a gable fronted domestic garage/store to the rear side of the dwelling house and a second shed/enclosed fuel store located to the rear of the dwelling.
- 1.2. The site fronts the N68 2.4km northeast of Kilrush town centre. The site is elevated above the public road. The roadside boundary consists of a standard 1.2m high plaster finished boundary wall.
- 1.3. The area is characterised by agricultural farmland to the south of the N68 and by a significant number of linear one-off rural dwellings to the east and west with direct access onto the national road. Kilrush golf club is located 0.5km to the southwest of the site.
- 1.4. The site is 0.295ha. in area.

2.0 Proposed Development

- 2.1. The development comprises:
 - retention of alterations to the garage granted under P01-1561
 - retention for the construction of a separate garage building and storage and fuel storage enclosure
 - all associated site works.
- 2.2. Garage A located to the rear side of the dwelling and has a ground floor area of 58.84sqm and a first-floor attic area of 33.419sqm, with a ridge height of 7.7m. The design is gabled fronted.
- 2.2.1. Garage B is 49.59sqm in area and is a single storey structure. The connecting storage shed is 35.74sqm in area and the open fuel storage enclosure is 18.01sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to three standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planners report (2nd December 2020) notes the planning history on the site, in particular, P01/1561. The location of the site on a national road outside of the 60kmph is noted and concern is expressed in terms of additional traffic on the national road. The design and visual impact were considered acceptable as it is noted that the garages do not connect to the WWTP on site. Subject to a condition stipulated that the garages/shed not be used for human habitation or any commercial use the development was deemed acceptable. It was recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

TII – Report dated 30th October 2019 - No observations

3.4. Third Party Observations

The planning officer notes the following submissions/observations were made in relation to the development. A brief summary of the issues raised are set out below:

- Proximity to adjoining property to the north west and the level difference between the sites
- Overbearing impact of garage B
- Surface water flooding
- Overshadowing and overlooking
- No details of wastewater treatment capacity submitted
- Part of the development is an agricultural structure unsuitable in a residential area
- Query regarding the requirement for 195sqm. of storage
- Precedent

4.0 Planning History

Site

CCC P01/1561 – Permission granted for a private garage

Enforcement

CCC UD 19/028 – Warning Letter

- Construction of garage not in compliance with P01/10561
- Construction of a garage without the benefit of planning permission.

5.0 Policy Context

5.1. Development Plan

Clare County Development Plan 2017-2023

- 5.1.1. The subject site is located within a ‘Settled Landscape’ on a national secondary route.

The following policies and objectives are relevant:

- 5.1.2. Objective CDP 13.2 Developed Plan Objective – Settled Landscape

- 5.1.3. Objective CDP 8.4 - It is an objective of Clare County Council:

- To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads within the County in line with national policy;
- To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 8.2.3.3.

- 5.1.4. Section 8.2.3.3 Access onto National Roads

In retaining the safety, efficiency and carrying capacity of national primary and secondary roads within the County, development proposals involving access onto national roads will be assessed by the Council having regard to ‘Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)’.

5.2. Natural Heritage Designations

The site is located 5km north/northeast of the Lower Shannon SAC (Site Code 002165)

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that Garage B (north western site corner) has an overbearing impact as it is located within 1 metre of the appellants property and has a floor level of approx. 1.5m above the ground level of their property.
- It is set out that the Garage B also overlooks and overshadows the appellants property.
- Surface water generated from the development is flooding the appellants property. No details have been submitted regarding surface water management and no assessment of site conditions in terms of the disposal of effluent.
- Part of Garage B is an agricultural type structure and inappropriate in a residential context.
- The requirement for 195sqm of storage area attached to a single private residential dwelling is queried.
- The dominance of the structure is outlined and impact on outlook for the adjoining properties and the sense of being 'hemmed in' by a development.
- The development will be set a precedent.

6.2. Applicant Response

- It is set out that there is no evidence that the development is flooding the adjoining site.
- It is set out that the onsite drainage system is good order.
- The site is located in a rural area adjacent to agricultural surroundings and the cladding type used on the store is widely used on many types' buildings including agricultural buildings.
- It is set out that there is no limit on the amount of storage area covered or uncovered assigned to a single use dwellings in a rural setting.

- It is set out that the structures are not “new” structures and were constructed prior to the appellants purchasing their property approx. 4/5 years ago.
- It is set out that every planning application is decided on its own merits and that the applicants are now seeking to regularise matters on the site.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of Development
- Design, layout and Impact on Residential Amenity
- Disposal of Surface water

7.2. **Principle of Development**

- 7.2.1. The proposed development provides for the retention of alterations to the garage granted under CCC P01-1561 (Garage A). Garage A is located to the rear side of the dwelling and has a ground floor area of 58.84sqm and a first-floor attic area of 33.419sqm, with a ridge height of 6.4m. The development also comprises the retention of a separate garage building of 49.59sqm with attached store 35.74sqm with a corrugated roof finish and an adjoining fuel storage enclosure 18.01sqm, collectively referred to as Garage B.
- 7.2.2. The drawings submitted with the application indicate that the garages/stores will be used for storage purposes only associated with the domestic use of the site. The site is located in a rural area on a 0.295ha. site. There are no service connections to the structures. The principle of ancillary domestic garage/stores is a accepted norm in a domestic context, subject to safeguards.

- 7.2.3. Access to the site is from the existing vehicular entrance directly off the N68 within the 80kmph speed limit zone. Having regard to the domestic use of the structures, I am satisfied that the development will not generate additional traffic onto the N68 and is in accordance with Objective CDP 8.4 of the Development Plan.
- 7.2.4. The applicant argues that the development will set an unacceptable precedent. Whilst, I note the appellants concerns the current application will be assessed on its own merits in accordance with the current Clare County Development Plan 2017-2023 and relevant national policy and guidelines, as applicable.
- 7.2.5. I am satisfied that the principle of domestic garage/store is acceptable, and the development will not represent a traffic hazard at this location, subject to planning and environmental considerations addressed below.

7.3. Design, Layout and Impact on Residential Amenity

- 7.3.1. There is no specific policy relating to garage or domestic storage areas in the Clare County Development Plan 2017-2023. However, it is common practice to see domestic garages and sheds in rear gardens of domestic dwellings. Policy CDP13.2 :*Settled Landscape* of the development plan states that design for buildings and structures should reduce visual impact through careful choice of forms, finishes and colours and colours.
- 7.3.2. Garage A was granted under CCC P01-1561. The permitted floor area was 50.38sqm in area with a ridge height of 5.58m. The as constructed garage includes a small flat roof annex store of approx. 7.7sqm and the addition of attic storage accommodation resulting in an increased building height. Garage A, in my opinion is more reflective of a dwelling rather than a domestic garage in term of fenestration and the inclusion of a sliding door and an external chimney. However, the visual impact is reduced in so far as the gable end of the structure addresses the road which limits the scale and mass of the garage when viewed from the public road. I am satisfied that the use of the structure for can be controlled by means of condition, should the Board be minded to grant planning permission in accordance with Section 7.3.5 below.
- 7.3.3. The third-party grounds of appeal assert that the design approach including separation distance from site boundaries and the level difference associated with Garage B are insufficient and adversely affects their **residential amenity** and reflects an

overbearing structure overlooking their property. The garage is sited at its closest point approx. 1m from the boundary with the appellants property and approx. 12m from the appellants dwelling. In relation to overlooking site inspection indicated that there are no windows on the elevation facing the appellants rear garden. The site is screened from the dwelling by existing evergreen planting and with a maximum ridge height of 4.175m the shed is not a visually prominent feature notwithstanding the 1.5m level difference. I do not consider there to be any undue overlooking as a result of the development or that the development reflects an over dominant feature and the site at 0.295ha. in area has ample capacity to accommodate the development.

7.3.4. In relation to the use of **agricultural cladding** on the side elevations of the lean-to addition to Garage B, whilst I note this a traditional rural agricultural material, in the context of the site and the proximity and outlook from the appellants dwelling, I consider it appropriate that the corrugated wall cladding of the storage shed should be removed and replaced with block work walls finished in plaster.

7.3.5. Site inspection indicated that the general character of the area has been altered over time with amendments and additions to existing houses and the insertion of other rear garden structures. The appellants have expressed concerns about the **cumulative floor area** of the structures at 195sqm and the requirement for same. In response the applicant states that there is no limit on the amount of storage area covered or uncovered assigned to a single use dwellings in a rural setting. Whilst I agree there is no restriction on storage areas, subject to appropriate planning, I consider 195sqm of storage to be significant in the context of a single domestic dwelling. The planning authority has included a condition stipulating that the garages/sheds not be used for human habitation or any commercial use. Having regard to the scale of the development, I consider it necessary to control the use of the structures. Should the Board be minded to grant planning permission, I consider this condition should be repeated in this instance.

7.4. **Disposal of Surface Water**

7.4.1. The appellants assert that the surface water generated from the development is flooding their property. I note the applicant has not provided any details regarding surface water disposal. The structures have been fitted with appropriate guttering and downpipes and there is no evidence of surface water ponding on the large concrete

area to the rear of the dwelling. Having regard to the size of the site, I am satisfied that surface water disposal can be accommodated on site and that this matter can be addressed by way of condition.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 **Recommendation**

I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 **Reasons and Considerations**

Having regard to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

- The corrugated wall cladding on the side and rear elevations of the storage shed attached to Garage B shall be removed and replaced with block work walls plaster finished.

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

Reason: In the interests of residential amenity

3. Within three months of the grant of planning permission the developer shall submit for the written agreement of the planning authority full details, including appropriately scaled drawings of drainage arrangements for the disposal of surface water generated by the development.

Reason: In the interest of public health

4. The structures shall be used from domestic purpose only incidental to the enjoyment of the dwelling house, under no circumstances shall the structures be used as habitable accommodation or commercial use.

Reason: In the interests of residential amenity

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

Irené McCormack
Planning Inspector

31st March 2020