



An
Bord
Pleanála

Inspector's Report

ABP-306152-19

Development	Retention and reduction in size of garage which is at variance to that permitted under PD13/397
Location	Cooladye Townland Cootehall, Boyle, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19522
Applicant(s)	Cormac Phelan.
Type of Application	Retention of Permission.
Planning Authority Decision	Refusal of Planning Permission
Type of Appeal	First Party -v- Refusal
Appellant(s)	Cormac Phelan.
Observer(s)	David and Debra Smit Mary Kelly Mary Jane and Stuart Robertson.
Date of Site Inspection	14 th March 2020.

Inspector

Paul Caprani

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1.0 Site Location and Description

- 1.1. The site is located in the town land of Cooladye on the northern outskirts of the village of Coothall in County Roscommon, approximately 10 km to the west of the town of Boyle. The subject site is located approximately 0.5 kilometres north of the village of Cootehall. The shed is located to the side of a dormer dwelling on a 0.12 ha plot which is rectangular in shape. The shed for which retention of planning permission is sought, is located on the eastern side of the dwelling. There are two dwellings to the rear of the site and a dwelling to the immediate east. Lands to the west of the site are vacant. A timber fence c.1.5 m in height separates the subject site from the dwelling to the east and dwellings to the rear (north of the site).
- 1.2. The existing shed is located in the north-eastern corner of the site and is c. 750mm from the rear boundary and between 340mm and contiguous to the eastern boundary of the site. The shed itself is 17.25 m in length, 6.1 m in width and rises to a height of 3.908 m. It is a steel framed pitched structure with metal insulated cladding on a concrete slab floor.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of the structure with modifications. The modifications proposed involve reducing the length of the structure by removing a 2 m section of the shed to the rear.

3.0 Planning Authority Decision

3.1. Decision

Roscommon County Council issued notification to refuse planning permission for a single reason which is set out in full below:

The structure which is proposed for retention and partial demolition by reason of its scale, size, proportions and proximity to neighbouring residential properties is incapable of integrating with the residential setting in which it is proposed. The structure would also due to its scale, size and proportions be injurious to the visual and residential amenities of the area for other similar garage structures in residential

settings. The proposed development would therefore be contrary to the provisions of Chapter 9: Development Management Guidelines and Standards of the Roscommon County Development Plan 2014 to 2020 including the overall principles detailed in section 9.5 (Rural of Siting and Design - all categories of development) and section 9.6 Residential Development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Documentation Submitted with the Application

3.2.2. The planning application was lodged on the 11th of October 2019. A letter submitted with the planning application states that it is not proposed to change any of the arrangements that are in place with regard to access water supply and drainage arrangements.

3.2.3. A separate letter submitted by the applicant, states that he is very involved in Motor Rallying and the shed is required for the purpose of storing the cars associated with the sport.

3.2.4. Planning Report

The planners report sets out details of the site and the proposed development and planning policy etc. planning report sets out details of the planning history relating to the site (see below). Concerns are expressed in relation to the overall size age would impact design and sighting of the garage. It is noted that the garage does remain subservient to main house on site. Having regard to the planning history of the site, it is not considered that the applicant has made sufficient revisions to justify I granted planning permission. For this reason, refusal of planning permission is recommended.

3.3. Prescribed Bodies

None on file.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

No history files are attached. The planning report however makes reference to the following:

PD 13-397 Planning permission was granted to direct a domestic garage on site.

PD19-261 Planning permission was refused to the applicant to retain the as constructed garage which was at variance to the garage permitted on the PD13-397.

5.0 **Policy Context**

5.1. **Development Plan**

The site is governed by the policies and provisions contained in the Roscommon County Development Plan 2014-20 and the Lough Key Local Area Plan 2015-2020.

The site is located outside the defined settlement boundary of Cootehall. General policies in regard to siting and design of rural dwellings are set out in Section 9.5 of the Plan and general residential policies are set out in Section 9.6. There are no specific policies regarding the size and scale of garages in gardens of domestic dwellings.

5.2. **Natural Heritage Designations**

5.3. The subject site is not located within or adjacent to Natura 2000 site, a Natural Heritage Area, or a proposed Natural Heritage Area. The nearest Natura 2000 site is Lough Arrow SPA, SAC and pNHA which is located approximately 11 kilometers north-west of the of the subject site. Lough Drumharlow pNHA, at its closest point is approximately 0.8 km to the south of the subject site.

5.4. EIA Screening

Having regard to the nature of the development comprising of the retention of a garage to the side single dwelling in an rural area. The development does not constitute a class of development for which EIAR is required

6.0 The Appeal

6.1. Grounds of Appeal

The decision of Roscommon County Council to issue notification to refuse planning permission for the proposed dwelling house was appealed on behalf of the applicant by Micheal Hennessy, Advanced Planning and Design Services. The grounds of appeal are outlined below:

- The appellant sets out the background proposed development. It is stated that the house and shed was originally purchased by his parents. Planning permission was granted for a garage during this time however, the garage constructed was larger than that permitted. The appellant subsequently sought retention of planning permission for the garage under reg ref. 19/261. It was noted that no objections were lodged from any third parties in relation to this application. It was nevertheless refused by the planning authority.
- The current application seeks permission for a shorter structure. It is noted finishes to the shed are exactly as that applied for and approved by Roscommon County Council.
- The appellant states that both he and his partner are heavily involved in Irish Rally and are competing in a wide variety of events across the country. The appellant has had some success in this regard.
- The existence of the large shed on site is one of the main reasons why the appellant bought the house.
- The reduction in the size of the shed provides an appropriate compromise under the current application.

- Reference is made to other applications where domestic sheds of a similar size permission were granted planning permission.

6.2. Planning Authority Response

- Roscommon County Council has not submitted a response to the grounds of appeal.

6.3. Observations

Three observations were submitted. Details of these observations are set below.

Observation by Mary Kelly

Observation by David and Debra Smit

- The contents of the above observations are essentially the same.
- This observer lives in the house to the rear of the appellants site. The observation expresses concern with regard to the size and scale of the garage. It is argued that the size and scale of the shed is industrial rather than domestic in scale. It impacts on the visual amenities from the public road (L-1517) and from the Cootehall environs in general.
- The shed generates noise from the hoisting mechanism equipment and revving of cars etc. It impacts on the enjoyment of the observer's home and rear garden. Photographs are attached of the shed as viewed from the observers rear garden. If the shed is used for an industrial workshop it could have health and safety implications.
- It is the observers contention that the plans are somewhat misleading and the height of the structure may be greater than 4 m.
- The shed has an impact on the observer's property value and could exacerbate flooding and ponding in the area.

Observation Mary Jane and Stuart Robertson

- The shed is widely visible from vantage points in the vicinity.

- The proposal will impact on property values in the area. This view has been confirmed by a local estate agent. The site is located in an area zoned for residential development is contrary to the zoning objective.
- The proposal constitutes a fire hazard and could exacerbate flooding.

6.4. Further Submission by the Appellant

- The appellant's site is completely separate from the houses at the Quay West housing estate to the north.
- The shed incorporates the same finishes as that granted under the original permission PD 13/397, as such it does not impact on the visual amenities of the area. The removal of trees in one of the observer's gardens has increased the visibility of the shed. This is beyond the control of the appellant.
- The shed is used for the safe storage of two rally cars, a car trailer, lawn mower, pleasure craft and bicycles etc.
- The shed will not be used as a business premises. It will not present a health and safety risk as it will not be used for the storage of flammable materials.
- With the exception of the length of the structure, the building was constructed in accordance with the plans originally submitted.
- The structure in no way accentuates flooding in the area and drains into the appellants drainage infrastructure within the confines of the site.
- It is re iterated that the Council has granted planning permission for sheds of similar sizes in the past.

7.0 Assessment

7.1.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard the planning authority's reason for refusing the application and the grounds of appeal challenging these reasons. I consider the pertinent issues in determining the current application and appeal before the Board can be restricted to the issues raised namely:

- Size and scale of structure.

- Impact on amenity
- Potential for commercial uses
- Flooding and other safety risks.
- Precedent Decisions

7.1.2. These issues are dealt with under separate headings below:

7.2. **Size and scale of structure**

7.2.1. I would generally agree with the concerns raised by the planning authority and the observers that the size and scale of the shed in question is significantly beyond that associated with a domestic scale shed. I estimate that the size of the shed granted permission in 2013 to be approximately 68 sq meters in size. This is at the very upper end of the shed that would be deemed to be suitable/ necessary to cater for domestic requirements. The size of the shed actually constructed on site is significantly larger - with a gross floor area of 108 sq. m. The applicant in the case of the current appeal seeks to reduce the length of the shed by two metres. The size of the revised floor area would be reduced to a GFA of 96.35 sq.m.¹.

7.2.2. The overall size and scale of the shed, notwithstanding the reduction offered, is in my view, excessive. The height of the structure at almost 4 metres will have a significant and overbearing impact on the neighbours and neighbouring gardens to the immediate north and east of the site. Particularly having regard to the modest fences which separate residential plots. Even with the reduction in the length of the shed, the proposal would in my view have a material impact on adjoining residences in terms of being overbearing. I would generally be in agreement with both the planning authority and the observers that the shed, notwithstanding the proposal to reduce its length, would be more akin to an industrial structure which is inappropriate in a residential setting.

7.3. **Impact on Amenity**

7.3.1. I have argued above that the development for which retention of planning permission is being sought will have material impact on the visual amenity of and would result in

¹ The Board will note that the above figures differ somewhat to the figures contained in the planning application. The planning application appears to relate to net floor area and not gross floor area.

an overbearing structure on the residential dwellings in the immediate vicinity. However, I am satisfied based on the information contained on file that the use of the structure is primarily for storage purposes. It appears from the photographs submitted, by the applicant which shows the internal layout of the shed, that there is a vehicle hoist located within the shed. There is no evidence however that any commercial garage or car repair facility is provided on site. I don't consider therefore that the activities undertaken in the shed are other than that associated with domestic activities. As such, I am satisfied that, with the exception of the size and scale of the structure, the activities on site will not adversely impact on residential amenity through excessive noise or traffic generation etc.

7.4. Potential for Commercial Uses

- 7.4.1. It is accepted that the size and scale of the shed would enable commercial activities to take place on site. The existence of a hoist facility could potentially facilitate a garage / motor repair shop to become established on site. However, the applicant has indicated that the garage is purely used for domestic storage and there is no commercial activities being undertaken at the premises. The photographs submitted attest to this. Furthermore, arising from my site inspection, I saw no evidence of any commercial activity taking place on site. Thus, any commercial activity would be unauthorised and contrary to condition no. 2 of the parent permission, which requires proposed garage shall be used for the purposes solely incidental to the use and enjoyment of the dwelling. Any commercial activity commencing on the subject site what therefore require the benefit of planning permission. To commence commercial activity in the absence of obtaining planning permission would constitute unauthorised development and what therefore most likely result in enforcement proceedings.

7.5. Flood Risk and Other Safety Risk.

- 7.5.1. The shed for which retention of planning permission is being sought will not in any material respect exacerbate flooding on the subject site or adjoining sites. It appears from the photograph submitted and from my site inspection that the shed incorporates roof gullies which drains into the storm water and surface water collection infrastructure associated the existing dwelling on site. The Board should

also have regard to the fact that permission was granted for a shed with a gross floor area of 70 sq.m. on site.

- 7.5.2. With regard to potential fire safety risks, I do not accept that the shed in question which is used for domestic storage purposes constitutes any risk in terms of fire safety.

7.6. Precedent Decisions

- 7.6.1. The applicant has made reference to a number of precedent decisions on which it is argued that planning permission was granted for a number of similar type sheds in Roscommon. Specific reference is made to PD/19/305, PD 19/332, PD19/441 and PD 19/477. I have researched the above applications on the Roscommon County Council website. I note that in the case all the first three applications, the sheds in question while of a similar size, these sites are all located in rural areas and therefore unlikely to have a significant adverse visual or overbearing impact as they were not in close proximity to surrounding dwellings. In relation to the latter application (PD 19/477) the garage for which permission was granted, while located in a suburban area, was only 40 square meters in size and was therefore significantly smaller than the current application before the Board for which retention of planning permission is being sought. On this basis I do not consider that the precedents referred to in the grounds of appeal are strictly applicable to the current application before the Board.

8.0 Recommendation

- 8.1. Arising from my assessment above, I consider that the decision of Roscommon County Council be upheld in this instance and that planning permission to be refused for the retention of the shed based on the reasons and considerations set out below.

9.0 Appropriate Assessment

- 9.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment, together with the proximity to the nearest European site which is in excess of 10 km away, 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 a European site.

10.0 Reasons and Considerations

1. Having regard to the size scale and height of the shed for which retention of planning permission is sought, notwithstanding the reduction in size proposed, it is considered that the shed being located in the vicinity of a residential housing estate, would adversely impact on the visual amenities of residents in the vicinity due to its overall size and would as such be contrary to the proper planning and sustainable development of the area.

Paul Caprani
Planning Inspector

15th March 2020