

An
Coimisiún
Pleanála

Direction
CD-021511-25
ACP-323630-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/12/2025. The Commission by a 2:1 agreed in part and disagreed in part with the Inspectors recommendation

The Commission decided to make a split decision, to

- (1) grant permission to retain, (a) the garage/storage as built and (b) the garden recreation room for the reasons and considerations marked (1) under and subject to the conditions set out below, and

and

- (2) refuse permission for a metal storage unit for reasons marked (2) below

DRAFT WORDING FOR ORDER

The current Laois County Development Plan does not include specific policy or guidance on ancillary structures that are within the grounds of a residential property, other than ancillary self-contained residential unit (granny flat) DMHS16 which this is not. Due to the garden size, the position and orientation of the overall property within Sruth Na Ghleanna housing estate and the height and location of the garage/store and garden recreation room, the structures do not detract from the amenity of the adjoining properties. It is considered that, subject to compliance with conditions that limit the use of the structures, and the subdivision of the garage from the main residence, the garage and garden room proposed to be retained would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The garage/storage and garden recreation room shall be retained in accordance with the plans and particulars of the garage/storage received by An Coimisiún Pleanála as submitted with the planning appeal and the plans and particulars of the garden recreation room as submitted with the planning application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Permission is not granted for the metal storage unit.

Reason: In the interest of clarity.

3. The garage/storage shall be used solely for the storage of vehicles and ancillary storage and shall not be used for any commercial activity, as an independent residential unit or as any form of ancillary residential accommodation associated with the main residence (for example office/playroom or habitable room. The garage/storage shall not be let or sold separately to the house.

Reason: In the interest of orderly development.

4. The garden recreation room shall not be used as an independent residential unit. The use of the garden recreation room shall be limited to that of ancillary accommodation for the enjoyment of the residents of the house and shall not be used for overnight accommodation.

Reason: In the interest of residential amenity.

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 within three months of

the date of this Order, 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.

Reasons and Considerations (2)

The metal shed proposed to be retained would detract from the residential amenity of the house being more commercial in its design and would not, therefore, be appropriate in a residential setting. Furthermore, having regard to the size of the garage/store in the grounds of the property, it is considered that the additional floor space is excessive. The structure proposed to be retained would detract from the residential setting and would, therefore, be contrary to the proper planning and sustainable development of the area.

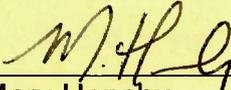
In deciding not to accept the Inspector's recommendation to refuse permission in totality, the Commission considered the information on file, including the third-party submission to the planning authority and decided that while the garage/storage is significantly larger than a standard garage, in this instance, due to the size of the site and the position of the garage/storage relative to adjoining property, and to the submission received from the applicant providing a rationale for the size of the structure, it was considered that, subject to compliance with conditions, the garage/storage would be acceptable. The Commission considered the garden recreation room to be a form of development that there is no specific Development Plan policy or guidance on, as the structure proposed to be retained is not an ancillary self-contained residential unit (as set out in Laois County Development Plan

2021 - 2027, DNHS16). Therefore, the main planning matter is the impact on the adjoining property and in this instance the Commission considered, due to the size of the overall residential property, the garden area to be retained, the location relative to the adjoining properties, the height and limited size of the structure to be retained, and that the use of the garden room is ancillary to the main house, subject to conditions, would not detract from the amenity of adjoining residential properties and would provide ancillary amenity space for the main residence. The Commission concurred with the Inspector that the metal shed should be refused.

On the matter of the size of the garage/storage unit, this is a retention application and the structure to be retained is that as shown on the drawings submitted with the appeal.

Planning

Commissioner:



Mary Henchy

Date: 08/12/2025