

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 22/490

Appeal by Stephen Bennett of Loughnavalley, Mullingar, County Westmeath against the decision made on the 2nd day of December, 2022 by Westmeath County Council to refuse permission for development comprising retention permission of garage structure located to the north eastern corner of the site and permission to undertake completion/repair works consisting of overall re-roofing, wall and floor repairs. Permission for the change of use of this former garage structure and the extension of same to provide a physical connection with existing dwelling for the purposes of accommodating a granny flat, with the inclusion of solar panels. Retention of three number ancillary structures for domestic use on site including a home office, workshop and garden shed and permission for the erection of freestanding solar panels within rear garden and all associated site works at Loughnavalley, Mullingar, County Westmeath in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of ancillary structures in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention of garage structure and for change of use of garage to granny flat accommodation based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual amenities of the area or the 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.

Conditions

1. The development shall be retained, 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 structures shall be used for 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 interest of residential amenity.

3. Surface water drainage arrangement shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Reasons and Considerations (2)

In deciding not to accept the recommendation of the Inspector in regard to the proposed retention of the garage structure, the Board considered that:

1. The structure for which retention is sought, by reason of its scale, mass and location adjacent to the boundary with neighbouring property would seriously injure the residential amenity of neighbouring properties and would, therefore, be contrary to the proper planning and sustainable development of the area.

In relation to the proposed change of use, the Board agreed with the inspector and considered that:

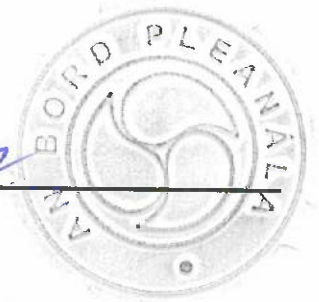
2. The Board is not satisfied, on the basis of submissions made in connection with the planning application and the appeal, that effluent from the proposed Dependent Relative Accommodation can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a heavily trafficked road, and in the absence of an appropriate set back and with inadequate sight distances. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 20th day of July 2023.