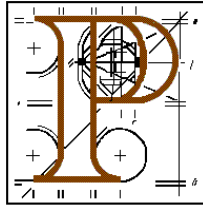


## An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 26. 245735

**Development:** Permission for the construction of a domestic garage, playroom and associated works at Randalstown, Bridgetown, Wexford.

### Planning Application

Planning Authority: Wexford Co. Co.  
Planning Authority Reg. Ref.: 20150917  
Applicant: Charlie and Deirdre Delaney  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellant(s): Kathleen and Robert O' Callaghan  
Type of Appeal: Third Party  
Observers: None  
Date of Site Inspection: 4<sup>th</sup> February 2016

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located in a rural area of County Wexford c.1km to the south of the village of Mayglass and c.1.5 km to the southwest of the village of Ballycogly. The site is rectangular in shape and has a stated area of 0.21 hectares.

A two storey dwelling is located roughly centrally on the site. There are no existing sheds, outbuildings or garages on the site but it would appear that a shed was previously located to the rear of the dwelling. The site is extensively landscaped with mature trees and hedgerow.

## **2.0 PROPOSED DEVELOPMENT**

Permission is sought for the construction of a garage with two rooms comprising of a playroom and a domestic store. The garage has a cantilevered canopy roof with olive green cladding. The stated ridge height is 3.8m and the internal floor area is c. 37m<sup>2</sup>.

## **3.0 PLANNING HISTORY**

### **PA 981544**

Permission granted by Planning Authority for the erection of a fully serviced dwelling house.

### **PA 053771/ ABP 26.215985**

Permission refused by Planning Authority and by the Board on appeal for retention of a domestic garage on adjacent site.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 TECHNICAL REPORTS**

#### **Planning Report**

The planner's report noted that one submission had been received and considered that the use as a domestic garage/ playroom was acceptable.

## **4.2 Planning Authority Decision**

Wexford County Council issued a notification of decision to grant permission subject to 4 No. conditions.

Condition 3 requires that the proposed garage/ playroom shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house.

## **5.0 GROUNDS OF APPEAL**

A third party appeal against the Council's decision was submitted by Robert and Kathleen O' Callaghan. The grounds of appeal and main points raised in the submission can be summarised as follows:

- No objection to a minimum size garage being built.
- Concern expressed in relation to size.
- Concern that garage will be used as a commercial enterprise such as a crèche.
- Impact on residential amenities.
- No evidence of rear guttering.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

The Planning Authority response states that it is satisfied that the proposed domestic garage is in accordance with the domestic garage policy as per the Wexford County Council Development Plan 2013 – 2019 and would not impact on neighbouring amenity.

### **6.2 First Party Response**

The First Party response can be summarised as follows:

- It is considered that the appeal is vexatious and 'has more to do with dealings we had over our neighbour's planning issues over their garage than concerns over the present application.'
- There is no intention to use this building for commercial use.
- There is no plumbing in the proposed garage.

### **6.3 Observations on grounds of appeal**

None.

### **7.0 POLICY CONTEXT**

The Wexford County Development Plan 2013 - 2019 is the operative County Development Plan for the area.

Section 14.4.2 Landscape Character Assessment – Lowlands.

Section 18.13.2 Domestic Garages/ Stores

### **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. The Nature and Use of the Proposed Development
3. Impact on Residential Amenity
4. Other Matters

#### **Principle of Proposed Development**

The subject site is located on unzoned lands in rural county Wexford. The stated use of the proposed shed is for storage purposes and a playroom. I consider that the principle of a shed for storage purposes which contains a playroom is ancillary to the residential use at this location and is acceptable.

#### **The Nature and Use of the Proposed Development**

It is alleged in the grounds of appeal that the garage will be used as a commercial enterprise such as a crèche.

The appeal response states that the proposed garage has two rooms - a playroom and a garage for lawnmower and domestic store. It is stated that there is no intention to use this building for commercial use. Furthermore, it is stated that there is no plumbing

in the proposed garage and the appellants have mistaken an electric wire on the ground surface for a pipe.

Having regard to the details submitted in relation to the proposed uses of the playroom and store, there is no evidence that any kind of commercial use is proposed. As such, I consider that the uses proposed are incidental to the enjoyment of the existing dwelling.

### **Impact on Residential Amenity**

The main concerns raised in relation to impact on residential amenity relate to the size and scale of the garage and overshadowing and loss of light to the garden of the appellant's house.

I am of the view that the size and scale of the proposed garage are not excessive for a garage in a rural area. The standards set out in Section 18.13.2 of the Development Plan provide that domestic garages/ stores shall have a maximum floor area of 80m<sup>2</sup> and a maximum height of 5m. The internal floor area of the proposed garage is c. 37m<sup>2</sup> and the ridge height is 3.8m and as such, it is considered that the size and scale are well below the maximum Development Plan standards.

Having regard to the design and positioning of the proposed garage, its location adjacent to a domestic garage with a higher ridge height on the adjacent site, and the overall size of the gardens of both plots, I do not consider that the proposed garage will have a detrimental impact on residential amenities at this location.

### **Other Matters**

It is submitted that this appeal is vexatious by the First Party. I note that a previous application for a garage on the adjacent site was refused permission by the Planning Authority and by the Board on appeal. I have read the history files in this regard and I note that the First Party in this case submitted a letter of objection to the Planning Authority.

Whilst I note that the Board may dismiss an appeal if it is of the opinion that the appeal is vexatious under Section 138 of the Planning and Development Act 2000 as amended, I am of the view that the grounds of appeal are valid in this case.

## **Appropriate Assessment**

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **RECOMMENDATION**

Based on the above assessment, I recommend that permission for be granted for the proposed development for the reasons and considerations set out below:

## **REASONS AND CONSIDERATIONS**

Having regard to pattern of development in the area and the scale, design and use proposed, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out 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 garage and playroom shall be used only for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for human habitation or the carrying on of any trade or business.

**Reason:** In the interests of residential amenity.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road.

**Reason:** In the interests of traffic safety.

4. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Emer Doyle

15<sup>th</sup> February, 2016.