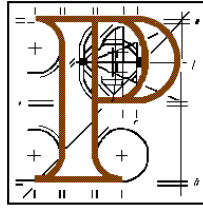


An Bord Pleanála



Inspector's Report

PL15.245792

DEVELOPMENT: Permission for Retention and completion of a partially constructed domestic garage/boat shed

- at Willville, Carlingford, County Louth.

PLANNING APPLICATION

Planning Authority: Louth County Council

Planning Authority Reg. No.: 15/620

Applicants: Michael Brennan & Maria Monaghan

Application Type: Permission for Retention

Planning Authority Decision: **GRANT PERMISSION for RETENTION and Completion**
subject to 4 Conditions

APPEAL

Appellants: Brendan and Paula Murray

Type of Appeal: **THIRD PARTY**

Observer: None

DATE OF SITE INSPECTION: 29th January 2016

INSPECTOR: Dermot Kelly

1. **SITE LOCATION**

The subject site is located at Willville, Carlingford, County Louth, as indicated on **APPENDIX A - LOCATION MAP**.

2. **SITE DESCRIPTION**

2.1 The subject site lands at Willville, Carlingford, County Louth are approximately 0.2 hectares in area and comprise a single-storey residential property which included an existing structure in the north-eastern corner of the subject site which had part cladding on steel girders over a constructed concrete base. On site inspection the structure – see Photographs on file – the subject of the planning application for permission for retention and completion, was observed to be no longer standing, see Photographs in Appendix B.

2.2 The Planning Report for the Planning Authority documented the Site Location and Description as follows:

‘The application site is located in the settlement of Willville within the Cooley Peninsula. There are houses on both sides of the subject site. To the east is a long row of detached dwellings on half acre sites. To the west is a dwelling set back into the site within 20 metres of the retained garage/boat house. The boundaries to the subject site to the north, west and south are poorly defined while the eastern boundary has a semi-mature hedgerow. The application site measures 0.2 hectares.’

2.3 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. **PROPOSED DEVELOPMENT**

3.1 **Planning Application**

- The proposed development comprises as specified in the Public Notices: Permission for Retention and completion of a partially constructed domestic garage/boat shed at Willville, Carlingford, County Louth.

- The submitted detailed drawings of the proposed Domestic Garage/Boat Shed to be retained/completed are noted including the submitted Site Layout Map indicating the location of same in the north-eastern corner of the subject site. The specified internal dimensions of the structure proposed to be retained and completed are 11.660 metres by 7.120 metres (area 83 square metres) and a ridge height of 4 metres is proposed.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submission on Planning Application

The Submission received is noted and included stating as follows:
‘We are hereby objecting to the construction of a massive scale shed by our neighbours to the rear of the garden, this build started unlawfully and with no regard to the proper procedures put in place to prevent persons acting as they so desire, interfering with the visual surroundings of the scenic beauty landscape in Willville’.

A previous planning application (Ref. No. 15/236) for retention/completion of the structure was refused permission by the Planning Authority on 17th June, 2015.

4.2 Planning Report for Planning Authority

- The Planning Report, dated 29th October, 2015 included a Site Description and the Planning History of the subject site. Policy SS 61 of the 2015-2021 Louth County Development Plan relating to ‘Domestic Garages/Outbuildings’ was noted and the Third Party Submission received was summarised.
- Under ‘Assessment under Policy SS 61’ was stated:
‘The structure for which retention and completion is being sought has a floor area of 83 square metres and an overall height of 4 metres. It is located in the rear corner of the site and is considered to be sited in such a manner as to reduce the visual impact of the structure when viewed from the public road. The structure is subservient to the main dwelling in terms of its scale and footprint within the site. One roller shutter door is proposed to the front elevation and the external finishes are detailed as textured render finish and Nordman tiled profile cladding on the roof. The

development as proposed is considered to accord with the requirements as set out in Policy SS 61.'

- Under 'Impact on Adjoining Properties' it was noted that the shed was located 17 metres from the existing dwelling on the adjoining site to the west and also as follows:
'The proposed shed is only 1.4 metres from the adjoining boundary to the east where the dwelling is located in line with the application dwelling. An objection to the proposed development has been received from the occupiers of this dwelling who are concerned about the negative impact the development will have on their property. Whilst the overall floor area of the structure has not been reduced to that which was previously refused, revisions have been made, namely, revised external finishes and a reduced height of the structure. Additional planting is proposed along the rear of the site boundary and existing planting along the eastern site boundary once matured will further soften the proposed development within the site.'
- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.3 Notification of Decision of Planning Authority

The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION for RETENTION and COMPLETION** for the proposed development subject to 4 Conditions including Conditions Nos. 1 and 2 as follows:

1. Subject to the following the development to be carried out in strict conformity with the lodged plans and specifications received by the Planning Authority on 21/09/2015.
Reason: In the interest of orderly development and to ensure adequate development controls to oversee the permission are in place.
2. Garage to be used solely for purposes incidental to the enjoyment of the dwellinghouse and not for any industrial, business or commercial purposes.
Reason: To protect the amenity of the area.

5. APPEAL GROUNDS

Third Party Appeal

- The Third Party Appeal Grounds included documenting communication between the Appellants and the Applicants in regard to the proposed development. A previous planning application Ref. No. 15/236 was refused planning permission. In regard to the present proposed development it was submitted: 'If granted this development as the Council rightly pointed out in the first refusal, would set an unacceptable precedent and would lead to a proliferation of such buildings. There are in excess of 20 houses in the development centre of Willville – can you imagine the impact which would be created if everyone built a shed of this proportion. The village would become a rural village with a dominant industrial aspect.'
- The submissions to the Planning Authority in regard to the previous proposed development Ref. No. 15/236 were reiterated including: 'The proposed development by reason of its size, depth, width, height and massing would severely have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overshadowing, loss of privacy and visually overbearing impact.'
- The attached documentation including the Planning Report for the Planning Authority on the previous planning application (Ref. No. 15/236) and the submitted Photographs are noted.

6. APPEAL RESPONSES

6.1 Applicants' Appeal Response

- A detailed account of communications between the Applicants and the Appellants followed and it was submitted in regard to the refusal of permission under Planning Application Ref. No. 15/236 that 'there are already a number of similar sheds constructed in the local area' and that as such 'a precedent for other similar inappropriate structures within the village' would not be established by the proposed development.

- ‘It is our intention to totally remove the existing structure and rebuild it with a totally new design (see Planning drawing enclosed Appendix 6). As you will note the design has changed significantly – it now has a pitched roof. The height of the building has been reduced to 4 metres and the sides to 2.5 metres. This brings it in line with the shape of the existing dwellinghouse. The length remains 11.66 metres and the width is 7.12 metres.It is also our intention to landscape the area to soften the impact of the building on the surrounding area. This proposal is in line with Policy SS 61.’, and also
- ‘The reason we need these dimensions is to fit our two boats, windsurfing boards and sails, wetsuits, lawnmower, bicycles and trailers etc. As some questions had arisen on the existence of the boats please find details enclosed. At present we have two. A Rubber Inflatable Rubber (RIB) and a 26 foot yacht (see pictures in Appendix 7). Ideally we needed the previous dimensions to give us the space to carry out any maintenance during out of season storage. The altered dimensions, while tight, will be sufficient to carry out any necessary repairs etc. (details of both boats will be made available upon request).’
- It was submitted that the concerns of the Appellants were addressed further to the reduced scale of the proposed structure. There would be no increase in traffic to and from the site and no undue loss of daylight or sunlight to the adjoining rear garden area to the east or undue impact on views of the mountains to the north. The attached Appendices are noted including Photographs.

6.2 Appeal Observation

No Appeal Observation was received.

6.3 Planning Authority Appeal Response

This Appeal Response received 18th December, 2015 included stating: ‘Having regard to the revised external finishes, the reduced height of the structure to that previously refused and its location and scale to the rear of the site, I do not consider that the development for which retention and completion is being sought will have a negative impact on the amenities of the adjoining properties provided a condition is included to state that the shed shall be used for purposes incidental to the enjoyment of the dwellinghouse and not for any commercial use.’

7. PLANNING HISTORY

Permission was refused (Ref. 15/236) on 17th June, 2015 on the subject site for a proposed development 'Permission for retention of development consisting of the Retention and completion of a partially constructed domestic garage/boat shed' at Willville, Carlingford for Reasons and Considerations as follows:

1. The proposed development by reason of its industrial design and configuration relative to the adjoining and other dwellings within the village of Willville would detract from the visual and residential amenities of the area and, if granted, would establish a precedent for other similar inappropriate domestic structures within the village setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would be likely to result in the devaluation of adjoining residential properties.

8. DEVELOPMENT PLAN

The provisions of the 2015 – 2021 Louth County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**

Section 2.19.16 – 'Domestic Garages/Outbuildings', Policy SS 61:

'To accommodate new detached domestic garages and detached domestic outbuildings in the countryside only where the visual impact of the resultant additional building on the site is one where:

- (a) The design is coherent and the form is appropriate to the context of the existing dwelling.
- (b) The structure is separate from the house and sited in such a manner as to reduce visual impact.
- (c) The structure is visually subservient in terms of size, scale and bulk to the dwelling that it will serve.
- (d) The structure does not result in a poorly proportioned or intrusive form of building in the landscape.
- (e) The structure does not undermine the dominance of the landscape through an unacceptable cumulative level of domestic related development at the site.
- (f) The structure is used for purposes incidental to the enjoyment of the dwelling and not for any other purposes.'

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and Third Party Appeal Grounds

- The subject site lands at Willville, Carlingford, County Louth are approximately 0.2 hectares in area and comprise a single-storey residential property which included an existing structure in the north-eastern corner of the subject site which had part cladding on steel girders over a constructed concrete base. On site inspection the structure – see Photographs on file – the subject of the planning application for permission for retention and completion, was observed to be no longer standing, see Photographs 3 and 5 in Appendix B.
- The proposed development comprises as specified in the Public Notices: Permission for Retention and completion of a partially constructed domestic garage/boat shed at Willville, Carlingford, County Louth.
- The submitted detailed drawings of the proposed Domestic Garage/Boat Shed to be retained/completed are noted including the submitted Site Layout Map indicating the location of same in the north-eastern corner of the subject site. The specified internal dimensions of the structure proposed to be retained and completed are 11.660 metres by 7.120 metres (area 83 square metres) and a ridge height of 4 metres is proposed.
- I note the Submission of the Third Party Appellants who reside in the adjoining residential property to the east of the subject site and who objected to the proposed development by reason of adverse impact on the amenities of the area noting that a previous planning application (Ref. No. 15/236) for retention/completion of the structure was refused permission by the Planning Authority on 17th June, 2015.
- I note the Planning Report for the Planning Authority which considered that the proposed development accorded with the provisions of Policy SS 61 under Section 2.19.16 ‘Domestic Garages/Outbuildings’ in the Development Plan and stated:

‘The structure for which retention and completion is being sought has a floor area of 83 square metres and an overall height of 4 metres. It is located in the rear corner of the site and is considered to be sited in such a manner as to reduce the visual impact of the structure when viewed from the public road.’

- The Planning Report further considered as follows: ‘While the overall floor area of the structure has not been reduced to that which was previously refused, revisions have been made, namely, revised external finishes and a reduced height of the structure. Additional planting is proposed along the rear of the site boundary and existing planting along the eastern site boundary once matured will further soften the proposed development within the site.’
- The Third Party Appeal Grounds submitted that as stated in the previous refusal decision (Ref. No. 15/236) the proposed large ‘industrial-style’ structure would establish an undesirable precedent for similar-type structures in this residential area and that ‘the proposed development by reason of its size, depth, width, height and massing would severely have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overshadowing, loss of privacy and visually overbearing impact.’
- The Applicants’ Appeal Response included stating as follows:
‘It is our intention to totally remove the existing structure and rebuild it with a totally new design (see Planning drawing enclosed Appendix 6). As you will note the design has changed significantly – it now has a pitched roof. The height of the building has been reduced to 4 metres and the sides to 2.5 metres. This brings it in line with the shape of the existing dwellinghouse. The length remains 11.66 metres and the width is 7.12 metres.It is also our intention to landscape the area to soften the impact of the building on the surrounding area. This proposal is in line with Policy SS 61.’ (Italics added)
- The Applicants’ Appeal Response also stated that the structure was required to accommodate their possessions as specified including a 26 foot yacht. It was submitted that the concerns of the Appellants were addressed further to the reduced scale of the proposed structure. There would be no increase in traffic to and from the site and no undue loss of daylight or sunlight to the adjoining rear garden area to the east or undue impact on views of the mountains to the north.

- The Planning Authority Appeal Response included that it was not considered that the proposed development would have a negative impact on the amenities of the adjoining properties 'having regard to the revised external finishes, the reduced height of the structure to that previously refused and its location and scale to the rear of the site' and subject to inclusion of a Condition that 'the shed shall be used for purposes incidental to the enjoyment of the dwellinghouse and not for any commercial use'.
- Having considered all the submissions on file including as set out, at the outset I note that the proposed development is described as 'permission for *Retention and completion of a partially constructed domestic garage/boat shed at Willville, Carlingford, County Louth.*'
- However on site inspection it was observed that the structure on the site was no longer standing, and as such the above description of the proposed development in the public notices is not correct. In this regard I note in particular the statement in the First Party Appeal Grounds: '*It is our intention to totally remove the existing structure and rebuild it with a totally new design (see Planning Drawing enclosed Appendix 6).*'
- I note the previous refusal of permission (Ref. No. 15/236) of the Planning Authority for a proposed domestic garage/boat shed on the subject site which is referred to in the submissions on file and in the Third Party Appeal Grounds of the adjoining residents to the east and which is considered relevant in this case.
- Permission was refused (Ref. 15/236) on 17th June, 2015 on the subject site for a proposed development 'Permission for retention of development consisting of the Retention and completion of a partially constructed domestic garage/boat shed' at Willville, Carlingford for Reasons and Considerations as follows:
'1. The proposed development by reason of its industrial design and configuration relative to the adjoining and other dwellings within the village of Willville would detract from the visual and residential amenities of the area and, if granted, would establish a precedent for other similar inappropriate domestic structures within the village setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would be likely to result in the devaluation of adjoining residential properties.'

- I note the Planning Report for the Planning Authority in regard to the above proposed development – which Planning Report is included in the submitted Third Party Appeal – where stated:
‘The shed seeking retention and completion permission on subject application site measures 83 square metres in area. It has internal dimensions of 11.66 metres (length) x 7.12 metres (width) x 4.311 metres in height. The materials used are steep portal frames with green Kingspan cladding as an external finish, with double doors access to double garage/boat house. I do not consider that the previous decision granted under 07/1634 sets a precedent for this poorly designed garage shed structure. I agree that the design, form and bulk of this garage structure adversely affect the residential amenities of the area and would set an undesirable precedent for other similarly styled domestic structures. I would not concur that the structure causes undue shadow upon adjoining properties.’
- As such the present proposed domestic garage/boat shed structure while decreased in scale in comparison to the previously proposed structure (Ref. No. 15/236) remains to a similar internal floor area of 83 square metres (external floor area 90 square metres) and to a height of 4 metres. The ‘garage shed structure’ permitted under Reg. Ref. 07/1634 (Ref. PL15.226917) as referred to in the above Planning Report related to a significantly smaller structure with a specified floor area of 35.4 square metres.
- The proposed structure is located alongside the site boundary with the Appellants’ adjoining residential property and the existing hedgerow on the boundary line is circa 1 metre in height and as such the large bulk of the structure would be very apparent and visually obtrusive in the adjoining residential property to the east.
- As such I consider that refusal of permission is warranted for the proposed development in accordance with the previous refusal (Ref. No. 15/236) of the Planning Authority for a large domestic garage/boat shed development of a similar floor area and a largely similar height for the Reasons and Considerations as stated in the previous decision of the Planning Authority as amended hereunder.
- The proposed large structure would be visible from the public road to the south but in my opinion it is the effect of the proposed structure on the amenity of the adjoining residential property to the east which is the critical issue.

- In this regard I note that no accessway to the proposed structure located alongside the site boundary with the adjoining residential property to the east is indicated on the submitted drawings. However it would appear from examination of the drawings that such an accessway would be located alongside the low hedgerow site boundary with the adjoining residential property. I note the large roller shutter door/entrance to the proposed structure is orientated towards the Appellants' adjoining rear garden.
- I note the Applicant's Appeal Response that there would be no undue overshadowing of the adjoining rear garden or undue impact on views of the Cooley Mountains to the north. The Photographs submitted by the Applicants indicate the overshadowing impact and visual obtrusiveness of a largely similar-type structure in the same location of the subject site.
- In conclusion I note the Planning Authority reference to Policy SS 61 in the Development Plan which commences as follows: 'To accommodate new detached domestic garages and detached domestic outbuildings in the countryside only where the visual impact of the resultant additional building on the site is one where:.....'
- However on reading Policy SS 61, I consider that the relevant phrase is '*in the countryside*' and that this Policy in the Development Plan does not relate to adverse impacts on adjoining residential properties in regard to proposed Domestic Garages/Outbuildings in such locations in residential areas such as Willville. In this regard I note that the previous refusal decision of the Planning Authority (Ref. No. 15/236) in the stated Reasons and Considerations refers to '*the village setting*' of the subject site.
- I note also that Section 2.19.16 – 'Domestic Garages/Outbuildings' in the Development Plan in addition to reference to the protection of '*the landscape character of rural areas*', also makes reference to the protection of '*the residential amenities of adjoining dwellings*' which I consider is the relevant issue in the present case.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other

plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the 2015-2021 Louth County Development Plan which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development for the Reasons and Considerations stated in the Schedule below.

DECISION

REFUSE permission for the proposed development for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed domestic garage/boat shed development by reason of its large scale, bulk and massing and location in proximity to the adjoining rear garden area of the residential property to the east within the residential settlement at Willville, would seriously detract from the visual and residential amenities of the area and would be likely to result in the devaluation of this adjoining residential property and if granted would establish a precedent for other similar-type inappropriate structures within the residential settlement and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

8th March, 2016.

sg

- APPENDIX A - LOCATION MAP
- APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
- APPENDIX C - DEVELOPMENT PLAN